

Chapter 134. Zoning

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134-9.1 General

Words and terms expressly defined in this chapter have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this chapter have the meaning set forth in the most current edition of the Merriam-Webster Dictionary.

134-9.2 Use Classifications

See section 134-3.2 of this chapter for an explanation of the use categorization system used in this chapter.

134-9.3 Measurement

Unless otherwise specified in this chapter, for purposes of measuring compliance with separation distance

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Terms Beginning with "A"

requirements, measurements must be taken on a direct line following the shortest distance from the property line of the proposed use to property line of lot occupied by the use, district or area from which separation is required.

134-9.4 Terms Beginning with "A"

Abut (or abutting): to touch or share a contiguous boundary or border.

Accessory building: a structure on the same lot with, separate from, and of a nature customarily incidental and subordinate to the principal structure and intended for the storage of equipment and materials of the principal use. Trailers, semi-trailers, tents, motor vehicles and component parts thereof are not accessory buildings.

Accessory use: a use on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Adjacent: lying next to, near, or in the immediate vicinity.

Alcoholic beverage: means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer and includes all of the component ingredients of the beverage whether mixed into one beverage or sold separately to the same customer, regardless of intent.

Alley: any thoroughfare or public way that has been dedicated to the public or conveyed to the city by deed, easement, plat, or otherwise acquired by the city for alley right-of-way purposes.

Awning: a roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

134-9.5 Terms Beginning with "B"

Building: any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

134-9.6 Terms Beginning with "C"

Campus: a building or group of buildings which is designed to use common facilities such as parking and sidewalks.

Canopy: a permanent roofed structure, including marquees and awnings, either attached to and

supported by a building or freestanding, and may be either a private canopy which projects over private property or a public canopy which projects over public property.

Channel: a natural or artificial watercourse of perceptible extent, with a definite bed and definite banks to confine and to conduct continuously or periodically flowing water.

Check: a check, draft, share draft, or other instrument for the payment of money.

134-9.7 Terms Beginning with "D"

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of household units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, river, stream, lake, pond, woodlands, wetland, endangered species habitat, aquifer or other resource area.

Dwelling: any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home. May also be referred to in this chapter as "household".

Dwelling unit: See "Household unit".

134-9.8 Terms Beginning with "E"

RESERVED


134-9.9 Terms Beginning with "F"

Factory-built housing: a factory-built structure designed for longterm residential use. For the purposes of this chapter, factory-built housing consists of three types: Modular homes, mobile homes, and manufactured homes.

Factory-built structure: any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site.

Flood: a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain: any land area susceptible to being

 **Inundated** by the water from any source during the 100-year flood. The floodplain includes all areas designated as "A-" zones on the flood insurance rate maps, including A, AE, A1-A30 and AO.

Floodway: the channel of a river or other watercourse and the adjacent land areas designated to carry the waters of a 100-year flood without increasing the water surface elevation of that flood more than 1.0 foot. Floodways include the areas designated as Floodway Areas within Zone AE on the flood insurance rate maps in the flood insurance studies. The city council may by ordinance designate additional floodway areas which have been identified through engineering studies.

Foot-candle: a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

134-9.10 Terms Beginning with "G"

RESERVED

134-9.11 Terms Beginning with "H"

 **Home occupation:** an accessory use of a household unit for business or commercial purposes.


Household: one or more persons, functioning as a single housekeeping unit, occupying a single household unit in compliance with the occupancy limitations set forth in the International Property Maintenance Code. The number of occupants per household shall not exceed the number of occupants permitted by the minimum area requirements of the occupancy limitations set forth in the International Property Maintenance Code.

Household unit or dwelling unit: a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one household containing bathroom and kitchen facilities.

134-9.12 Terms Beginning with "I"

International Property Maintenance Code: the International Property Maintenance Code, published by the International Code Council, as adopted and amended in chapter 60 of this code.

134-9.13 Terms Beginning with "J"

 **Junk:** all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe

vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material, except a contained compost pile or orderly stacked firewood if cut in lengths less than or equal to four feet.

