

*"A Historic Past"*



*"A Bright Future"*

**CITY OF DELAWARE CITY**

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**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE  
Ordinance No. 18-0820-01**

**ORDINANCE TO AMEND AND MODIFY THE CITY OF DELAWARE CITY CODE,  
ARTICLE III IN RELATION TO DEFINITIONS; AND ARTICLE X, IN RELATION TO  
SIGNS AND OUTDOOR ADVERTISING REGULATIONS**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City," outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

**WHEREAS**, the Mayor and City Council desire to amend Article III (Definitions) and Article X Chapter 46 of the Code (Sign and Outdoor Advertising Regulations) to enhance the aesthetic appeal, and maintain the historical charm of Delaware City, as well as protect the health, safety, and welfare of its residents and visitors.

**NOW, THEREFORE**, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1.** Amend Section 46-3 (Definitions) by deleting the strikethrough text and adding the underlined text for the Sections relating to Projecting and Temporary Signs:

**Section 46-3 Definitions**

Projecting Sign: ~~A sign that is perpendicular and adequately attached to and projects at an angle of not less than forty five degrees from a structure or building face. A projecting sign shall provide a seven foot clearance between its bottom edge and the ground if it hangs over public right of way and shall comply with the size requirements set forth herein.~~

A sign that is perpendicular and adequately attached to and projects at an angle of not less than 45 degrees from the structure or building face. A projecting sign shall provide an 8ft clearance between its bottom edge and the ground if it hangs over a public right of way and shall not exceed twenty (20) sq. feet.

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Temporary Sign: ~~A sign which is erected for a time not to exceed a cumulative period of two (2) weeks per calendar year without the approval of the City Manager or code official to a longer period of time.~~

A sign which is erected for a time not to exceed a cumulative period of eight (8) weeks per calendar year unless approval is obtained from the City Manager or City Code Official for an extension of time.

**Section 2.** Amend Section 46-81 (Single Family Residential), R-2 District (One and Two Family Residential); C-1L (Commercial Low Impact) and HPR (Historic Preservation and Redevelopment)) by deleting the strikethrough text and adding the underlined text:

**Section 46-81 R-1 District (Single Family Residential), R-2 District (One and Two Family Residential); C-1L (Commercial Low Impact) and HPR (Historic Preservation and Redevelopment)**

The following signs are permitted:

a.) Signs to regulate traffic.

b.) Signs required to be posted by law.

c.) Warning signs.

d.) Signs established by governmental regulation.

e.) Signs indicating bus stops, taxi stands and similar transportation facilities.

f.) One (1) sign located on premises used as a professional or business office or studio of a physician, dentist, lawyer, non-profit organization, architect, engineer, musician, artist, teacher, real estate broker, registered nurse or other similar professional person, for each such use. Such signs shall not exceed two (2) square feet in area, be motionless and shall not have ~~flashing~~ illumination.

g.) One (1) temporary business or service related sign per parcel. No such sign shall exceed twelve (12) square feet in area and shall meet all other provisions of a temporary sign definition.

~~h.) One (1) sign or bulletin board not exceeding twenty-four (24) thirty-five (35) square feet in area, upon the premises of a church or other similar religious institution.~~

h.) Identification signs, in conjunction with residential usage or a C-1L area or a HPR area, not to exceed one and one-half (1 ½) square feet in area.

i.) Directional signs.

j.) One (1) sign located on premises used as a Bed & Breakfast or tourist home, not to exceed six (6) square feet in area per frontage and no higher than the roofline of the structure.



~~l.) One portable sign not to exceed six (6) square feet in area, placed by a licensed business, placed on property on the same thoroughfare as the business is located, but said portable sign shall not be placed within one hundred (100) feet of an intersection.~~

~~m.) Sign illumination may be used for all permitted signs.~~

~~n.) Projecting Signs~~

k.) Animated signs, balloon signs, mural signs, digital signs, roof signs, and billboards ~~(except on the premises of a church or other similar religious institution)~~ **are prohibited**. No sign, other than directional signs, shall exceed twenty-five (25) square feet in size.

