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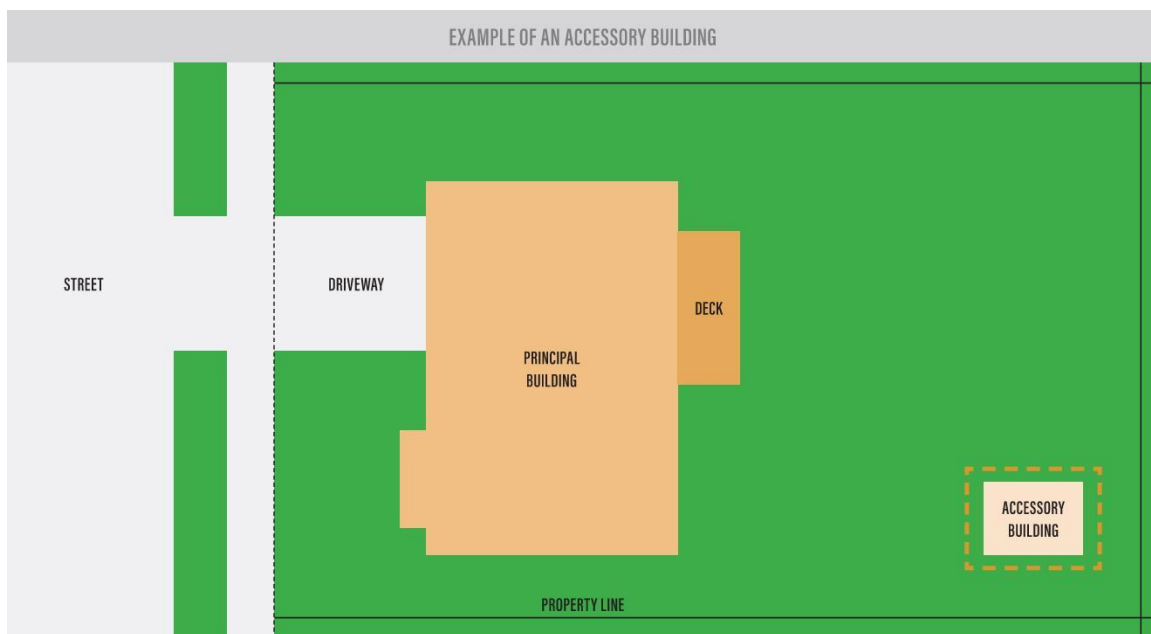


ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley.

ACCESS or ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Ordinance.

ACCESSORY BUILDING or STRUCTURE shall mean a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that or the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds, but not portable storage containers.



*All graphics included within this document have been created by I&S Group (ISG).*

ACCESSORY USE shall mean a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.

ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ADJACENT see "Abut."

ADULT ENTERTAINMENT USES shall mean any use, including, but not limited to, adult movie theaters, adult mini-movie theaters, adult motion picture arcades, adult novelty businesses, and adult cabarets, which is conducted exclusively for the patronage of adults from which minors are excluded by law or by the owners, or which offer patrons services or entertainment characterized by an emphasis on the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities. Adult entertainment uses do not include uses offering goods displaying or describing specified anatomical areas or specified sexual activities for sale or rent for use off the premises where such transactions constitute less than ten percent of the gross sales of the businesses and the physical display of such occupies less than five percent of the display area, up to a maximum of five thousand (5,000) square feet.

AGRICULTURE shall mean land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops; feeding, breeding, management, and sale of, or the production of, livestock, poultry, fur-bearing animals or honeybees; dairying and the sale of dairy products; or any other agricultural or horticultural use.

AGRICULTURAL SALES AND SERVICES shall mean an establishment or place of business engaged in sales from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods, or in the provision of agriculturally related services with incidental storage on lots other than where the service rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

ALLEY shall mean a public or private thoroughfare, not more than 24 feet in width, which affords only a secondary means of access to property abutting thereon.

ALTERATION shall mean any change, addition, or modification to the construction or occupancy of an existing structure.

