

**ARTICLE M – WORD USAGE**

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**Section 156.M.001, Rules of Construction**

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- A. **General.** All provisions, terms, phrases, and expressions contained in this Zoning Ordinance shall be construed such that the true intent of the City Council may be fully implemented.
- B. **Computation of Time.** The time in which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
1. “Day” means a calendar day.
  2. “Month” means a calendar month.
  3. “Year” means a calendar year.
- C. **Delegation of Authority.** Whenever a provision requires a City employee to do some act or perform some duty, it is to be construed to authorize the employee to delegate a subordinate to perform the required act or duty, unless the terms of the provision specify otherwise.
- D. **Nontechnical and Technical Words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- E. **Text, Tables, and Illustrations.** In case of any difference of meaning or implication between the text of this ZO and any illustrations, the text shall control. In case of a conflict between the text and a table, the text shall control. In case of a conflict between a table and an illustration, the table shall control.
- F. **References to Governmental Authority.** Where this Zoning Ordinance references a local, state, or federal regulation or publication, the reference is to the most recent edition or version, unless otherwise noted. If the referenced document has been repealed and not replaced by another regulation or publication, the requirement of compliance is no longer in effect.
- G. **Examples.** The use of the terms “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- H. **Additional Rules of Construction.**
1. The terms “shall,” “will,” or “must” are mandatory and are synonymous. The term “may” is discretionary.
  2. The term “and” indicates that all items being referred to are connected, inclusive, and applicable. The term “or” indicates that one or more of the items being referred to shall apply.
  3. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and vice-versa.
  4. Words used in the plural number include the singular and vice-versa.
  5. “Person” includes an individual, a corporation, a partnership, and an incorporated association of persons such as a club.
  6. The term “building” includes a “structure”; a “building” or “structure” includes any part of the building. A structure is however not necessarily a building.
  7. The term “lot” includes plots and tracts.
  8. The terms “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.”
  9. Words not defined in this Zoning Ordinance but defined in any other parts of the City's Code of Ordinances shall be deemed to have the meaning provided in the City's Code of Ordinances. Words not defined in this Zoning Ordinance or in any other part of the City's Code of Ordinances shall have the most appropriate meaning provided in a dictionary in common usage.

**Section 156.M.002, Acronyms and Abbreviations**

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ADA = Americans with Disabilities Act  
ADU = Accessory Dwelling Unit  
AG = Agricultural  
ATM = Automatic Teller Machine  
BOA = Board of Adjustment  
CCC = Changeable Copy Center  
CFR = Code of Federal Regulations  
CLOMR = FEMA Certified Letter of Map Revision  
DAS = Distributed Antenna Systems  
EIFS = Exterior Insulation and Finish Systems  
EPA = U.S. Environmental Protection Agency  
FAA = Federal Aviation Administration  
fc = Footcandles  
FCC = Federal Communication Commission  
FEMA = Federal Emergency Management Administration  
FIRM = Flood Insurance Rate Map  
ft = feet  
GC = General Commercial  
GFA = Gross Floor Area  
GI = General Industrial  
IAC = Iowa Administrative Code  
IESNA = Illuminating Engineering Society of North America  
LEED = Leadership in Energy and Environmental Design  
MU = Mixed-Use  
PI = Public and Institutional  
PUD = Planned Unit Development  
PZC = Plan and Zoning Commission  
REC = Recreational  
RH = High-Density Residential  
RL = Low-Density Residential  
RM = Medium Density Residential  
RR = Rural Residential  
s.f. = square feet  
SWECS = Small Wind Energy Conversion System

UC = Urban Core

U.S. = United States of America

VUA = Vehicle Use Areas

ZO = Zoning Ordinance

## **Section 156.M.002, Definitions**

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§ 156.002 DEFINITIONS.; § 156.398 DEFINITIONS.; § 156.551 DEFINITIONS.; § 156.585 DEFINITIONS.

Supplemental Definitions

### **A**

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**Accessory** means as applied to use or structure, means customarily subordinate or incidental to, and on the premises of such use or structure. The words "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

**Accessory Living Unit** means a portion of a detached single-family dwelling unit to include such incidental and subordinate facilities necessary to accommodate either relatives, nontenant employees, or no more than two persons.

**Acreage** means a parcel of land, regardless of area, described by metes and bounds and not a lot of any recorded subdivision plat.

**Addition** means any construction which increases the area of cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of the chapter.

**Administrator** means the zoning administrator as designated by resolution of the city council.

**Adult Bookstore/Videostore** means an establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals and/or videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or any other similar media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas" or are intended for the sexual stimulation or titillation of patrons.

**Adult Business** means a use category containing uses that regularly emphasize an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Uses in this use category include: Adult bookstore/videostore; Adult mini-motion picture theater; Adult motion picture theater; Adult store; a business providing adult entertainment or any other establishment, including without limitation any Adult modeling studio; Adult cocktail lounge; or Adult nightclub; and other uses meeting the definition of Day Care according to the Zoning Administrator. that regularly emphasizes an interest in matter relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; and Minor utilities.

**Adult Day Care Center** means a building or structure where care and supervision are provided on a regular schedule for disabled adult persons and/or senior citizens for less than 24 hours per day.

**Adult Entertainment** means dancing, modeling or other live performances if the performers' performance is characterized by an emphasis on specified anatomical areas or specified sexual activities, or is intended for the sexual stimulation or titillation of patrons. Also includes the showing of films, motion pictures, video cassettes, slides, photographic reproductions, virtual reality devices, internet sites or files transmitted over the internet, or other media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons.

**Adult Merchandise** means magazines, books, other periodicals, videotapes, movies, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or are intended for the sexual stimulation or titillation of patrons. Also includes toys, novelties, instruments, devices or paraphernalia either designated as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs and lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

**Adult Mini-Motion Picture Theater** means an enclosed building with a capacity of less than 50 persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Motion Picture Theater** means an enclosed building with a capacity of 50 or more persons used for presenting material for observation by patrons distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

**Adult Store** means an establishment having adult merchandise as a substantial or significant portion of its stock-in-trade.

**AG** means Agricultural Zoning District.

**Agricultural And Animal-Related Service** means a use category that contains uses related to the commercial production, storage, processing, marketing, distribution or export of floricultural, horticultural, or viticultural crops and the small-scale keeping and treatment of animals.

Uses in this use category include: Community garden; Floriculture, horticulture, row and field crops, viticulture, or orchard; Kennel; Plant nursery, greenhouse, and landscaping business; Stable, private and noncommercial; Veterinary clinic; Veterinary hospital; and other uses meeting the definition of Agricultural and Animal-Related according to the Zoning Administrator.

Typical accessory uses include: Associated office; Barn, silo, stable (private) or other agricultural storage; Buildings associated with agricultural uses being pursued on site; Greenhouse; Minor utilities; Parking and storage of operable farm vehicles and farm machinery; and Roadside stand.

**Airport or Heliport** means an area of land or water used for the landing and take-off of aircraft.

**All-Weather Surface** means an improved surface that is constructed of four inches of concrete, asphalt, graded stone, grass-crete pavers, uni-stone pavers, or other paving materials approved by the City Engineer.

**Alley** means any passage or way open to public travel, affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

**Alter** means any change to a sign or its supporting structure, including a change in size, height, or location. The term "alter" shall not apply to the change of message on signs designed to have periodic changes in message, such as changeable copy signs.