**Section 3.** Amend Section 46-82 (R-3 District (Multifamily)) by deleting the strikethrough text:

**Section 46-82 R-3 District (Multifamily)**

The following signs are permitted in any R-3 District:

a.) All signs permitted within the R-1, R-2, and C-1L Districts.

b.) One (1) sign not to exceed twenty (20) square feet in area located on premises used as a garden or other existing apartment structure having a minimum of one hundred (100) feet of street frontage.

c.) Animated signs, balloon signs, mural signs, digital signs, roof signs, and billboards ~~(except on the premises of a church or other similar religious institution)~~ **are prohibited**. No sign, other than directional signs, shall exceed twenty-five (25) square feet in size.

**Section 4.** Amend Section 46-83 (C-1 (Central Commercial) and C-1M (Marina)) By deleting the strikethrough text and adding the underlined text:

**Section 46-83 C-1 (Central Commercial) and C-1M (Marina)**

The following signs are permitted in the C-1 and C-1M Districts:

~~a.) All signs permitted in the R-3 District.~~

~~b.) One (1) sign located on premises used as a business, per business per frontage, Shall not project beyond the building line., shall not exceed three (3) square feet for each foot of building frontage on the lot or fifty (50) aggregate square feet, whichever area is smaller, and shall be illuminated by any conventional method except that no animated, revolving, flashing or moving lights shall be permitted.~~

a.) Signs located on premises used as a business, can be illuminated by any conventional method except that no animated, revolving, flashing or moving lights shall be permitted.

b.) No sign shall be erected in such a manner as to interfere with vision from a motor vehicle using an access or egress to a commercial establishment.

c.) Animated signs, balloon signs, mural signs, digital signs, roof signs, and billboards are prohibited. No sign, other than directional signs, shall exceed twenty-five (25) square feet in size.

d.) One (1) portable sign not to exceed eight (8 ) sq. feet in area, placed by a licensed business, and placed on the property where the business is located.

e.) Projecting Sign

**Section 5.** Amend Section 46-84 (C-2 District (General Commercial)) by deleting the strikethrough text:

#### **Section 46-84 C-2 District (General Commercial)**

The following signs are permitted in the C-2 District:

a.) All signs permitted within the C-1 District except identification signs in conjunction with residential usage.

b.) Animated signs, balloon signs, ~~mural signs~~, digital signs, roof signs, and billboards **are prohibited**. No sign, other than directional signs, shall exceed twenty-five (25) square feet in size.

**Section 6.** Amend Section 46-90 (Banners) by deleting the strikethrough text and adding the underlined text:

**Section 46-90 Banners**

~~A permit for the use of a Banner Sign must be received from the City prior to display. The size of a Banner Sign shall not exceed ten (10) square feet. A banner permit issued under this subsection shall not be issued for a period of time lasting more than thirty (30) days. The City Manager may extend any banner permit for a period of an additional thirty (30) days. No more than three banner permits shall be issued for any property, or to any individual or entity, in any calendar year.~~

a.) A permit for the use of a Banner Sign in the C1, C2, C-1M, C2 and M1 districts, must be received from the City prior to display. The size of the Banner shall not exceed twenty (20) sq. feet. A banner permit issued under this subsection shall not be issued for a period of time lasting no more than 30 days. No more than two (2) banner permits shall be issued for any property, or individual or entity, in any calendar year.

b.) Subsection 2) the foregoing notwithstanding, the City Manager may grant a permit for a Banner Sign not to exceed 110 sq. feet for parades, neighboring community sponsored events and City sponsored special events, provided that the Banner Sign is required to be removed within thirty (30) business days of the installation of the special event or parade the Banner Sign is associated with.