AMENDMENT shall mean a change in the wording, context, or substance of the Ordinance, or an addition, deletion or change in the district boundaries or classifications upon the Official Zoning Map. More on the amendment process can be found in Article 12.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

APARTMENT shall mean a room or a suite of rooms within an apartment building or multiple unit dwelling arranged, intended or designed as a place of residence for a single household unit or a group of individuals living together as a single household unit, including bathroom and kitchen facilities.

APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than four dwelling units.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or their legal representative in writing except for building permits.

ATTACHED shall mean a foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall or roof, of another building or structure.

AUTO SERVICES shall mean the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. It shall also mean replacement of assemblies, tune-up of automobiles, engine overhaul, or similar type work.

AUTOMOTIVE RENTAL AND SALES shall mean sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships; and the open area to display automobiles for sales and service.

AWNING shall mean a roof-like cover, often constructed of fabric, plastic, vinyl, metal, or glass, designed and intended for protection from the elements or as a decorative embellishment, and which projects from a wall of a structure.

## B

BASE FLOOD shall mean the flood, from whatever source, having a one percent change of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater change of flooding in any given year.

BASE ZONING DISTRICT shall mean a district established by this Ordinance that prescribes basic Ordinances governing land use and site development standards.

BASEMENT shall mean the substructure or foundation of a building; the lowest story of a building, usually below ground level.

BED AND BREAKFAST shall mean a private home or residence where the host resides and provides lodging and meals for overnight guests. It is exempt from licensing and inspection as a food establishment as a hotel.

**BERM** shall mean a raised or contoured form of earth to provide screening, stormwater management or to improve the aesthetic character.

**BEST INTERESTS OF COMMUNITY** shall mean interests of the community at large and not the interest of the immediate neighborhood.

**BLOCK** shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way(s), non-platted land, City or County boundaries, or adjoining property lines.

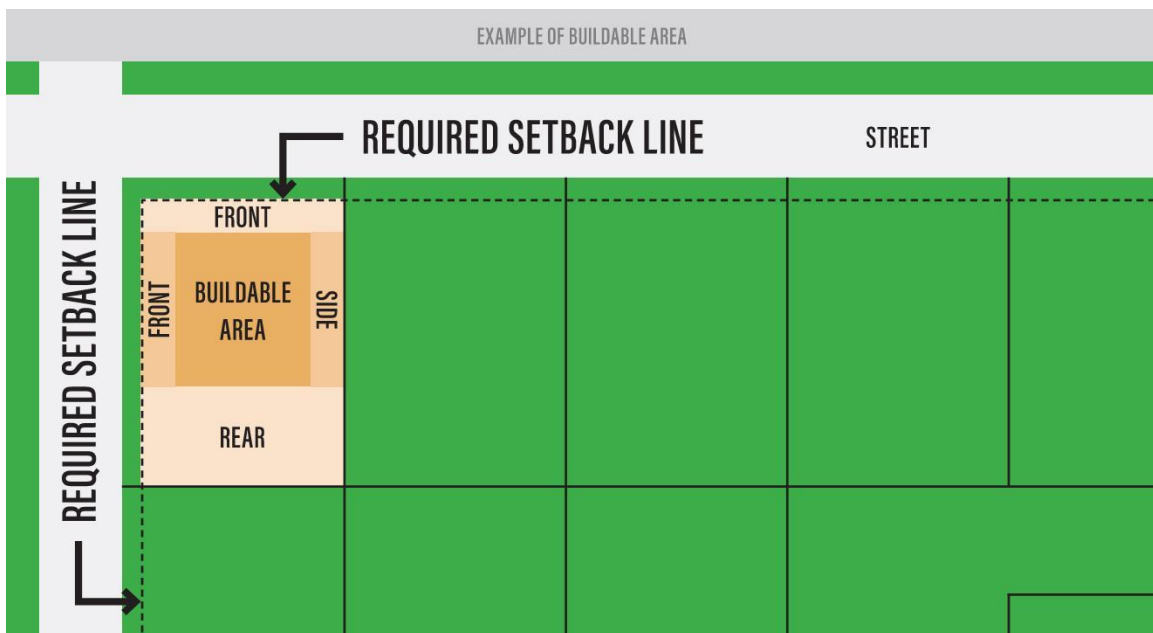
**BLOCK FRONTAGE** shall mean that section of a block fronting on the street right-of-way line between two intersecting streets or another block boundary.