**Alteration** means any material change in the floor area, use, adaptability or external appearance of an existing structure.

**Alternative Support Structure** means with regard to wireless telecommunications, any structure currently used primarily for something other than supporting a wireless telecommunications facility.

**Animated Sign** means a sign or part of a sign that is designed to rotate, move, flutter, spin, scroll, or to have a similar appearance of rotating, moving, fluttering, spinning, and scrolling.

**Antenna** means a whip, panel, disc, rod, dish, or similar device used for transmission or reception of telecommunications.

**Apartment Building** means see "Dwelling, multiple apartment."

**Appurtenant or Accessory Structure** means accessory structures not to exceed 200 square feet.

**Archery / Firearms Range (Indoor)** means a facility for archery or the discharging of firearms for the purposes of target practice.

**Assisted Living Facility** means residential facilities with 90 percent occupancy by persons 60 years or more of age that provide rooms, meals, personal care and supervision of self-administered medication.

**B**

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**Bank or Credit Union** means a federally- or state-chartered establishment that is engaged in business as a bank or credit union.

**Banner** means a sign of flexible material affixed to a framework or flat surface.

**Base Flood Elevation** means the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

**Base Flood** means the flood having a one percent chance of being equaled or exceeded in any given year. This is a regulatory standard that is also referred to as the "100-year" flood.

**Base Station** means a wireless telecommunications facility; such facility may consist of radio transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power supply; and other associated electronics and technology. Such facilities are sometimes referred to as base transceiver stations. Base stations may also be structures that currently support or house any of the technology listed in this definition or other associated equipment that constitutes part of a base station in any technological configuration, including distributed antenna systems and industrial microcells.

**Basement** means a story at least one-half its height below grade. A basement is not counted as a story for the purpose of height regulations.

**Bed And Breakfast Facilities** see "short-term rental."

**Board of Adjustment ("BOA")** means the City of Marshalltown Board of Adjustment (BOA) who, in accordance with Chapter 414, City Zoning, Iowa Code, Section 414.7, Board of Adjustment, may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Code in harmony with its general purposes and intent and in accordance with the general and specific rules contained in this Code, and who may also provide that any property owner aggrieved by an action of the City may petition to modify the regulations and restrictions of this Code.

**Boarding or Rooming House** means a single detached dwelling, where the property owner or property lessee/operator resides on the premises, and where for compensation and by prearrangement, for definite periods, lodging and/or meals are provided for three persons to a maximum of 10 persons. The resident property owner or resident property lessee, who operates the boardinghouse or rooming house, shall be responsible for making an application for any required special use permit.

**Boat or Recreational Vehicle Outdoor Storage** means a facility where boats, other watercraft, and recreational vehicles are stored outdoors.

**Building Area** means the portion of a lot remaining after required yards have been provided.

**Building** means any structure intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.

**Building Setback Line** means a line establishing the minimum allowable distance between the nearest portion of any building, excluding any uncovered porches, steps, patios, fences, etc., and similar fixtures.

**Building Setback** means the minimum distance a building must be set back from the street line.

**Building, Community** means a building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

**Building, Height of** means the vertical distance measured from the floor closest to curb grade to the level of the highest point of the roof surface, if the roof is flat or inclines not more than one inch vertical to one foot horizontal, or the mean level between the eaves and the highest point of the roof if the roof is of any other type.

**Building, Principal** means a building which contains the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building.

**Building, Public** means a building owned (or leased) by a governmental agency and used for governmental functions.

**Building or Development Contractor** means facilities for building, heating, plumbing, or electrical contractors, and related storage facilities. The site may include an unenclosed portion upon which a contractor maintains an area used to store equipment and other materials customarily used in the trade carried on by the contractor. This definition excludes temporary contractor storage associated with the site of an on-going construction project.

**Bus Shelter** means a structure located at a designated transit stop designed primarily for the shelter of transit bus passengers.

**Business Garden** means a home-based business, where areas of a parcel are managed and maintained by individuals residing on the same parcel or adjoining parcels under the same ownership, used to cultivate fruits, vegetables, herbs, or flowers for sale purposes. This definition does not include cultivation only for personal consumption or use. (See article BB, business gardens for operating regulations.)

## C

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**Camouflage** means with regard to wireless telecommunications facilities, a way of painting, mounting, or locating related equipment so it is not readily apparent to the casual observer. Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted antennas and related equipment, are painted to match the color of the support structure, or hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to concealing equipment.

**Canopy** means a fixed shelter of any material and of any length projecting from a building and supported by columns or posts from the ground. Also known as an “awning.”

**Car Wash** means a facility for the washing or cleaning of vehicles. A car wash may be:

- A bay or a group of bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;
- An automated conveyor or drive-through bay that allows washing a vehicle while moving through the structure.

**Carnival** means an establishment with amusement activities; merry-go-rounds, ferris wheels and similar types of amusement rides; booths for the conduct of games of skill; food dispensing facilities; and sideshows; that are temporarily conducted outdoors and not within a theater, auditorium, gymnasium or other permanent building.

**Cemetery, Columbarium, Mausoleum, or Memorial Park** means uses intended for the burial of the dead and dedicated for cemetery purposes or to commemorate the dead without burial taking place on-site.

**Changeable Copy Sign** means a sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Child Day Care Center** means a regularly operating service arrangement for two or more children under the age of 13, where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision and well-being of a child for less than a twenty-four-hour period, in a facility that is not the residence of the provider or of any of the children in care. A nursery school shall be considered to be a child day care center.

**Circus** means an event with a variety of shows, including, but not limited to, animal acts, feats of physical skill, and performances by entertainers such as jugglers or clowns, which is temporarily conducted out-of-doors and not within a theater, auditorium, gymnasium or other permanent building.

**Clinic** means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more physicians practicing medicine, dentistry or psychiatric treatment.

**Club** means a building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Coastal A Zone** means flood hazard areas that have been delineated as subject to wave heights between 1.5 feet and 3 feet.

**Collector Street** means a street that brings traffic from local residential (minor) streets to major streets.

**College or University** means a public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty.

**Collocate** means with regard to wireless telecommunications facilities, the act of locating wireless telecommunications facilities on any existing support structure.

**Commission** means the city Plan and Zoning Commission.

**Community Garden** means a private or public facility for cultivation of fruit, flowers, vegetables, or ornamental plants by more than one person or family.

**Concealed Wireless Telecommunications Facility** means any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.

**Consumer Microcell** means with regard to wireless telecommunications, a signal booster that is marketed and sold to the general public for use without modification. These types of devices do not require professional installation and are used for personal use by individuals to improve coverage in a home, car, boat, recreational vehicle and other related areas.

**Convenience Store** means a small commercial shopping facility designed as a component of the neighborhood or district in which it is located.

**Convention Center** means a facility used for business or professional conferences and seminars, exhibitions, and entertainment events.

**Correctional Facility** means an establishment providing housing and care for individuals legally confined for violations of law.

**Cul-De-Sac** means a street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

**Curb Grade** means the elevation of the established curb in front of the building measured at the midpoint of such frontage. Where no curb exists, the city engineer shall establish such curb grade for the existing or proposed street in accordance with the existing street grading plans of the city.