**Section 7.** Amend Section 46-91 (Portable Signs) by deleting the strikethrough text and adding the underlined text:

**Section 46-91 Portable Signs**

Portable signs as defined herein may be permitted and may not exceed ~~six~~ eight (8) square feet in area. Such signs shall not block reasonable passage on sidewalks and are strictly prohibited in or on public streets, rights-of-way and/or alley ways.

**Section 46-92 Digital Signs**

Digital signs are only permissible on City owned property. Notwithstanding any provision of this Chapter, Digital Signs in existence prior to the adoption of the definition of Digital Signs shall be a legally existing non-conforming use which is grandfathered.

**Section 8.** Amend Section 46-93 (Permits) by deleting the strikethrough text and adding the underlined text:

**Section 46-93 Permits**

~~All signs, except for: (1) signs to regulate traffic, (2) signs required to be posted by law, (3) warning signs, (4) no trespassing signs, (5) signs established by governmental regulation, (6) signs indicating bus stops, taxi stands and similar transportation facilities and (7) portable signs, shall require a permit. Permits shall be issued in accordance with a defined fee schedule set by the City Manager.~~

All signs require a permit except for (1) signs to regulate traffic, (2) signs required to be posted by law, (3) warning signs, (4) no trespassing signs, (5) signs established by governmental regulation, (6) signs indicating bus stops, (7) portable signs, (8) temporary signs. Permits shall be issued in accordance with a defined fee schedule set by the City Manager.

## **Section 46-94 Compliance and Penalties**

(a) The City Manager or his or her designee shall have the authority to enforce the sign ordinance and impose fines as provided herein.

(b) All persons in violation of Article X of this code relating to signs shall be notified by certified mail or certificate of mailing and be given five (5) days to comply with requirements of this code. An extension to said time period may be granted for due cause as determined by the City Manager or his or her designee.

(c) A fine in the amount of twenty-five dollars (\$25.00) per day per violation may be imposed for non-compliance with this Article X and shall commence on the sixth day after the five (5) day notice referenced herein is sent. In addition, the City Manager may direct the City Solicitor or special counsel to seek injunctive relief to abate any violation and/or seek removal of any sign not complying with this Code six (6) days after a violation notice is sent or at an earlier time if such sign is a danger to the public health, safety, or welfare.

(d) Decisions of the City Manager or his or her designee under this section may be appealed to the Board of Adjustment.<sup>1</sup>

**Section 9.** Amend Section 46-95 (Corner Lots) By deleting the strikethrough text and adding the underlined text:

### **Section 46-95 ~~Reserved~~ Corner Lots**

Relates to Commercial Corner lots that abut two streets.

In the C1, C2, C-1M and M1 districts, for properties that are corner lots abutting 2 streets such corner lots are permitted to have signs that face each street so long as the type of signs utilized are permitted in the underlying commercial or manufacturing zoning district. This

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<sup>1</sup> Chapter 46 Article X was adopted by Ordinance 16-1017-01 on November 21, 2016



section permits signs to be placed on a corner lot in commercial or manufacturing districts even if the underlying commercial or manufacturing zoning classifications allows one sign.

**Section 46-96 Reserved**

**Section 10.**    **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

**Section 11.**    **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

**Section 12.**    **Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

**(Signature Page Follows)**

ADOPTED BY THE MAYOR AND COUNCIL, this 17 day of Sept., 2018.

ATTEST:

Dominic Lopez-Herra  
City Secretary

Stanley E. Green  
Mayor

APPROVED AS TO FORM:

Betty Bennett  
Council Member

Max Watson  
City Solicitor

Elizabeth Kerkub  
Council Member

[Signature]  
Council Member

Margaret C. Litus  
Council Member

Robert J. Malinowski  
Council Member

First Reading on 5-21-18,  
Second Reading, Public Hearing, and Final Passage on Sept. 17, 2018.