**BOARD OF ADJUSTMENT** shall mean that “Board” that has been created by the City and which has authority under Iowa Code to hear and determine appeals from, interpretations of, variances, and grant Conditional or Special Use permits.

**BUFFER** shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

**BUFFER ZONE** shall mean an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the impacts of one use on the other.

**BUILDABLE AREA** shall mean that part of zoning lot not included within the required setback yards or subject to other restrictions herein required.

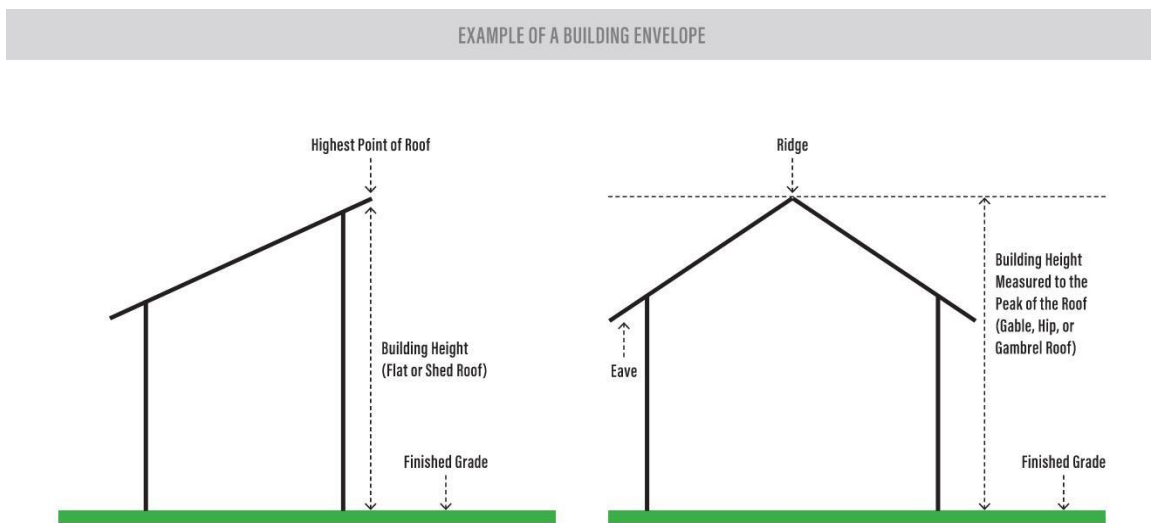


**BUILDING** shall mean any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment, or chattels of any kind.

**BUILDING AREA** shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

**BUILDING CODE** shall mean the various adopted codes of the City of Salix that regulate the building, electrical, mechanical, plumbing, and other codes adopted by the City that pertain to building construction.

**BUILDING ENVELOPE** shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.



**BUILDING HEIGHT** shall mean the distance measured from the mean elevation of the grade of the front face of the building to the highest point on the roof or parapet of the building.

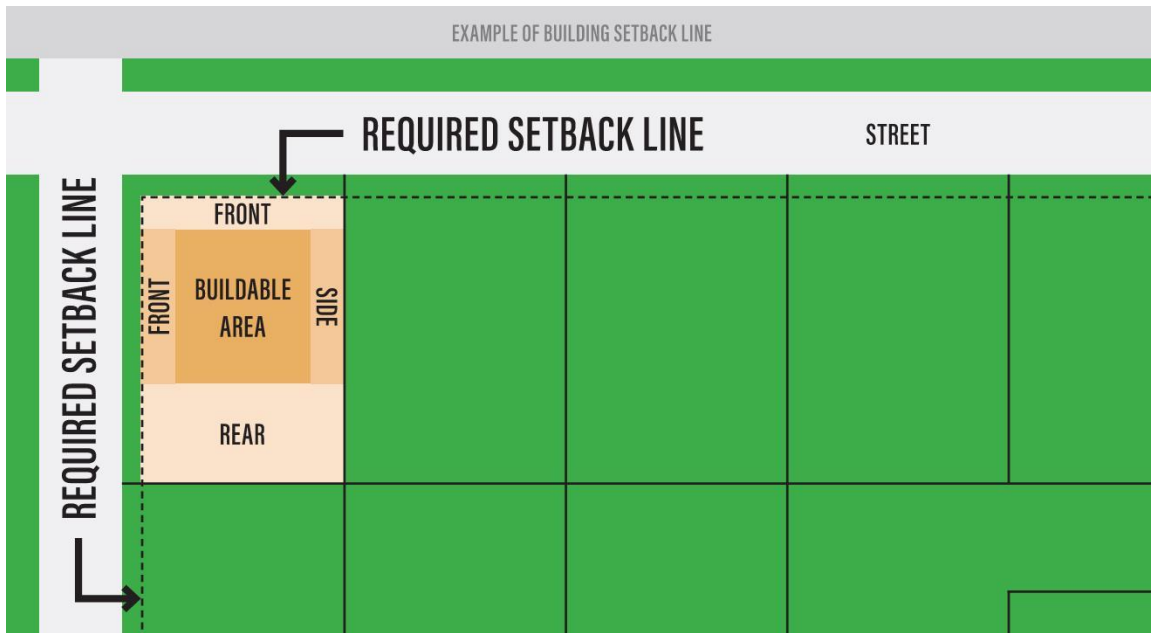
**BUILDING INSPECTOR** shall mean the official appointed by the administration or the City Council and charged with the responsibility of enforcing this title.