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**D**

**Day Care** means a use category containing principal uses that provide care, protection, and supervision for at least two children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 24 hours each day, although the facility may be open 24 hours each day.

Uses in this use category include: Adult day care center; child day care center; Pre-school; and other uses meeting the definition of Day Care according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Food preparation and dining facility; Minor utilities; and Recreation facility

**Density** means the total number of dwelling units divided by the area in acres of all land within a development dedicated to residential uses, including residential lots and buildings and the streets, parking areas, landscape areas, parks and open space serving the residential uses.

**Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Distributed Antenna Systems (DAS)** means a wireless telecommunications facility; a system or network of spatially separated antennas connected to a common transport medium (i.e. coaxial, fiber optic, or other cable) to a signal source, such as a base station or an external antenna capable of connecting to a base station wirelessly. Such systems/networks commonly have three primary components: remote communications nodes, each having at least one antenna for transmission and/or reception; a high capacity signal transport medium, which is either underground or aerial; and a central communications hub to propagate and/or convert, process or control signals transmitted and received through the nodes. DAS may also include additional equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other related equipment.

**Domestic Abuse, Homeless, or Youth Shelter** means an establishment used for the reception and temporary care of persons who, by some circumstances, are without safe and proper shelter.

**Dormitory** means a building used as a group living quarters for students or members of a religious order.

**Double-Faced Sign** means a sign with two faces supported by the same structure and diverge from a common edge by an internal angle of no more than 45 degrees. Signs with faces diverging from an angle more than 45 degrees shall be considered multiple signs.

**DT** means Downtown Zoning District.

**Drive-Through Facility (Same As "Drive-In")** means any portion of a building or structure from which customers can receive a service or obtain a product while in their motor vehicle. Regulated as a subordinate use to a principle use, regardless of the nature of the principle use.

**Driveway** means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

**Dwelling** means a building or portion thereof which is designed or used exclusively for residential purposes.

**Dwelling, Apartment** means a building comprised of at least five or more dwelling units, not separated by a property line, within which each unit may not have a minimum of two outside walls and where each unit is designed for one family or occupancy. as described by the specific zoning district.

**Dwelling, Duplex** means two connected dwelling units totally separated from each other without openings where each is designed for one family or occupancy as described by the specific zoning district.

**Dwelling, Single-Family Attached** means two attached single-family dwellings located on two separately platted lots that share a common fire-rated wall without openings along the interior lot line and where each is designed for one family.

**Dwelling, Single-Family Detached** means a building occupied by or designed for occupancy by one family or occupancy as described by the specific zoning district building located on a single lot, designed exclusively for one family and entirely separated from any other dwelling by setbacks on all sides.

**Dwelling, Townhouse** means unless otherwise specified within a zoning district, a townhouse is one of a series of at least three attached dwelling units, not to exceed eight, for rent or sale, separated from one another by common walls and property lines without openings from basement floor to roof and having varied but compatible elevations, and with not more than two abutting dwelling units having the same front yard setback. The lots, utilities and other improvements for each "townhouse" would be designed to permit individual and separate ownership of such lots and dwelling units.

**Dwelling, Multiplex** means a type of attached multiple dwelling containing three or four attached dwelling units in one building with each unit having a minimum of two outside walls and sharing one or more walls with an adjoining unit or units. Each dwelling unit has direct access to the outside or to a common hall. These dwellings can be designed and constructed to permit individual and separate ownership of lots and dwellings or combinations of dwelling units. and where each is designed for one family or occupancy as described by the specific zoning district.

**Dwelling, Unit** means a single enclosed area providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Unless otherwise specified, dwelling units shall be for nontransient occupancy of 30 days or more. The term does not include recreational vehicles. one or more rooms located within a building and forming a singular unit with facilities which are used or intended to be used for living, sleeping and dining purposes. A dwelling unit shall have customary kitchen facilities. An efficiency apartment unit is defined as a dwelling unit. Dwelling units which will be occupied for predetermined periods of time of more than one month in succession shall be termed nontransient dwelling units.

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**Easement** means a grant by a property owner of the use of land for a specific purpose.

**Educational Facilities** means a use category containing public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.

Uses in this use category include: College or university; Training facility or vocational school; Public schools or private school elementary, middle, or high school; and other uses meeting the definition of Educational Facilities according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Athletic facilities; Auditorium or theater; Before- and after-school day care; Concession; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; and Recreation facility.

**Electronic Message Center** means an electronic message center is a sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means. Such a sign is not a changeable copy sign.

**Elevated Building** means a non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Entertainment, Indoor** means a use category containing uses varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Uses in this use category include: Archery / firearms range (indoor); Axe throwing lounge; Bar or tavern; Bingo hall; Body art service; Bowling center; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Microbrewery or micro-distillery; Movie or other indoor theater; Pool hall; Skateboard or trampoline park; Skating rink; Swimming pool (indoor); Tennis or racquetball facility (indoor); and other uses meeting the definition of Indoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining facility; Minor utilities; and Swimming pool, indoor.

**Entertainment, Outdoor** means a use category containing uses providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Uses in this use category include: Amphitheater; Amusement park; Animal racing or training; Campground; Fairgrounds or rodeo grounds; Farmers market, outdoor; Flea market, outdoor; Golf course, driving range or mini-golf course; Paintball facility; Recreational vehicle park; Stadium, arena, running track or ball field; Track, vehicle race; and other uses meeting the definition of Outdoor Entertainment according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Concession; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

**Entry/Exit Sign** means a wall or freestanding sign not exceeding four square feet in area. If such sign is a freestanding sign, the height may not exceed four feet.

**Equipment Cabinet** means with regard to wireless telecommunications, a cabinet, shed, shelter, or other structure, where equipment is housed to support wireless telecommunications services.

**Establishment** means a public or private institution or a place of business.

**Existing Construction** means for the purposes of the insurance program, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures" and "pre-FIRM." structures for which the "start of construction" commenced before November 3, 1989. "Existing construction" may also be referred to as "existing structures."

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**F**

**Facade, Front** means the principal frontage of a building which, by either aesthetic attention, main entry and egress, or the longitudinal dimension of the structure, becomes the primary frontage.

**Facade, Rear** means that portion of a building which is, by either service area, secondary entry and egress or the facade directly opposite the front facade of the structure, the reverse frontage of the building.

**Family Day Home, Major** means a child day care program offered in the residence of the provider or the home of any of the children in care for five through twelve children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

**Family Day Home, Minor** means a child day care program offered in the residence of the provider or the home of any of the children in care for one through four children under the age of 13, exclusive of any children who reside in the home, when at least one child receives care for compensation.

**Family** means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit. Family specifically includes all persons living in "family homes" or "elderly family homes" as those terms are defined under, respectively, Iowa Code Sections 414.22 and 231A.1.

**Farm Product** means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, eggs, honey, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

**Farm Product, Value-Added** means any product processed from a farm product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.

**Farmers Market** means an outdoor market where at least 75 percent of the items for sale are farm products or value-added farm products.

**Feather Sign** means a lightweight sign mounted along one edge on a single and vertical pole structure, which may resemble a feather, sail, bow, or teardrop. Feather signs are animated signs.

**Financial Institution And Offices** means any building wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment/securities companies.

