

Chapter 2

DEFINITIONS

10-2-1: DEFINITIONS:

It is the intent of the city council to define certain words and phrases as a means of facilitating understanding of terms which may not be universally understood in the sense that the city council intends that they should be understood.

AGRICULTURE: The growing of soil crops in the customary manner in the open. It shall not include large scale livestock raising activities, nor shall it include retailing of products on the premises.

APARTMENT HOUSE (MULTIPLE DWELLING): Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking within the premises.

BOARDING HOUSE; LODGING HOUSE: A building containing not more than one kitchen, where for compensation, meals are provided pursuant to previous arrangements on a daily, weekly or monthly basis and distinguished from a motel, cafe or rooming house.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of the main building.

BUILDING LINE: A line designating the minimum distance which buildings must be set back from the street; the easement line.

BUILDING, MAIN: One or more of the principal buildings upon a lot.

CARPORT: A structure not completely enclosed by walls for the shelter of automobiles.

CLINIC: A building used for the diagnosis and treatment of ill, infirm and injured persons, but which building does not provide board, room or regular inpatient care and service.

CLUB: A building used, occupied and operated by an organized association of persons for social, fraternal, religious or patriotic purposes, whose activities are confined to the members and their guests, but shall not include any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

COMMON AREA: An area designed to serve two (2) or more dwelling units or separate uses

with convenient access to the area.

COMPREHENSIVE PLAN: A coordinated plan, which has been prepared and adopted for the purpose of guiding development, including, but not limited to, a plan or plans of land use, circulation, housing, public facilities and grounds.

CONDITIONAL USE: A use which is related to the permitted uses within a zone; but which may be suitable or desirable only in certain locations in that zone due to conditions or circumstances peculiar to that location and zone. A use for which a conditional use permit is required by this title.

CONVALESCENT HOME: See definition of Rest Home; Nursing Home; Convalescent Home.

CURB CUT: A cut in the curb line for the passage of vehicles.

DENSITY: Density of population measured by the number of dwelling units or people per acre of land.

DRIVE-IN, RETAIL: Any form of merchandising, serving or dispensing of goods in which the customer is serviced while in his automobile.

DWELLING, CARETAKER'S: A dwelling which is occupied by a person or persons whose function is to watch or take care of a business, industry, property or goods, which is contiguous or within the same premises as the dwelling.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more separate dwelling units, each of which is designed for or occupied by one family.

DWELLING, ONE-FAMILY: A building containing only one dwelling unit which is designed for or occupied by one family.

DWELLING, TWO-FAMILY: A building containing two (2) separate dwelling units, each of which is designed for or occupied by one family.

DWELLING UNIT: One or more rooms in a building designed for living purposes, having one kitchen or set of cooking facilities, and independent water closet and bathing facilities.

FAMILY: An individual or two (2) or more persons related by blood, marriage or adoption living together in a single dwelling unit maintaining a common household. A family may include two (2), but not more than two (2), nonrelated persons living as guests with a residing family. The term "family" shall not be construed to mean a group of unrelated individuals, a fraternity, club or institutional group.

FENCE:

Fence, Wall, Hedge: A barrier made of wood, metal, masonry or plants that defines the limits of a parcel, lot or tract of land.

Sight Obscuring: See definition of Sight Obscuring.

FLOOR AREA: The floor area of a building is the sum of the areas of the several floors of the building, including mezzanines and penthouses, of headroom height, measured from the interior walls or from the centerline of walls separating buildings. The floor area does not include unoccupied features such as pipe trenches, exterior terraces or steps, chimneys, roof overhang, etc.

FRACTIONAL NUMBERS OR MEASUREMENTS: In determining the requirements of this title, whenever a fraction of a number or a unit is one-half ($\frac{1}{2}$) or more, and whenever a fraction of a number or a unit resulting from a computation is one-half ($\frac{1}{2}$) or more, said fraction shall be considered as a whole number or a unit; where the fraction is less than one-half ($\frac{1}{2}$), said fraction shall not be included in determining requirements.

GARAGE, PRIVATE: A building or part thereof designed for the parking or temporary storage of automobiles of the occupants of the premises.

GRADE: A. For buildings fronting one street only, the elevation of the sidewalk or centerline of the street, whichever is higher, at right angles to the midpoint of the fronting walls.

B. For buildings fronting more than one street, the average of the elevations of the sidewalk or centerline of the street, at right angles to the midpoint of the fronting walls.

C. For buildings having no walls fronting the street, the average level of the sidewalk or centerline of surrounding streets, whichever is higher.

HARD SURFACE: Asphalt, concrete, graveled road base, or similar substance that will not deteriorate under weather conditions or consistent use.

HEIGHT OF BUILDING: The vertical distance from the grade to the top of the building walls; where the building walls vary in height along a side, the height of the building shall be determined by multiplying the length of each section of said wall by its height and dividing the sum derived therefrom by the total length of said wall.

HOME BUSINESS OCCUPATION: Any home business or professional occupation conducted within a dwelling and carried on by persons residing in the dwelling.

JUNKYARD: A place where scrap, waste, discarded or salvaged materials are brought, sold,

exchanged, baled, packed, disassembled, handled or stored, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including such places where such uses are conducted entirely within a completely enclosed building or where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

KENNEL: Any land or building wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, selling or keeping three (3) or more dogs or cats of the age of four (4) months old or older.