134-9.14 Terms Beginning with "K"

Kennel: any premises on which four or more dogs, six months old or older, are kept.

134-9.15 Terms Beginning with "L"

Lawfully Established: a use, structure, lot or sign that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

Light, flashing: A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

Liquor store: an establishment or place of business primarily engaged in the sale for off-premise consumption of alcoholic liquors, wine and beer where more than 40% of gross receipts is derived from the sale of alcoholic liquors, wine, beer and tobacco.

Lot: a parcel of land which may or may not have been created by subdivision plat or plat of survey. Such lot may consist of:

1. A single pre-existing lot;
2. A portion of a pre-existing lot;
3. A combination of complete pre-existing lots; of complete pre-existing lots and portions of pre-existing lots; or of portions of multiple pre-existing lots; or
4. A parcel of land described by metes and bounds.

Lot, corner: a lot abutting upon two or more streets at their intersection.

Lot, pre-existing: a lawfully created lot, shown on a plat recorded in the office of the county recorder prior to the effective date of this chapter.

Lot frontage: the portion of a lot which abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lot frontage.

Lot lines: the lines bounding a lot.

Lot width: the width of a lot measured at the required front yard setback line and at right angles to its depth.

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Terms Beginning with "M"

The minimum lot width shall be maintained from the required front yard setback line to the front of the principal building.

134-9.16 Terms Beginning with "M"

Manufactured home: a factory-built, single-household structure, which is manufactured or constructed under the authority of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of this chapter, a manufactured home shall be considered the same as any site-built single-household detached dwelling.

Mobile home: any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons but the term also includes any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes." Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

Mobile home park or trailer park: any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations. Mobile home parks are subject to the regulations of section 135-2.21 of this code.

Modular home: factory-built housing certified as meeting the state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-

built homes.

Multi-tenant development: a development typically under unified ownership and control consisting of two or more business establishments, which may be on the same lot or on separate lots. The tenants of multi-tenant development typically share vehicle access and parking facilities.

134-9.17 Terms Beginning with "N"

RESERVED

134-9.18 Terms Beginning with "O"

Occupied: See "Used".

134-9.19 Terms Beginning with "P"

Principal use or primary use: the main use of land or structures as distinguished from an accessory use.

134-9.20 Terms Beginning with "Q"

RESERVED

134-9.21 Terms Beginning with "R"

RESERVED

134-9.22 Terms Beginning with "S"

Sex acts: any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

Sexual encounter center: any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

Specified anatomical areas: Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

Sign: any structure, including a device or display used primarily for visual communication for the purpose of or having the result of bringing the subject thereto to the attention of a person, group of persons, or the

public generally. The term "sign" includes but is not limited to any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions, and patterns, whether affixed to a building, or otherwise depicted on a building, or separate from any building. Signs located completely within an enclosed building, and not exposed to view from a street, are not considered a "sign" for purposes of this chapter or for purposes of the design regulations set forth in chapter 135 of this code.

Sign, electronic display: any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices, including programmable microprocessor controlled electronic displays; and, the projection of images or messages with these characteristics by any other onto the sign face.

Sign face: All of the surface of a sign used or designed for the presentation of a single visual display, including edges, borders and trim, and excluding the supporting structure. Each separate surface of a sign used or designed for the presentation of a separate visual display shall constitute a separate sign face.

Sign, freestanding: a sign that is not attached to any building, including monument signs, and pole signs.

Sign, illuminated: Any sign, other than an electronic display, that is directly lighted by any constant light source, internal or external, except light sources clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, indirectly illuminated: a sign illuminated by artificial light reflecting from the sign face, where the light source is not visible from any street right-of-way.

Sign, internally illuminated: a sign illuminated by an artificial light source which is not visible but which reaches the eye through a diffusing medium.

Sign, monument: a freestanding sign built on grade that is not a pole sign or a temporary sign.

Sign, multi-vision display: any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

Sign, pole: a freestanding sign that is not a portable sign and that is not a monument sign.

Sign, portable: a sign not permanently anchored or secured.