**First-Row Building** means a multiple-family building or buildings that are part of a complex of multiple-family buildings and that are closest to the street from which primary access to the complex takes place.

**Flag** means a piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope.

**Flashing Sign** means a sign that includes lights that flash, blink, or turn on and off at less than five second intervals.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

**Flood Insurance Study (FIS)** means a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

**Flood or Flooding** means

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
  - c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

**Flood Proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodplain or Flood-Prone Area** means any land area susceptible to being inundated by water from any source.

**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community..

**Floor Area** means the gross horizontal areas of all floors, including basements, cellars and attics (but not such areas within a building which are used for parking), measured from the exterior faces of the exterior walls of a building.

**Floorplate** means the horizontal land area occupied by a building at finished grade including projections and overhangs.

**Fraternity or Sorority House** means a single detached dwelling being occupied by persons who are members of a fraternity, sorority, association or group chartered for social, educational, religious or service purposes.

**Freeboard** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

**Freestanding Sign** means any non-portable sign supported by a fence, wall, or by upright structural members or braces on or in the ground and not attached to a building.

**Funeral Home** means a building used for the preparation of corpses for burial or for cremation which may also be used for funeral services.

## **G**

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**Garage, Storage, or Parking** means a building or portion thereof designed or used exclusively for storage or motor-driven vehicles.

GC means General Commercial Zoning District.

GI means General Industrial Zoning District.

**Golf Course** means an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a Country Club or other clubhouse, a driving range, putting greens, and shelters as accessory uses.

**Government Facilities** means a use category containing offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.

Uses in this use category include: Detention center, jail or prison, publicly-owned and operated; Emergency services, police or fire station; Post office; Utility office and other uses meeting the definition of Government Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Dormitory; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees or inmates; Meeting space; Minor utilities; and Recreation facility.

Governmental institutions; Other governmental uses, such as community centers, parks and playgrounds; provided, that any new building shall be located at least fifty (50) feet from any adjoining property line, including right-of-way lines;

**Group Home** means a property used for the residential care of tenants who are mentally or physically ill, wards of the state or any other similar group deemed appropriate by the Zoning Administrator.

**Group Housing Project** means a group housing project shall consist of two or more buildings located on a site where the building arrangement is such that the property cannot be subdivided into conventional streets and lots that meet the requirements of this chapter and chapter 2 of this title.

**Group Living** means a use category containing uses with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses in this use category include: Boarding or rooming house; Dormitory or fraternity or sorority house; Nursing home; and other uses meeting the definition of Group Living according to the Administrator.

Typical accessory uses include: Associated office; Facilities for treatment of sickness or injuries; Food preparation and dining facility; Minor utilities; Pool house; Private community center; Swimming pool; Recreational facility; and other miscellaneous household amenities.

## **H**

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**Halfway Houses and Ex-Offender Rehabilitation Services** means a property used to temporarily house ex-offenders in a rehabilitation or transitioning period.

**Heavy Industrial** means a use category containing uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals; the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Uses in this use category include the manufacture, assembly or processing of: acid, acetylene gas, aircraft, alcoholic beverages (wholesale), ammonia, asbestos and asbestos products, asphalt, automobiles or trucks, batteries, bones, boxes or crates or pallets, brick or tile or terra cotta, building materials, celluloid, cement, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, gas, gelatin, glass, glue, graphite, grease, gunpowder, gypsum, hemp, insecticide, lacquer, lard, lime, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paint, paraffin, petroleum, plaster of Paris, plastic, poison, porcelain, recreational vehicles, railroad vehicles and equipment, rubber, salt, shellac, tallow, tar, tires, trailers, turpentine, varnish, vinegar, wax, or yeast.

Additional uses include: Arsenal; Boiler works; Bulk storage of explosive or hazardous materials; Concrete batching and asphalt processing and manufacture; Fertilizer storage; Grain elevator; Grain and feed manufacturing building; Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental); Railroad yard or repair shop; Sawmill; Smelter; Slaughtering, packaging or processing of animals; Wrecking, junk or salvage yard; and other uses meeting the definition of Heavy Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; and Single residential unit for caretaker.

**Heavy Vehicular Equipment Sales, Service, and Repair** means an establishment engaged in the display, sale, leasing, rental, or repair of heavy equipment of 12,000 or more pounds gross vehicular weight.

**Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Area** means an area or existing site containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.

**Historic Structure** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or,
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Home-Based Business** means any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building, other than business gardens as defined, by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition.

**Homestay** means, in a single-family detached, duplex, or townhouse dwelling unit, the provision of a guest room or accommodation space within the principal building that is suitable or intended for transient occupancy of a maximum of four guests in the homestay at any one time for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy a maximum of 90 days per calendar year.

**Hospital** means a facility in which patients or injured persons are given medical, surgical and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of contagious or incurable diseases.

**Hotel, or Motel And Similar Transient Housing** means a facility offering overnight lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. The office has a 24 hour employee on site and daily rates. building or group of buildings which are designed or intended to be used or hired out on weekly basis, primarily for transient or temporary occupancy.

**Household Living** means a use category containing residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Uses in this use category include: Apartment; Duplex; Manufactured home; Single-family attached; Single-family detached; Townhouse; Tri- or quadraplex; and other uses meeting the definition of Household Living according to the Zoning Administrator.

Typical accessory uses include: Business garden; Chickens, keeping of (subject to Sec. 15-2-24, Fowls, Chickens, and Other Domestic Birds, of the City Code) Child care; Domestic storage; Family day home, major or minor; Minor utilities; Garage, attached or detached; Home-based business; Leasing office for manufactured home park or apartment complex; Model home with sales office in model home; Pool house; Private community center; Short-term rental or homestay; Swimming pool (private); and other miscellaneous household amenities.

**Housing** means see "Dwelling."

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I

**Illegal Sign** means any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

**Illuminated Sign** means a sign that is backlit, internally lighted, or indirectly lighted.

**Industrial Microcell** means a wireless telecommunications facility; a standalone, short range radio transceiver located in specific locations, either indoors or outdoors, where there is often low signal quality and high demand for a wireless telecommunications signal. Examples include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and devices specifically identified as microcells. Consumer microcells, such as femtocells, for residential or household use or mobile use (i.e. vehicular, boat, etc.), and equipment meeting the thresholds to be considered small cell facilities, are excluded from this definition.

**Institution** means a nonprofit corporation or a nonprofit establishment whose purpose is civic, educational, charitable, religious or philanthropic in nature.

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J

**Junk Yard** means any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, or for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof.

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K

**Kennel** means a premise on which four or more dogs, six months or older, are kept. This term includes privately-owned animal shelters.

## L

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**Landscaping Island** means an area that includes landscaping within a parking lot.

**Landscaping** means living vegetation primarily used to enhance property aesthetics, values, and/or to improve environmental conditions. Landscaping may include grasses, shrubbery, trees, and other vegetation. Mulch and/or stone shall be used only for the enhancement of vegetation. The use of mulch and/or stone alone is not considered landscaping.

**Letters of Map Change (LOMC)** means a letter of map change is an official FEMA determination, by letter, that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
- (2) Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (3) Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

**Letter of Map Amendment (LOMA)** means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

**Letter of Map Revision (LOMR)** means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

**Conditional Letter of Map Revision (CLOMR)** means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood insurance rate map or flood insurance study.