**BUILDING LINE** shall mean the outer boundary of a building established by the location of its exterior walls.

**BUILDING PERMIT** shall mean a document issued under the authority of the Building Inspector, which authorizes the construction or modification of a structure on a property.

**BUILDING, PRINCIPAL** shall mean the building on a zoning lot in which the principal use of the lot is conducted.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.



BULK REGULATIONS shall mean an indication of size and setback of buildings and their location with respect to one another including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard, and building height.

BUSINESS shall mean activities that include the exchange or manufacture of goods or services on a site.

C

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational; additionally, campgrounds shall have open areas that are natural in character.

CARPORT shall mean a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this chapter, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements.

CELLAR shall mean a building space less than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium's, crematoriums, and mausoleums.

CERTIFICATE OF OCCUPANCY shall mean a permit issued by the building inspector indicating the use of the building or land in question is in conformity with this title or that there has been a legal variance therefrom as provided by this title.

CITY shall mean the City of Salix, Iowa.

CITY ATTORNEY shall mean the City Attorney of the City of Salix or their authorized representative.

CITY CLERK shall mean the City Clerk of the City of Salix as appointed by the City Council.

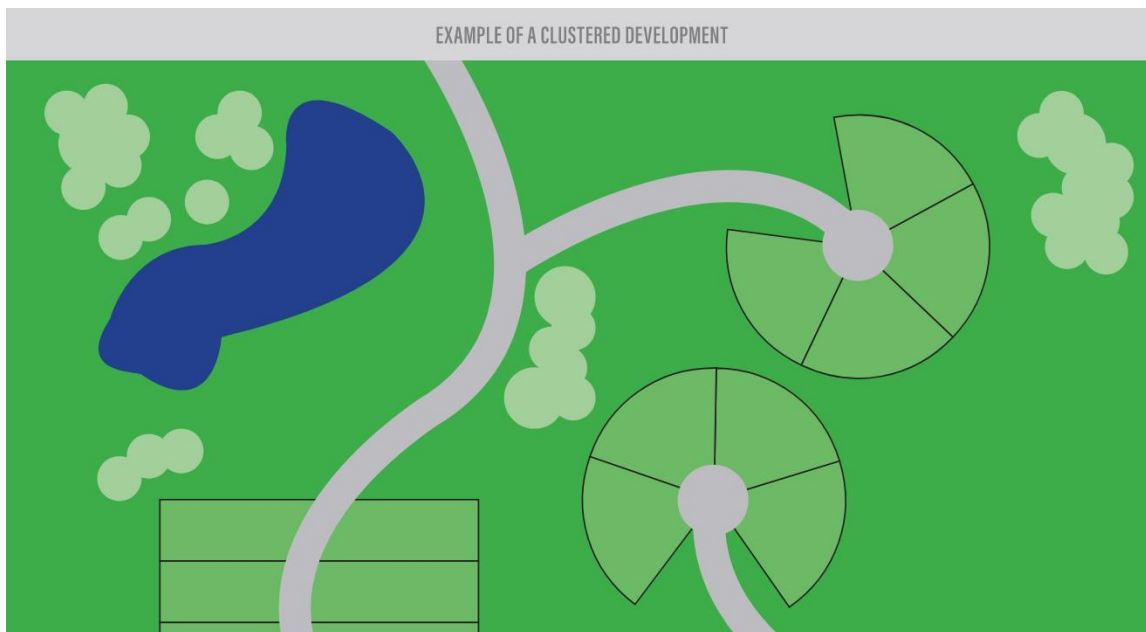
CITY COUNCIL shall mean the City Council of Salix, Iowa.