### Article III Definitions

AMEND SECTION 46-3 BY STRIKING THE WORDING HIGHLIGHTED IN YELLOW AND ADDING THE WORDING HIGHLIGHTED IN GREEN FOR THE SECTIONS OF TEMPORARY SIGN AND PROJECTING SIGN

#### Section 46-3 Definitions

For the purpose of this Chapter, certain words and phrases used herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural, and words used in the plural number include the singular; the word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual; the word “lot” includes the word “plot” or “parcel”; the word “building” includes the word “structure”; the word “shall” is always mandatory and not directory; the words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged” or “designed to be used or occupied”; the word “Map”, “Zoning Map” or “Delaware City Zoning Map” shall mean the “Official Zoning Map of the City of Delaware City, Delaware”.

Accessory Building: A detached or subordinate building, the use of which is incidental and subordinate to that of the main building on the same lot.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Adult Day Care Center: A center that provides daytime care for two or more adults.

Advertise: To advise, announce, apprise, command, give notice of, inform, make known, publish or call to the public attention by any means whatsoever.

Advertisement: Notice to be given in a manner designed to attract public attention, information communicated to the public or to the individual concerned, as by handbills, newspaper, television, billboards, radio or by other similar means.

Animated Sign: A mechanical or electronically illuminated or non-illuminated sign which displays letters, words, characters or symbols which are not stationary.

Area of a Building: The area of a horizontal section of a building taken at its greatest outside dimensions, excluding cornices, eaves, gutters, steps and balconies.

Automotive Garage: Any premise used for the repair of vehicles, but not including automotive wrecking.

Automotive Self-Service Station: An establishment where liquids used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.



Automotive Sales Building: A building used for the sale or hire of automotive equipment. It is interpreted to include auto accessory sales rooms but not the sale of “junked” automotive equipment.

Automotive Service Station: An establishment providing servicing for automobiles and other motor vehicles where all service and fuel are supplied by an attendant.

Automotive and/or Trailer Sales Area: An open area, other than a public or private street or way, used for the display or sale of new and used automobiles, trailers, trucks, or farm equipment and where no repair work is done except that which is minor and incidental, not including body and fender work.

Balloon Sign: A sign composed of an inflatable, nonporous bag.

Banner Sign: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework. The manipulation of the aforesaid materials onto a solid surface(s) shall not constitute a sign of another description as defined herein.

Bank and Other Financial Institutions: An establishment for the custody, loan, exchange or issue of money for the extension of credit and for facilitating the transmission of funds.

Bed and Breakfast Facility/Tourist Home: A building in which there are no more than eight (8) guest rooms or suites of rooms available for temporary occupancy for varying lengths of time, with compensation to the owner, by the general public and in which meals may be prepared for them by the owner, provided, that no meals may be sold to persons other than such guests and that the owner or manager resides therein as his or her principal place of residence.

Billboard: A freestanding, off-site advertising sign between twenty-five (25) square feet and not to exceed fifty (50) square feet in size.

Buffer Area: A strip of required yard space adjacent to the boundary of a property or zoning district on which is placed year-around shrubbery, hedges, evergreens or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or zoning district. A buffer area may include a wall or fence or solid wall or fence not exceeding four (4) feet in height, provided that such wall or fence shall be screened or constructed in such a manner that it will not conflict with the character of the abutting zoning district.

Building: Any structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattel.

Building Code: The current regulations, code or codes in effect in the City that govern the erection, alteration, maintenance, use and removal of buildings, structures, or signs.

Building Dimensional Requirements: Minimum specifications for any building or structure erected in a particular district, as set forth in the Dimensional Requirements Table in Article VI, Section 46-31.

Building Height: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point 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 and gambrel roofs.

Building Principal: A building in which is conducted the main use of the lot on which said building is located.

Building Setback Line: A line establishing the minimum allowable distance between the main wall of the building and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches whether enclosed or not shall be considered as part of the main building and shall not project into the required yard.