**Light Industrial** means a use category containing uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods; usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Uses in this use category include manufacture or assembly of: appliances, artificial limbs, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items, felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, medical instruments, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, and toys.

Additional uses include: Bakery, wholesale; Bottling or canning; Brewery; Building and development contractors; Bulk mailing service; Clothing or textile manufacturing; Creamery; Crematorium; Engraver; Exterminator service; Food processing; Janitorial and building maintenance service; Maintenance and repair shop; Laundry, dry-cleaning, and carpet cleaning plants; Metal plating; Metal shop; Printing, publishing, and lithography; Repair of scientific or professional instruments or electric motors; Research and development laboratory; Smoking or processing of meat products (wholesale); Stone cutting; Welding, tool repair or machine shop; Woodworking, including cabinet makers and furniture manufacturing; and other uses meeting the definition of Light Industrial according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales related to the primary use; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Recreation facility; Single residential unit for caretaker; and Wholesale and/or retail sales.

**Lot Area** means the total horizontal area within the lot lines of a lot. No existing alley, public way, public land or area proposed for future street (alley) purposes is included within the net area of a lot. On-site easements are included in the land area of a lot.

**Lot Depth** means the average horizontal distance between the front and rear lot lines.

**Lot** means a parcel of land occupied or intended to be occupied by a use permitted in this chapter, including one main building together with its accessory buildings, and the yards and parking spaces required herein, and having its principal frontage upon a street or upon an officially approved place.

**Lot of Record** means a lot which has been recorded in the office of the clerk of the circuit court.

**Lot, Nonconforming** means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

**Lot, Width** means the distance between side lot lines measured at the building line.

**Low-Impact Development** means an approach to stormwater management that mimics a site's natural hydrology as the landscape is developed.

**Lowest Adjacent Grade** means the lowest natural elevation of the ground surface next to the walls of a structure.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

## M

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**Macrocell** means any wireless telecommunications facility not considered a concealed wireless telecommunications facility, a consumer microcell, a small cell facility, an industrial microcell, or a distributed antenna system.

**Major Street** means a street shown as a major street on the city "master transportation plan".

**Manufactured Home** means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Manufactured Home (floodplain)** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park** means an area designed, constructed, equipped, operated, and maintained for the purpose of providing spaces for two or more manufactured homes intended to be used as living facilities.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Manufactured Home Sales And Service Establishment** means use of land whereon the primary occupation is the sale and ancillary service of manufactured homes. This use shall not include storage of nonhabitable manufactured homes for a period of time exceeding 90 days.

**Marginal Access Street** means a minor street generally paralleling and contiguous to a major street designed primarily to promote safety by providing free access to abutting properties and limited access to the major street.

**Marquee** means a permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond a building wall designed and constructed to provide protection against the weather.

**Mean Sea Level** means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 to which base flood elevations shown on a community's FIRM are referenced.

**Medical Facilities** means a use category containing uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include: Acupuncture clinic; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Hospital; Medical or dental office; and other uses meeting the definition of Medical Facilities according to the Zoning Administrator.

Typical accessory uses include: Associated helicopter landing facility; Associated office and storage; Associated retail sales area related to the primary use; Classrooms; Day care for children of employees or patients; Dormitory; Fleet maintenance; Food preparation and dining facility; Minor utilities; Place of worship; Pharmacy; and Recreation facility.

**Micro-Manufacturing** means the retail or business-to-business production of artisan goods that are produced in small quantities using small hand tools or light machinery including, but not limited to, 3-D printers or computer numerical control routers.

**Micro-Wireless Facility** means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

**Mini-Warehouse** means a structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis but not for human or animal occupancy.

**Minor Street** means a local residential street which provides access to building sites, space for public utility lines and space for light and air.

**Mobile Food Unit** means a temporary establishment engaged in the retail sale of prepared food for consumption, on site or offsite, from a movable vehicle, portable structure, or pushcart.

MU means Mixed-Use Zoning District.

**Multiple Establishment Building** means a commercial development with two or more establishments on a single parcel of common ownership attached by common walls or, if located in separate buildings, are interconnected by walkways and/or access ways on one or more commonly owned or managed properties, providing common parking facilities for all establishments, having multiple tenancy of a single or several common structures, and otherwise presenting the appearance of one continuous commercial area.

**N**

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**Neighborhood Sign** means freestanding sign located at the entrance of a neighborhood or subdivision.

**Net Development Area** means the total area of land in the MX-U development designated on the master development plan for residential, nonresidential, or open space uses, excluding streets.

**New Construction** means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after November 3, 1989, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Nonconforming Sign** means any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this article and which fails to conform to current standards and restrictions.

**Nonconforming Structure** means any lawful structure existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

**Nonconforming Use** means any lawful use existing at the time of the enactment or subsequent amendment of this chapter which does not conform to the current zoning regulations prescribed in the district in which it is situated.

**No-Impact Home-Based Business** means a home-based business for which all of the following apply:

- A. The total number of on-site employees and clients does not exceed the city occupancy limit for the residential property; and
- B. The business activities are characterized by all of the following:
  - 1. The activities are limited to the sale of lawful goods and services;
  - 2. The activities do not generate on-street parking or a substantial increase in traffic through the residential area;
  - 3. The activities occur inside the residential dwelling or in the yard of the residential property; and
  - 4. The activities are not visible from a street adjacent to the residential property.

**Nursing Home** means a home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, but not including hospitals, clinics or similar institutions.

**O**

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**Off-Premises Sign** means a sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered at a location other than the parcel on which the sign is located.

**Office** means a use category containing activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include business and professional offices or agencies for services such as: accounting, advertising, architecture, bill collection, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel.

Additional uses include: Bank or credit union; TV, recording, or radio studio; and other uses meeting the definition of Office according to the Zoning Administrator.

Typical accessory uses include: Associated storage; Day care for children of employees; Medical clinic for employees; Minor utilities; Food preparation and dining facility for employees; Recreation facility for employees; and Private telecommunication or transmission tower.

**On-Premises Sign** means any sign that directs attention to an object, person, product, institution, organization, business, service, event, or location conducted, sold, or offered on the parcel upon which the sign is located.

**Open Space, Common** means land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.

**Outdoor Display Area** means an area for display of finished products actively available for retail sale, rental, or lease. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage. generally considered accessible to the public that utilizes parking spaces or paved and/or graveled areas to displays goods for sale, rental, or lease, except those areas counted as part of the gross floor area for purposes of calculating required parking. Goods include but are not limited to vehicles, recreation equipment, trailer sales, heavy equipment, manufactured homes, industrialized buildings, agricultural equipment, yard and landscaping equipment, and other similar products.

**Outdoor Storage** means the storage of any item outside of an enclosed structure that is not accessible to the general public. This includes but is not limited to garden supplies, building supplies, plants, materials stored in crates, boxes, or shipping containers; lumber yards; pipe; contractor's equipment; and other similar uses.

**Overnight Accommodations** means a use category containing uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include: Hotel, Motel, or Resort; and other uses meeting the definition of Overnight Accommodations according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Meeting space; Minor utilities; Recreational facility; Restaurant; and Swimming pool (public).

**P**

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**Parking Bay** means multiple parking spaces arranged in single or double loaded rows.