CITY ENGINEER shall mean the City Engineer as hired or appointed by the Mayor and City Council or their authorized representative.

CITY LIMITS shall mean the established corporate boundary of the City of Salix.

CLUB shall mean an association of persons, for the promotion of some nonprofit object, who are bona fide members paying annual dues, which owns or leases a building, or portion thereof, the use of such premises normally being restricted to members and their guests. It is permissible to prepare and serve food and meals to members and their guests on such premises, providing adequate dining space and kitchen facilities are available and are properly operated.

CLUSTERED DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.





CODE shall mean the Municipal Code of the City of Salix, Iowa.

COMMERCIAL RECREATION shall mean a bowling alley, cart track, jump center, pool hall, vehicle racing or amusement, dance hall, skating, trampoline, theater, firearms range, boat rental, amusement rides, campgrounds, and similar uses.

COMMERCIAL RESIDENTIAL shall mean a type of mixed-use development that incorporates both commercial and residential uses in the same building. An example of a commercial residential development would be a commercial storefront on the ground floor with apartment units in the upper stories.

COMMERCIAL USE shall mean the principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Unit Development or condominium development.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY GARDEN shall mean a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPATIBLE USE shall mean the degree to which two or more different land use types are able to exist together in proximity, with no one use having significant negative effects on any other use.

COMPREHENSIVE PLAN shall mean the City of Salix's Comprehensive Plan, Iowa as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare.

CONDITIONAL USE shall mean a use that is allowed by the district regulations and which would not be appropriate generally throughout the zoning district without restrictions, but if the use is controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics, would not be detrimental to the public health, safety, and general welfare which is permitted upon findings of the Board of Adjustment.

CONDITIONAL USE PERMIT shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 6 and any additional conditions placed on the property by said permit.

CONDOMINIUM shall mean a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines causing negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

CONSERVATION AREA shall mean an environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION BATCH PLANT shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

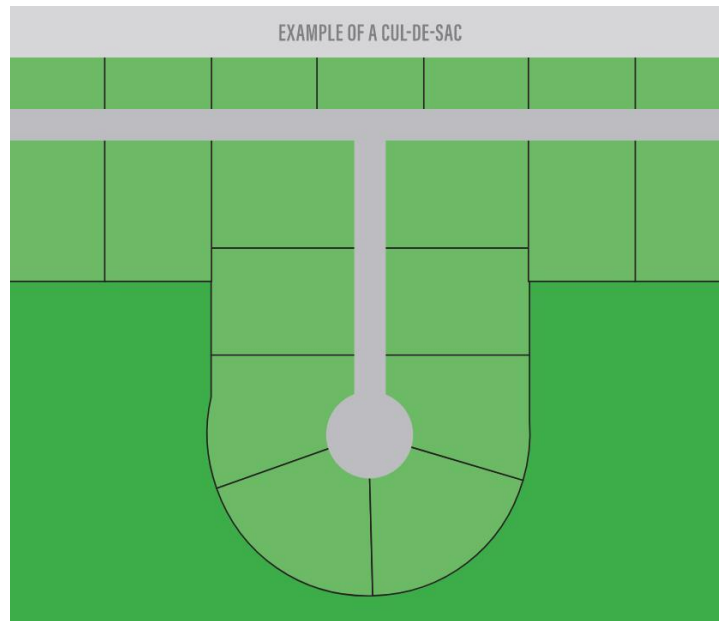
CONSTRUCTION YARDS shall mean establishments and housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractors' yards.