Buildings, Attached: A building having two party walls, one opposite to the other.

Buildings, Detached: A building having no party wall. Buildings, Semi-Detached: A building having a side yard on one (1) side and a party wall on the opposite side. Provided, however, that two (2) semi-detached buildings having a common party wall and owned by the same person or persons shall for the purpose of this Chapter be considered a detached building.

Business: An activity, employment, occupation, profession, or enterprise, whether for profit or not for profit, in which an individual is willing to invest time and capital on future outcome.

Car Wash, Automated: A building that contains mechanical devices for washing and drying motor vehicles with or without attendants.

Car Wash, Self-Service: A use which provides equipment to enable customers to hand-wash motor vehicles themselves.

Certificate of Occupancy: A statement signed by a duly authorized officer setting forth that a building, structure or use legally complies with this Chapter and other applicable codes and regulations and that the same may be used for the purpose stated therein.

Clean Fill: A non-water soluble, non-decomposable, environmentally inert solid such as rock, soil, gravel, concrete, broken glass and/or clay or ceramic products.

Club: An organization for social and fraternal purposes, whose buildings and services are for members and their guests only.

Code: Delaware City Zoning Code.

Customary Home Occupation: A use customarily carried on within a dwelling by the inhabitants thereof, which use is incidental and subordinate to the residential use. A home occupation includes, but is not limited to art studios, dressmaking, professional offices of a physician, lawyer, architect, accountant or real estate broker. Home occupations shall not be interpreted to include barbershops, beauty parlors, beauty schools, tourist homes and convalescent homes.

Day Care Center: A center that provides daytime care or instruction for two (2) or more children

eleven (11) years of age or under and operates on a regular basis.

Digital Sign: An electronic display that shows programmed images, information and/or other messages commonly controlled remotely by a computer or similar device.

Dimensional Variance (Area or Bulk Area Variance): A departure from the dimensional or physical requirements of this Chapter, including front, side, and rear set-backs, lot frontage, lot area, building height, off-street parking requirements, and lot coverage percentages.

Directional Sign: A sign regulating traffic, or a sign indicating entry or exit, loading or service area, fire lanes, parking, no trespassing or a similar sign incidental to the primary use and not itself advertising or naming that use except as required by law.

Dwelling, Multifamily: A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other.

Dwelling, One-Family: A detached dwelling, including a manufactured home, on a single-family lot, designed for and occupied by a single family.

Dwelling, One-Family, Semi-Detached: A dwelling designed for and occupied by a single family having one party wall and one side yard.

Dwelling, Row or Group: A building consisting of a series of three or more non communicating one-family sections having a common wall between each two (2) adjacent sections.

Dwelling, Two-Family: A detached dwelling designed for and occupied by two (2) families living independently of each other.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate facilities for all of the following: sanitation, living, sleeping, cooking and eating.

Family: Any number of individuals legally related through blood, marriage, adoption or guardianship, including individuals placed for foster care by an authorized agency, or up to four (4) unrelated individuals living and cooking together and functioning as a single-housekeeping unit using certain rooms and housekeeping facilities in common.

Floor Area:

Residential use: The sum of the gross horizontal area of the several floors of a building and its accessory buildings, excluding cellar, basement and garage or carport floor areas not devoted to residence.

Office, commercial or manufacturing use, except shopping centers: The sum of the gross horizontal area of the several floors of a building and its accessory buildings.

Garage, Private: A garage accessory to a principal building, used for storage purposes only, and



in which no business, service or industry connected directly or indirectly with motor vehicles is conducted.

Garage, Public: Garage, other than a private garage, available to the public, operated for gain, and which is used for the storage, repair or servicing of automobiles or other motor vehicles, not intended for the sale of gasoline.

Garden Apartments: A group of multi-family dwellings on a single lot designed for rental of the individual housekeeping units, having common open spaces, and designed, in accordance with the special requirements for such dwellings as set forth in this Chapter, to give the maximum amount of open space per family.