**Parking, Commercial** means a use category containing commercial facilities that provide parking that is not accessory to a principal use, for which a fee may or may not be charged.

Uses in this use category include: Park-and-ride facility; Parking lot or structure, commercial; Truck, tractor, trailer or bus storage or parking yard, lot, or garage; and other uses meeting the definition of Commercial Parking according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; and Minor utilities

**Parking Lot** means a defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress.

**Parking Space** means the area required for parking one automobile which shall be a minimum of nine feet wide and 18 feet long, not including passageways.

**Parking Unit, Private** means a self-contained and privately maintained area accessed by a public street but allowing no through traffic routes and providing such off-street parking as may be required under this chapter for the building served. Said parking unit may be entered by a private drive from the public street; provided, that such drive offers adequate ingress and egress for emergency vehicles and otherwise complies with acceptable city standards.

**Parking, Off-Street** means any on-site space specifically allotted to or required for vehicle and bicycle parking.

**Parks and Open Areas** means a use category containing uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.

Uses in this use category include: Private club and golf course; Cemetery, columbarium, mausoleum, or memorial park; Dog park, publicly-owned; Park or playground; and other uses meeting the definition of Parks and Open Areas according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated retail sales area related to the primary use; Boat launch; Concession; Dining area; Minor utilities; and Recreation facility.

**Passenger Terminal** means a use category containing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.

Uses in this use category include: Airport; Heliport; Bus terminal; Transportation service facilities, including but not limited to those for: taxicab, limousine, or bus; and other uses meeting the definition of Passenger Terminal according to the Zoning Administrator.

Associated office and storage; Associated retail sales area related to the primary use; Concession; Fleet maintenance; Freight handling area; Fueling facility; and Minor utilities.

**PI** means Public and Institutional Zoning District.

**Plan of Development** means a sketch of the site drawn to scale, showing the dimensions and acreage of the property, and approximate location of buildings, roads, parking areas and landscaping, the number of dwelling units or commercial or other types of buildings and other information essential for determining whether the provisions of this chapter are being observed, such as pertinent site engineering data.

**Plant Nursery, Greenhouse, and Landscaping Business** means a facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. These uses may include the storage of materials used for installation of landscaping materials.

**Plat** means a drawing, map or plan for a parcel of land or subdivision, or rearrangement, revision or resubdivision of land.

**Plat** means a map or drawing on which the proposed subdivision of land is presented for approval and, when in final form, for recording.

**Pole Sign** means a sign that is attached to one or more freestanding poles. Pole signs are freestanding signs.

**Portable Restroom Facility** means a movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs. Portable restroom facilities, as defined herein, shall be considered accessory buildings.

**Portable Storage Unit** means a large container, typically intended for transport by large truck, train, or ship, that is used for the temporary storage and or transport of personal property.

**Post-Firm Structures** means a structure for which construction or substantial improvement occurred after November 3, 1989.

**Pre-Firm Structures** means a structure for which construction or substantial improvement occurred on or before November 3, 1989.

**Premises** means a parcel of land, together with any building or structures occupying it.

**Primary Frontal Dune** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms.

**Private Club** means an association organized and operated on a nonprofit basis for persons who are bona fide members paying dues, with which the association owns or leases premises, the use of which premises is restricted to such members and their guests, and which manages the affairs of such association by and through a board of directors, executive committee, or similar body chosen by the members. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. This definition includes country clubs.

**Professional Offices** means offices limited to personal services customarily performed by professionals such as doctors, dentists, architects, engineers, lawyers, accountants, real estate agents, insurance agents and brokers, who are not dependent on extensive on-site advertising.

**Property** means any tract, lot, parcel or several of the same collected together for the purpose of subdividing.

**Public Area** means any public place, public right-of-way, or parking lot or other right-of-way open to use by the general public.

**Public Assembly** means a use category containing establishments where people assemble for religious, philosophical, fellowship, or cultural purposes.

Uses in this use category include: Assembly, meeting, event or exhibition hall; Church, mosque, temple, synagogue, or other place of worship; Museum; Public library; Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities; Club or lodge; Community, senior, or youth center; Philanthropic institution; and other uses meeting the definition of Public Assembly according to the Zoning Administrator.

Typical accessory uses include: Assembly hall; Associated office and storage; Associated retail sales area related to principal use; Athletic facilities; Auditorium or theater; Before- and after-school day care; Classrooms; Concession; Day care; Dormitory; Food preparation and dining facility; Laboratory; Library; Medical clinic; Minor utilities; Pre-school; and Recreation facility.

**Public Floor Area** means the gross building area, as figured on a per-story basis, which clearly serves the general public, such as vestibules and lobbies, corridors, waiting rooms and toilets, servicing areas, and required stairs, ramps and elevators. Employee oriented areas, such as kitchens and freezer rooms, storage, maintenance and service areas, shall not apply. Unfinished areas shall be included and figures on the basis of potential use.

**Public Use** means any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the city, or (2) another governmental entity having a contractual relationship with the city for the use of such lot or parcel or improvement.

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**R**

**Radio or Television Station or Studio** means an establishment containing one or more broadcast studios for over-the-air, cable, or satellite delivery of radio or television programs.

**REC** means Recreational Zoning District.

**Recreational Vehicle** means a vehicle which is (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a light duty truck; and, (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park** means any property upon which two or more occupied recreational vehicles are situated, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle, or enclosure used or intended for use as part of the equipment of the park.

**Recycling Facility** means a facility or land use, regardless of name or title, at which recoverable resources, such as newspapers, magazines, glass, metal, plastic materials, tires, grass and leaves, and similar items, except hazardous waste and medical waste are collected, cleaned, sorted, stored, flattened, shredded, dismantled, crushed, bundled, or separated by size, grade, quality, or type, and compacted, baled, or packaged for shipment or delivery for the eventual manufacture of new products.

**Repair-Oriented Use** means a subset of uses in the Retail Repair, Sales, and Service use category that is primarily engaged in the provision of repair services to individuals and households rather than other businesses, but excluding vehicle and commercial repair services.

Uses in this use category include store offering repair of retail consumer goods excluding those repair services listed in the Vehicle Sales and Service use type, and including, but not limited to: appliances, bicycles, clocks, electronics, furniture, jewelry, locks and keys, musical instruments, office equipment, shoes, and watches. and other uses meeting the definition of Repair-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single attached dwelling unit for caretaker.

**Repetitive Loss Structure** means a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood related damage, the contract for flood insurance contains increased cost of compliance coverage.

**Research and Development Laboratory** means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Restaurant** means a use category containing uses serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating or food dispensing areas.

Uses in this use category include: Candy or ice cream shop; Catering establishment; Coffee shop; Food delivery; Restaurant, sit-down; Restaurant, drive-in or drive-through; and Other uses that the Zoning Administrator interprets to be functionally similar to a use in this use category.

Typical accessory uses include: Associated office and storage; Drive-through facility; Minor utilities; Outdoor dining area; and Recreational facility.

**Restaurant, Drive-In or Drive-Through** means a restaurant located either within a coordinated development or situated in a stand-alone structure, that contains a drive-in or drive-through facility and customarily serves food in disposable containers.

**Retail Repair, Sales, and Service** means a use category containing establishments or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public. Refer to the definitions for repair-oriented, sales-oriented, and service-oriented uses.