LAND USE PLAN: A plan adopted and maintained by the city council which shows how the land was, is and should be used; an element of the master plan.

LANDSCAPING: Some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination or design may include rocks and such structural features as fountains, pools, artworks, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this title. The selected combination of objects for landscaping purposes shall be arranged subject to the provisions of this title.

LIVESTOCK CORRAL: A place or pen where livestock is kept on a seasonal basis as part of an agricultural enterprise or operation as distinguished from a livestock feed yard.

LIVING OPEN SPACE: That portion of the yards on a zoning lot which is not used by automotive vehicles, but reserved for outdoor living space, recreational space and landscaping.

LODGING HOUSE: See definition of Boarding House; Lodging House.

LOT: A single parcel or tract of land.

LOT, CORNER: A lot situated at a junction of two (2) public streets or situated on a curved street or way, the radius of which is thirty five feet (35') or less and where the angle formed by the intersection of the tangent is one hundred five degrees (105°) or less.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD: A lot designated on a subdivision plat or deed, duly recorded pursuant to statute in the county recorder's office. A lot of record may or may not coincide with the zoning lot.

LOT, ZONING: A parcel of land composed of one or more recorded lots, occupied or to be occupied by a principal building or buildings, or principal use or uses, along with permitted accessory buildings or uses, meeting all the requirements for area, buildable area, frontage, width, yards, setbacks and other requirements set forth in this title.

MANUFACTURED HOME: A dwelling unit which meets the building code requirements for permanent structures, designed to be transported after fabrication and which is generally

ready for occupancy as an independent unit, except for connection to utilities and location on a foundation.

MOBILE HOME: A dwelling unit designed to be transported, after fabrication, on its own wheels or on detachable wheels, and which is ready for occupancy as an independent dwelling unit, except for connection to utilities and/or location on a foundation. The term "mobile home" shall not include conventional houses which are manufactured elsewhere and moved into an area for use as permanent housing.

MOBILE HOME PARK: An area or tract of land used to accommodate two (2) or more mobile homes.

NONCONFORMING USE: The prior lawful use of land or of a building or structure which subsequently is prohibited by zoning regulations pertaining to the zone in which the building or land is situated.

NURSERY, DAYCARE: A home or building in which children are tended or kept for compensation. Does not include overnight accommodations for such children, as does a foster home or an orphanage.

PARKING SPACE: Any space within a building or parking area, exclusive of driveways, ramps, columns, office and working area, designated for the parking of a motor vehicle, not less than twenty feet (20') in length and not less than eight and five-tenths feet (8.5') in width.

REST HOME; NURSING HOME; CONVALESCENT HOME: Any building for the care and keeping of elderly people or people afflicted with infirmities or chronic illness.

SALVAGE YARD: See definition of Junkyard.

SETBACK: The shortest distance between the front easement line and the foundation, wall or main frame of the building.

SIGHT OBSCURING: Concealed or hidden, difficult to see, a barrier consisting of wood, masonry, evergreen shrubbery, berms or natural objects or other appropriate material that conceals or hides that which is stored from public view.

SIGN: Any device for visual communications that is used for the purpose of bringing the subject thereof to the attention of the public, but not including a flagpole. Signs in the various zones will be in conformance with chapter 14 of this title.

SPECIAL EXCEPTION, TEMPORARY: A temporary exception from any term or condition of this title, granted by motion of the city council for a period not to exceed three (3) months in duration, which time may be extended by the city council for an additional three (3) months, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary exception may be made by the city council with or without the prior recommendation concerning the same from the planning commission. Such temporary exceptions may be granted upon the city council's determination that such a temporary

exception is justified because of some unusual emergency or act of God situation, and that the health, safety, convenience, order and welfare of the inhabitants of the city will not be materially adversely affected if such temporary exception is granted.

STREET, MAJOR: One of the principal thoroughfares, as shown or designated on the master street plan.

STREET, MINOR: Any dedicated street serving as the means of access to property, which street is not shown on the master street plan as a principal thoroughfare.

VACATION VEHICLE COURT: An area or tract of land used to accommodate two (2) or more vacation vehicles, travel trailers or camper units.

VACATION VEHICLE; TRAVEL TRAILER; CAMPER: A vehicle with or without self-power, used or maintained primarily as a temporary dwelling for travel, vacation or recreation purposes and having a width of eight feet (8') or less.

VARIANCES: A waiver of specific regulations of this title granted by the board of adjustment in accordance with the provisions set forth in this title for the purpose of assuring that no property owner, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other property owners in the same zone.

YARD: An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

YARD, FRONT: The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding nonenclosed steps. On the corner lot, the front yard may be applied to either street.

YARD, REAR: An open, unoccupied space on the same lot as a building, measured from the rear line of the building (exclusive of steps) and the rear lot line, and extending for the same width of the lot. In case of a corner lot where the building facade faces on the side street, the rear yard may be established from the side of the dwelling to the side property line.

YARD, REQUIRED: The open space around buildings which is required by the terms of this title.

YARD, SIDE: A yard between the building and the side line of the lot, and extending from the front yard to the rear yard. (Ord. 6-18-81A, 6-18-1981; amd. Ord. 2-12-98B, 2-12-1998; 2003 Code; Ord. 2007-05, 4-10-2007)