CONVALESCENT HOMES shall mean an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishments may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures. Such establishments may also include transitional living facilities.

CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the City.

COUNTY ASSESSOR shall mean county assessor of Woodbury County or their authorized representative.

CUL-DE-SAC shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



CURB shall mean a stone, asphalt, or concrete boundary marking the edge of a roadway or paved area.

## D

DAYCARE FACILITIES shall mean the care, supervision, and guidance of a child by a person other than a child's parent, guardian, or custodian for periods of less than twenty-four hours per day per child on a regular basis, but does not include, supervision, and guidance of a child pursuant to Chapter 237A of the Iowa Code. Daycare facilities (general) shall mean a facility providing childcare for seven or more children.

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure, are open.

DENSITY shall mean the number of dwelling units per gross acre of land.

DEVELOPMENT shall mean any manmade 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 for which necessary permits may be required

DEVELOPMENT REVIEW shall mean the review, by the City, or subdivision plats, site plans, rezoning requests, or permit review.

DISTRICT or ZONE shall mean any zoning district created for the purpose of regulating specific uses within a defined area.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multi-unit residential district to a single-unit residential district.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUPLEX see Dwelling, Two Unit.

DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in state law, but not including travel trailers, recreational vehicles, mobile homes, hotels, motels, motor lodges, boarding and lodging housing, tourist courts, or tourist homes.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure built under the authority of 42 U.S.C. §5403, that is required by federal law to display a seal required by HUD and was constructed on or after June 15, 1976. If a manufactured home is placed in manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.

DWELLING, MULTIPLE UNIT shall mean a building or buildings designed and used for occupancy by three or more household units, all living independently of each other, and having separate kitchen and toilet facilities for each dwelling unit.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SEMI-DETACHED shall mean a residence which is erected on a separate lot and is joined to another such residence on one (1) side only by a wall located on the lot line and which has a yard on the remaining sides.

DWELLING, SINGLE UNIT shall mean a building having accommodations for or occupied exclusively by one household unit which meet all the following standards:

- A. The home shall have no less than 640 square feet of floor area, above grade, for a single-story construction.
- B. The home shall have no less than a 20-foot exterior width.
- C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.

DWELLING, SINGLE UNIT ATTACHED see Dwelling, Townhouse.

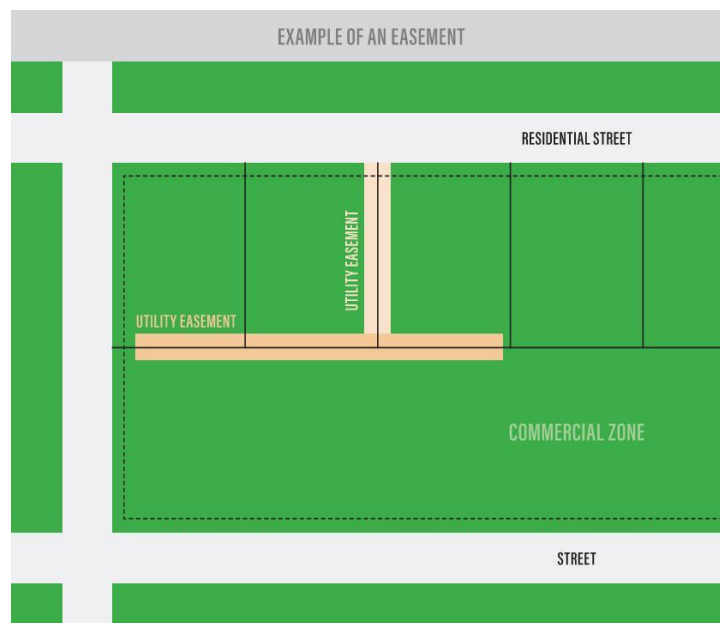
DWELLING, TOWNHOUSE shall mean a one-unit dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

DWELLING, TWO UNIT shall mean a building designed or used exclusively for the occupancy of two household units living independently of each other and having separate kitchen and toilet facilities for each household.

DWELLING, UNIT shall mean a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## E

EASEMENT shall mean an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of their property.



EMERGENCY RESIDENTIAL FACILITIES shall mean a residential facility which provides room and board for a temporary (30 days or less) period, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by the City Code.