**RH** means High-Density Residential Zoning District.

**Right-of-Way Lines** means lines which separate private property from dedicated public property containing or proposed to contain publicly owned street surfaces, curb and gutter, sidewalks and planted strips. Where a public street is designated on the major thoroughfare plan, all requirements of this chapter which relate to rights-of-way shall be measured from the indicated proposed right-of-way lines.

**Riparian** area relating to or situated on the banks of a river.

**RL** means Low-Density Residential Zoning District.

**RM** means Medium-Density Residential Zoning District.

**Roof Sign** means a sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, the lowest portion of a roof for any building with a pitched roof, or above a parapet wall.

RR means Rural Residential Zoning District.

## S

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**Sales-Oriented Use** means a subset of uses in the Retail Repair, Sales, and Service use category that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Uses in this use category include selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets or pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys; and other uses meeting the definition of Sales-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

**Screening** means the use of fences, decorative walls or other physical or structural enclosures or plant material to separate uses and hide from view materials which require screening. Screening shall be required for outside storage areas only when called for by the zoning ordinance. Fences, decorative walls or other physical or structural enclosures used for screening shall be opaque to obstruct view of storage materials, with the finished face facing outside, and shall be at least six feet in height with a maximum of eight feet in height. If plant materials are used for screening purposes, they shall be three to four feet in height at planting time and shall otherwise meet the same intent as stated for fencing, etc. with the exception of height described herein. Screening, including walls and plant material, for parking lots and garages adjacent to public streets may be a minimum of four feet in height rather than six feet as specified above for other types of screening.

**Self-Service Storage** means a use category containing facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Uses in this use category include: Boat or recreational vehicle storage; Mini-warehouse; and other uses meeting the definition of Self-Service Storage according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Moving vehicle rental; and Single attached caretaker's quarters.

**Service-Oriented Uses** means a subset of uses in the Retail Repair, Sales, and Service use category that provides non-medical services that are generally needed on a recurring basis, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Uses in this use category include: Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Day spa; Dry cleaning and pressing establishment; Funeral home or mortuary; Kennel; Laundromat; Massage establishment; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; Taxidermist; and Veterinarian (small animal); and other uses meeting the definition of Service-Oriented Uses according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Concession; Day care for children of employees; Food preparation and dining area; Minor utilities; and Single dwelling unit for caretaker.

**Setback** means the minimum or maximum distance by which any building or structure must be separated from all lot lines.

**Severe Repetitive Loss Structure** means a structure that:

- (a) Is covered under a contract for flood insurance made available under the NFIP; and
- (b) Has incurred flood related damage;
  - (i) For which four or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or
  - (ii) For which at least two separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

**Shallow Flooding Area** means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Shopping Center** means commercial development of more than one retail sales or service establishment on a single parcel of common ownership attached by common walls or if located in separate buildings are interconnected by walkways and/or access ways, providing common parking facilities for all establishments, having multiple tenancy of a single or several large common structures, and otherwise present the appearance of one continuous commercial area.

**Short-Term Rental** means the provision of a dwelling unit, a guest room or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.

**Sidewalk Sign** means a sign not affixed to a building, structure, vehicle, or the ground. This includes, but is not limited to, A-frame signs, otherwise known as sandwich boards and chalkboard signs. Sidewalk signs do not include a flag or banner.

**Sign Area** means the area which encloses the extreme limits of the intended communicated information.

**Sign Face** means the area or surface which displays the intended communicated information.

**Sign Height** means the vertical distance from the ground at the sign's foundation to the highest point of the sign.

**Sign** means any device (writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, symbol or trademark, figure, or character) visible to and designed to communicate information to persons in a public area. The term "sign" does not include devices specifically for drive-thru patrons.

**Sign, Access** means a freestanding on-premise sign located at the entry or exit of a vehicle use area that may or may not give exit or entry directions or facility information.

**Sign, Advertising** means a freestanding sign used for off-premise advertising also known as a billboard.

**Sign, Awning** means a sign placed directly on the surface of an awning. Awning signs are wall signs.

**Sign, Canopy (Freestanding)** means a multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

**Sign, Canopy (Attached)** means a multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Sign, Marquee.

**Sign, Directory** means an outdoor sign listing and identifying the occupants within retail centers, industrial centers, office complexes, institutional campuses (e.g. medical center, hospital, etc.), and other multi-tenant mixed-use or nonresidential sites.

**Sign, Hanging** means a sign that is suspended over a walkway or a sidewalk, street, or other public right-of-way.

**Sign, Marquee** means a permanent roof-like structure suspended over a walkway or a sidewalk, street, or other public right-of-way, constructed of rigid materials that is supported by and extending from the facade of a building and which is designed to include manual or electronic changeable copy.

**Sign, Menu Board** means a sign erected in conjunction with a use that incorporates a drive-through or drive-in generally used to provide service or product options and pricing for customers in a vehicle or on foot.

**Sign, Monument** means any freestanding sign having a low profile and made of masonry, metal, rounded wood planks or beams, durable plastic or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base.

**Sign, Projecting** means any sign, other than a wall sign, affixed perpendicular to a building and supported only by the wall on which it is mounted.

**Sign, Pylon** means a freestanding sign that is affixed to one or more pylons or poles, designed so that the combined width of the poles or pylons is at least 50 percent of the width of the sign face.

**Sign, Snipe** means a prohibited temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, street light or any tree, rock, or other natural object.

**Sign, Wall** means any sign attached to, painted upon, and erected parallel to the face of the outside wall of a building and supported by such wall or building.

**Sign, Window** means a sign attached or painted on the surface of, located on the interior of, or flashing through a window.

**Site Plan** means refer to article D for site plan review.

**Small Cell Facility** means a wireless telecommunications facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

**Social Service** means a use category containing uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.

Uses in this use category include: Correctional facility, not owned or operated by the government; Domestic abuse, homeless, or youth shelter; Drug, alcohol, or psychiatric treatment center, in-patient; Halfway house; Soup kitchen; and other uses meeting the definition of Social Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Class rooms; Day care for children of employees or clients; Dormitory; Food preparation and dining facility; Library; Meeting space; Minor utilities; and Recreation facility.

**Solar Panel Array** means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs a solar panel array that is composed of a number of solar cells containing a photovoltaic material.

**Special Flood Hazard Area** means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year as determined in section 10-3-168 of this article.

**Specified Anatomical Areas** means (1) Less than completely and opaquely covered: (i) human genitals, pubic region, buttock; and (ii) female breast below a point immediately above the top of the areola. (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** means (1) Human genitals in a state of sexual stimulation or arousal. (2) Acts of human masturbation, sadomasochistic abuse, sexual penetration with an inanimate object, sexual intercourse or sodomy. (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**Start of Construction** means for other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L.—97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition; placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Steep Slopes** means natural slopes prior to land disturbance or construction that exceed 15 percent. Such slopes are measured as the rise in elevation over the horizontal distance between contour lines on a topographic map with a contour interval of five feet or less.

**Story** means excluding basements, a portion of a building for living 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 next above it.

**Street Frontage** means the width of the lot measured along the line parallel to the street in which the lot is addressed. On corner lots with a curve connecting the intersecting streets, frontage shall be measured along the extended tangent to the point of intersection of the two streets.