Half-Way House: A residential facility established to provide a residence for those persons re-entering society from an institution and such facility has all the state-required licenses and permits for that facility.

Hospital: An institution providing public health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facility.

Hotel/Motel: A building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services to be provided may include a restaurant, meeting rooms and recreational facilities.

Identification Sign: A sign on a private residence which lists the house number or address of the occupant.

Kennel: A structure or place used for the breeding or boarding of domestic animals.

Kindergarten, Pre-School, or Day Nursery School: A school which provides day-time care and instruction for two (2) or more children from two (2) to six (6) years of age inclusive, and operates on a regular basis.

Landscape Screen: A completely painted visual barrier composed of evergreen plants and trees arranged to form both a low-level and high-level screen. The high-level screen shall consist of evergreen trees planted with specimens having an initial height of not less than five (5) feet and planted at intervals of not more than ten (10) feet on center. The low-level screen shall consist of evergreen shrubs planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet on center. The low-level screen shall be placed in alternating rows to produce a more effective barrier.

Loading Space: Accommodation off the street for loading and unloading of trucks in the form of one or more truck berths located either within a building or in open space on the same lot. The area of

each berth shall be not less than two (200) hundred square feet and it shall have a minimum clear height, including access to it from the street, of fourteen (14) feet.

Lot: A parcel of land in single or common ownership and occupied or intended to be occupied by one (1) principal building or use or by a group of principal buildings together with any accessory buildings, including such yards or open spaces as are arranged or designed to be used in connection with such buildings.

Lot Area: The area of a lot taken at its perimeter exclusive of any portion within a public or private street right-of-way.

Lot Corner: Any lot which occupies the interior angle at the intersection of two (2) streets which make an angle of less than one hundred thirty-five (135) degrees with each other, the owner of a corner lot having the privilege of specifying which street lot line shall be deemed the front line and being required, when requesting a certificate of occupancy, so to specify.

Lot Coverage: That portion of the lot area that is covered by buildings; the building area divided by the lot area; e.g., a lot containing ten thousand (10,000) square feet has a principal and accessory buildings planned or existing whose area is two thousand five hundred (2,500) square feet; thus the lot coverage is twenty-five (25) percent.

Lot, Depth of: The average depth measured in the main direction of the side lot lines from the front street line to the rear lot line. The rear line shall be a minimum of seventy (70) percent of the lot width required for the zoning district. In applying this definition to a corner lot, the side street right-of-way line, as determined in accordance with the definition of a corner lot shall be considered to be a side lot line.

Lot Width: The horizontal distance between the side lot lines, measured across the rear of the required front yard. Where no front yard is required, lot width shall be measured along the street right-of-way.

Manufactured Home: A one-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it was built in compliance with the Building Code or the Federal Manufactured Housing Construction and Safety Code.

Marina: A boat basin offering dockage and other service for small craft.

Mobile Home or Mobile Dwelling Unit: A transportable one-family dwelling larger than three hundred twenty (320) square feet, designed to be used as a year-round residence. This definition shall not include motor homes or travel trailers.

Motor Home: A travel vehicle that contains the living section and the power source in a single unit.

Mural Sign: A design or representation painted or drawn on a wall which does not contain promotional or commercial advertising; any wall decorated without lettering.

Nonconforming Building: A building or parts thereof lawfully existing at the time these regulations or subsequent amendment hereto, became effective which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Use: A use of land or use of a building lawfully existing at the time these regulations, or subsequent amendments hereto, became effective which does not conform to the use requirements of the district in which it is located.

Nursing or Convalescent Home: A facility providing nursing services on a continuing basis and which admits the majority of the occupants upon advice of a physician as ill or infirm persons requiring nursing services and provides for physicians' services or supervision and maintains medical records including also provisions for other and similar medical or nursing services. Care for the acutely ill or surgical or obstetrical services shall not be considered similar services under this definition nor shall hospitals be construed to be included in this definition.