Sign, projecting: A sign that is affixed to a building

wall, canopy, awning or marquee that extends horizontally more than 15 inches from the wall, canopy, awning or marquee and that may extend above the lowest point of the roof or top of the parapet wall.

Sign, roof: a sign erected upon or above a roof or parapet of a building.

Sign, wall: A sign affixed to a building wall, canopy, awning, marquee or parapet wall that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, or parapet wall and shall not extend above the lowest point of the roof or top of the parapet wall.

Single housekeeping unit: an interactive group of persons jointly occupying a single household, including joint access to and use of all common areas including living, kitchen and eating areas within the household unit, and sharing household activities and responsibilities such as chores, expenses, meals and maintenance.

Small engine: a motor used to power tools, professional tools, and equipment including generators, lawnmowers and other outdoor power tools producing an average output that ranges around 25 horsepower, which is usually powered by gasoline and that varies in size, shape and compression process depending on its configuration.

Story: that portion of a building above grade and between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling or roof next above it, provided the space is of a height appropriate for normal human use and not a crawl space. Also referred to in this chapter as "floor".

Story, upper: the stories in a building located above the ground story of the building. Also referred to in this chapter as "upper floor".

Street facade or street-facing facade: the facade of a building that faces a street right-of-way.

Street line: the right-of-way line of a street.

Street, public: any thoroughfare or public way that has been dedicated to the public or conveyed to the city by deed, easement, or plat, or otherwise acquired by the city, for street right-of-way purposes.

Structural alteration: any replacement or changes in a type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure: anything constructed or erected with a

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Terms Beginning with "T"

fixed location on the ground, or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, gates, towers, factory-built homes, signs, utility poles, flagpoles, yard lights and storage tanks. For the purposes of this chapter, streets, sidewalks, alleys, hard-surfaced parking areas and underground utilities are excluded from the definition of the term "structure."

134-9.23 Terms Beginning with "T"

Tobacco store: a place of business primarily engaged in the retail sale of tobacco and tobacco related products, provided however that no more than 25% of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only.

134-9.24 Terms Beginning with "U"

Used or occupied: actively and continuously occupied by and functioning for a permitted use.

134-9.25 Terms Beginning with "V"

Vehicle, inoperable: any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the vehicle unfit for legal use upon the public right-of-way.

Vehicle, unsafe: any motor vehicle, recreational vehicle, boat, trailer or semitrailer:

1. With a missing, broken or shattered windshield or any exposed broken glass edges.
2. With a missing fender, door, hood, steering wheel, trunk top, or trunk handle.
3. Which has become the habitat of rats, mice, snakes, or any other vermin or insects.
4. Left unattended on jacks, blocks, or elevated in any other way which constitutes a threat to the public health, safety or welfare.
5. Which because of its condition constitutes a threat to the public health, safety or welfare.

Vision clearance triangle: at street intersections, an area required to be free from obstructions pursuant to section 114-14 of this code or as otherwise determined by the city engineer; at the intersection of any driveway and a public right-of-way, a triangular area above a height of two feet above grade level formed by the intersection of the edge of the driveway with the right-of-way line, and a line joining points on the edge of the driveway and the right-of-way line 15 feet from

the point of intersection. The vision clearance triangle may extend upon an abutting property. However, in no case shall there be any interference with required sight distance as determined by the city engineer.

134-9.26 Terms Beginning with "W"

RESERVED

134-9.27 Terms Beginning with "X"

RESERVED

134-9.28 Terms Beginning with "Y"

Yard: the unoccupied and unobstructed space that exists between a building and a lot line.

Yard, front: a yard extending from the front facade of the principal building along the full length of the front or primary lot line, between the side lot lines or, on a corner lot, between the side and street-side lot lines.

Yard, rear: a yard extending from the rear building facade along the rear lot line between the side yards or, on a corner lot, the street side and side yards.

Yard, side: a yard extending from the side building facade along the side lot line between the front yard and rear lot line.

Yard, street-side: a side yard abutting a street lot line.

134-9.29 Terms Beginning with "Z"

RESERVED