**Street** means a public thoroughfare which affords the principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley which is designated or dedicated for public use.

**Structural Alteration** means any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders.

**Structure** means anything constructed or erected, the use of which requires location on the premises or which is attached to something having location on the premises. For floodplain management purposes, it shall mean a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Subdivider** means the person, firm, association, organization, or corporation which holds legal title to land and subdivides it.

**Subdivision** means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels, any of which are less than five acres in area for the purpose, whether immediate or future, of sale or of building development. (1) Division of land for agricultural purposes not involving the establishment of a new street or access easement shall be exempt from these regulations. (2) Industrial property shall be developed within the framework of this chapter. (3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

**Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. It also means flood-related damages sustained by a structure on two occasions in a 10-year period, in which the cost of the repair, on the average, equals or exceeds 25 percent of the market value of the structure at the time of each such flood event.

**Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- C. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the state inventory of historic places must be obtained from the Secretary of the Interior or the state historic preservation officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

**Support Structure** means with regard to wireless telecommunications, any structure that may support a wireless telecommunications facility including but not limited to telecommunications towers, alternative support structures, and structures that may be attached to or on top of buildings and other structures.

**T**

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**Telecommunications** means any transmission, emission or reception of signs, signals, sounds, voice, text, images, video, data, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

**Telecommunications Tower** means any structure, except concealed wireless telecommunications facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose of providing and supporting wireless telecommunications services.

**Temporary Construction or Field Sales Office** means a building or structure that is temporarily placed to aid in the process of managing a construction project.

**Temporary Vendor** means a use in which a person or persons sell retail goods for the purpose of purchase by consumers, whether immediately or by placing of orders for a limited duration of time.

**Temporary Wireless Telecommunications Facility** means a readily movable self-contained wireless telecommunications facility used to provide provisional wireless telecommunications services. An example is a cell on wheels (COW).

**Traffic Control Device** means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

**Training Facility or Vocational School** means an establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as but not limited to business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology and similar types of instruction.

**U**

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**Unoccupied** means a property on which all buildings are unused or not being used for a permitted activity.

**Upper-Story Residential** means a dwelling unit located above the first floor of a mixed use building type.

**Utilities** means a use category containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities include: Electrical substation; Electric or gas generation plant; Solar panel array (wall- or ground-mounted and greater than 850 square feet); Telephone exchange and transformer or substation; Water storage tank; Wireless telecommunications facility; and Water treatment plant and other uses meeting the definition of Major Utilities according to the Zoning Administrator.

Minor Utilities include: Pumping or regulator stations; Small cell facility; Solar panel array (roof-mounted or ground-mounted 850 square feet or less); Stormwater retention or detention facility; Telecommunication antenna collocated on an existing structure; and other uses meeting the definition of Minor Utilities according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Fleet maintenance; Minor utilities; and Storage structures.

**V**

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**Vacant** means a property on which there is situated no structures.

**Variance** means a reasonable deviation from the provisions regulating the size, configuration or area of a street or other feature, when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.

**Vehicle Fuel Station** means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any vehicle fuels, oils, or accessories.

**Vehicle Repair, Major** means premises where mechanical, bodywork, major painting, or other similar work is performed on vehicles.

**Vehicle Service, Minor** means the replacement or repair of any vehicle part that does not require removal of the engine, transmission, or differential. Examples include dent repair, minor painting, upholstery, brake work, and oil changes.

**Vehicle Sales and Service** a use category containing establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include: Car wash; Heavy vehicular equipment sales, service, and repair; Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Personal vehicle repair; Vehicle service; Vehicle fuel station; Vehicle sales, rental, and leasing; and other uses meeting the definition of Vehicle Sales and Service according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Car wash; Concession; Food preparation and dining area; Fueling facility; Minor utilities; Sale of auto parts; and Towing.

**Vehicle Sales** means premises where the primary occupation is the sale or rental of any vehicle and can include ancillary service or repair of any vehicle. Such use may include the storage of inoperable vehicles for a period not to exceed 90 days.

**Vehicle Use Area** means an unenclosed area used by three or more vehicles of any type, moving or at rest, including, but not limited to, parking lots, loading and unloading areas, stacking lanes, access and circulation drives, driveways, and parking aisles.

**Vehicle, Inoperable** means any vehicle not capable of being used on public streets or roads and/or on which a state inspection and/or license is not displayed or has expired for more than 30 days.

**Veterinary Clinic** means an animal clinic that provides medical care for small animals, including, but not limited to: dogs, cats, and birds. This definition does not include the veterinary hospital use.

**Veterinary Hospital** means an animal hospital that provides medical care for large or livestock animals, including, but not limited to: horses, cows, sheep, goats, chickens, turkeys, ducks, and pigs.

This definition does not include the veterinary clinic use.

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in the community's floodplain management regulations is presumed to be in violation until such time as that documentation is provided.

## W

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**Warehousing and Freight Movement** means a use category containing establishments involved in the storage or movement of goods for themselves, other firms, or individual consumers. Goods are generally delivered to recipients with little on-site sales activity to customers.

Uses in this use category include: Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, and other retail and wholesale consumer goods sold in person or online; Food processing, packing, and distribution; Motor freight or truck terminal; Outdoor storage yard; Truck, tractor, trailer, or bus storage, parking yard, lot, or garage; and other uses meeting the definition of Warehousing and Storage according to the Administrator.

Typical accessory uses include: Associated office and storage; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Fueling facility; Medical clinic for employees; Meeting space; Minor utilities; Outdoor storage yard; Recreation facility; and Single attached residential unit for caretaker.

**Waste-Related Service** means a use category containing establishments that receive solid or liquid wastes from others for treatment or transfer to another location and uses that manufacture or produce goods or energy from the large-scale composting of organic material.

Uses in this use category include: Animal waste processing; Composting facility; Landfill; Recycling facility; Tire recycling or retreading; and other uses meeting the definition of Waste-Related Use according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Minor utilities; Fleet maintenance; Fueling facility; and Repackaging and shipment of byproducts.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wholesale Trade** means a use category containing establishments involved in the sale, lease, or rent of products to industrial, institutional, or commercial enterprises only. The uses emphasize on-site sales or order-taking and often include display areas. The business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Uses in this use category include: Contractor equipment sales and storage yard; Fuel sales, wholesale; Mail-order business; Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; Wholesale or auction of food, clothing, auto parts, or hardware; and other uses meeting the definition of Wholesale Trade according to the Zoning Administrator.

Typical accessory uses include: Associated office and storage; Associated showroom; Day care for children of employees; Fleet maintenance; Food preparation and dining facility for employees; Medical clinic for employees; Meeting space; Minor fabrication; Minor utilities; Product repair; Repackaging of goods; and Single residential unit for caretaker.

**Wireless Telecommunications Facility** means any unmanned facility established for the purpose of providing wireless telecommunications services. Such facilities can consist of one or more antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed wireless telecommunications facilities, distributed antenna systems, industrial microcells, base stations, small cell facilities, or any combinations thereof. This definition does not apply to equipment for radio or television studios, facilities designed for amateur radio use, or for residential or household uses (i.e. consumer microcells, etc.).

**Y**

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**Yard** means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

**Z**

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**Zoning Administrator** means see "Administrator."

**Zoning District** means see "District."