Open Area: That portion of a lot excluding area set aside or used for buildings, parking, loading and streets. Land devoted to recreation purposes to include land for swimming pools tennis courts and similar recreation uses shall be considered totally enclosed buildings.

Open Storage: Goods, equipment or supplies held for the safekeeping or eventual sale or distribution, not entirely within totally enclosed buildings. T-structures, lean-to-type structures or roofed over, fenced-in areas shall not be considered totally enclosed buildings.

Parking Lot, Commercial: An area used for the storage or parking of automobiles, not including mobile home dwelling units, for any period of time and operated for gain.

Parking Space: Accommodation for the parking of a motor vehicle on a lot provided for restricted use in connection with a particular business or private enterprise, or as an adjunct to a housing development or private residence, whether operated for gain or not or whether cooperatively established and operated or not. Such parking spaces may consist of parking lots, private garages or other structures and accessories; they may be surface facilities or facilities above or under ground.

Paved Area: A portion of land paved with a weatherproofed surface for parking spaces, driveways, sidewalks or streets, in the computation of such, that area covered by buildings shall be excluded.

Payday/Title Loan Establishment: Any establishment which advances or lends a small, short-maturity loan on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual at a depository institution, (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds or (iv) title of a motor vehicle.



Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames, including but not limited to “sandwich board signs”; and signs attached to or painted on vehicles parked and visible from the public right-of-way.

Premises: Any lot, area or tract of land, whether used in conjunction with a building or not.

Projecting Sign: ~~A sign that is perpendicular and adequately attached to and projects at an angle of not less than forty five degrees from a structure or building face. A projecting sign shall provide a seven foot clearance between its bottom edge and the ground if it hangs over public right of way and shall comply with the size requirements set forth herein.~~

A sign that is perpendicular and adequately attached to and projects at an angle of not less than 45 degrees from the structure or building face. A projecting sign shall provide a 8ft clearance between its bottom edge and the ground if it hangs over a public right of way and shall not exceed twenty(20) sq. feet.

Residence Manufactured/Mobile Home Community: A parcel of land of at least eight (8) acres consisting of a series of lots to be rented or sold for the purpose of accommodating more than two (2) manufactured or mobile homes. A developer of over twenty-five (25) units shall have the option of declaring a section of the community either sales or rental within the same residence manufactured/mobile home community. Each sales or rental section must meet the minimum applicable standards and be designated on the record plan.

Right-of-Way: Shall mean that area shown and designated on an approved record as the area in which a street is dedicated for public or private use in accordance with the standards set forth in this Chapter. In no case shall a right-of-way be construed to mean easement.

Roofline: The eave line of a roof or building parapet, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

Roof Sign: A sign erected on a roof which extends above the roofline of the building.

Rooming House: A dwelling or part thereof that is the primary residence of the owner containing not more than eight (8) rooming units designed to be used for sleeping accommodations and to be let, for compensation, by the owner thereof to persons who are not legally related by blood, marriage, adoption or guardianship to all the other residents or to the owner of the rooming house.

School, Private: A duly organized school, other than a public school or a parochial school, giving regular instruction in subjects ordinarily taught in the public schools at least five (5) days a week for eight (8) or more months per year.

Setback: An area extending the full width of the lot line between the street right-of-way and the building setback line within which no buildings or parts of buildings may be erected.

Setback Line: A line extending between the two (2) side lot lines of a lot or parcel of land which is parallel to and a state distance from, a street line.

Shall: Mandatory.

Signs: Any form of publicity, visible from any public highway conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints or other devices erected on an open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings or other structures or supports.

Sign Area: The total "area" of a sign shall include all sides or area of display of a single-faced or multifaceted sign, together with all moldings, battens, cappings, nailing strips and latticing which are attached and are part of the sign proper and/or incidental to its decoration. Structural elements, such as aprons or skirting, which serve to shade, deflect or block light generated by a sign and which do not display advertising on their surfaces shall not be included in the total "area" of a sign. For the purpose of this code, signs which are composed of letters, words or representations only and which follow no square or rectangular pattern shall be considered to include in the "sign area" a square or rectangle as drawn at the outer limits of the letters, words, or representations.

Sign, Illumination: Lighted shall mean illuminated only by light cast upon the sign from a concealed light source. Luminous shall mean illuminated by any type of source.

Sign Setback: An open space on the same premises with a sign or signs, which open space lies between the nearest edge of the sign or signs and the nearest street line or property line.

Special Exception: A use that would not generally be appropriate throughout the zoning district, but which may be permitted in specific circumstances without harm to the intent of the Zoning Chapter. Such uses may be permitted in zoning districts where provisions thereof are made by this Chapter.

Story: A story is that part of a building between the surface of one floor and the ceiling immediately above. A cellar, basement, or half-story (no more than 50% of which is above ground) shall not count as a story.

Street: A strip of land, comprising the entire area within the right-of-way, intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes road, thoroughfare, parkway, avenue, boulevard, court, expressway, highway, land, thoroughway, place, square, alley or however designated within the above-mentioned right-of-way, however, the establishment of a common driveway for access purposes for no more than three (3) separate parcels contiguous to one another shall not be considered a street as that term is defined herein.

Street Line: The dividing line between a lot and the street.

Street, Private: Any street right-of-way not dedicated to public use.



Street, Public: Any street right-of-way dedicated to public use and/or maintained by the State Highway Department.

Street Right-of-Way: An area set aside or used as a means of ingress, egress or approach. No parts of private group parking no areas or driveways that service such parking areas are to be classified as street right-of-way.

Structural Alterations: Any change in supporting members of a building such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters or stairways.

Swimming Club, Private (Commercial): A private club operated for profit, maintaining and operating a swimming pool and apparatus and equipment pertaining to the swimming pool, with specified limitations upon the number of members, for the exclusive use of members and their guests.

Swimming Club, Private (Nonprofit): A private club organized as a nonprofit club or organization, maintaining and operating a swimming pool for the exclusive use of members and guests.

Swimming Pool, Commercial: A swimming pool, and the apparatus and equipment pertaining to the swimming pool, operated for profit, open to the public upon payment of an hourly, daily, weekly, monthly, annual or other fee.

Swimming Pool, Private: A swimming pool, and the apparatus and equipment pertaining to the swimming pool, maintained and operated by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

Swimming Pool, Public: A swimming pool, and the apparatus and equipment pertaining to the swimming pool, maintained and operated by a municipality or other unit of government for the general public, whether or not an admission fee is charged.

Telephone Central Office: A building and its equipment erected and used for the purpose of facilitating transmission and exchange of telephone or radio-telephone messages between subscribers and other business of the telephone company.

Temporary Sign: ~~A sign which is erected for a time not to exceed a cumulative period of two (2) weeks per calendar year without the approval of the City Manager or code official to a longer period of time.~~

A sign which is erected for a time not to exceed a cumulative period of eight (8) weeks per calendar year unless approval is obtained from the City Manager or City Code Official for an extension of time.

Travel Trailer: A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. For the purpose of this definition, travel trailers shall not include trailers in excess of twenty-eight (28) feet in length or in excess of four thousand five hundred (4,500) pounds gross weight.

Used Car Lot: An area used for the storage and display of used automobiles advertised for sale.

Variance: A departure from the terms of this Zoning Chapter.

Yard: An unoccupied space open to the sky on the same lot with a building or structure.

Yard, Front: A yard extending the full width of the lot between the front street line and the parts of the principal building erected thereon setting back from and nearest such street line.

Yard, Rear: A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot. In the case of a corner lot, the rear yard shall not extend beyond the building setback line on the street side.

Yard, Side: A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.