EQUIPMENT RENTAL AND SALES shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

EQUIPMENT REPAIR SERVICES shall mean the repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

ESSENTIAL SERVICES shall mean the erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems by public utilities, municipal or other governmental agencies, but not including buildings.

EXISTING AND LAWFUL shall mean the use of a building, structure, or land in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process of being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

EXPANSION shall mean the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise subdivision review and is exercising such powers.

## F

FARMING shall mean the raising of field crops and livestock, horticulture, forestry, animal husbandry, and similar agricultural activities. See Animal Production and Crop Production in use matrix.

FEED LOT shall mean any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hog, or sheep. A commercial feed lot, as described, in which the livestock on feed are not part of a normal agricultural operation.

FENCE shall mean a structure or hedge serving as an enclosure, barrier, or boundary above ground.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

FINANCIAL SERVICES shall mean the provision of financial and banking services to consumers or clients with walk-in and drive-in services.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the flow of inland or tidal waters, or 2) the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source as determined by the Flood Insurance Rate Map (FIRM) map.

FLOODWAY shall mean the channel of a watercourse and adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA shall mean the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.

FOUNDATION shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property or block that abuts a dedicated public street or highway.

FRONTAGE ROAD shall mean a street adjacent to a freeway expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

FUNERAL HOME OR MORTUARY shall mean a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

## G

GARAGE, PRIVATE shall mean a detached or attached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than three single stalls per dwelling unit and where no repair facilities are maintained.

GENERAL INDUSTRY shall mean the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

GENERAL OFFICES shall mean the use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements, and cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, for non-commercial purposes.

GRADE shall mean the mean elevation of the ground measured along the wall of a building or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

GRADING shall mean changing the natural or existing topography of land.

GROSS FLOOR AREA shall mean the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. The definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

## H

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

HARD SURFACED shall mean any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, or surface sealants.

HAZARDOUS WASTE shall mean the waste products of industrial or chemical processes including, but not limited to, used, surplus, or contaminated fertilizer, herbicide, petroleum products, or other comparable waste material.

HEAVY INDUSTRY shall include the use, processing, or storage of hazardous, explosive, flammable, radioactive, or potentially hazardous materials.

HEIGHT, MAXIMUM shall mean the total height of any structure including any signage or other attachments to a structure.



HOME BASED BUSINESS/OCCUPATION, GENERAL shall mean a business, occupation, or profession carried on within a residential dwelling by the resident thereof.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home, including but not to be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents. A household pet does not include livestock.

IMPERMEABLE SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay, and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

IMPROVEMENT shall mean any change to land necessary to prepare it for building sites, including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainage ways, and other public works and appurtenances.

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INDUSTRIAL PARK shall mean a large tract of land that has been planned, developed, and operated as an integrated facility for multiple industrial facilities and uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INDUSTRIAL USE shall mean the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

INFILL SITE shall mean any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided in a predominantly built-up area.

INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

INTENSIFICATION OF USE shall mean any change, alteration, extension, expansion, or enlargement of a use or use of structure in combination where the off-street parking requirements of this Code would be calculated at a higher ratio and/or would require that additional off-street parking spaces be provided.

IRREGULAR TRACT shall mean a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

J

JUNK YARD shall mean any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts, and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted.

K

KENNEL shall mean a use on any lot or premises in which dogs, cats, or any other household pets, at least four months of age, are boarded or trained for a fee.

KENNEL, BREEDING shall mean a use on any lot or premises in which dogs, cats, or any other household pets, at least four months of age, are raised, boarded, bred, or trained for a fee.

L

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPED AREA shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

- A. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site, or common development.
- B. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

LIGHT INDUSTRY shall include establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. Light industrial establishments do not have major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include, but are not limited to, commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabric, electronic, manufacturing, print shops, and publishing houses.

LIQUOR SALES shall mean establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer, or wine for off-site consumption.

LIVESTOCK shall mean animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, ducks, chickens, and turkeys.

LIVE/WORKSPACE shall mean buildings or spaces within buildings that combine residential living space with an integrated workspace for use by one or more residents.

LOADING AREA/SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LODGING shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "lodging" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, and motor hotel.

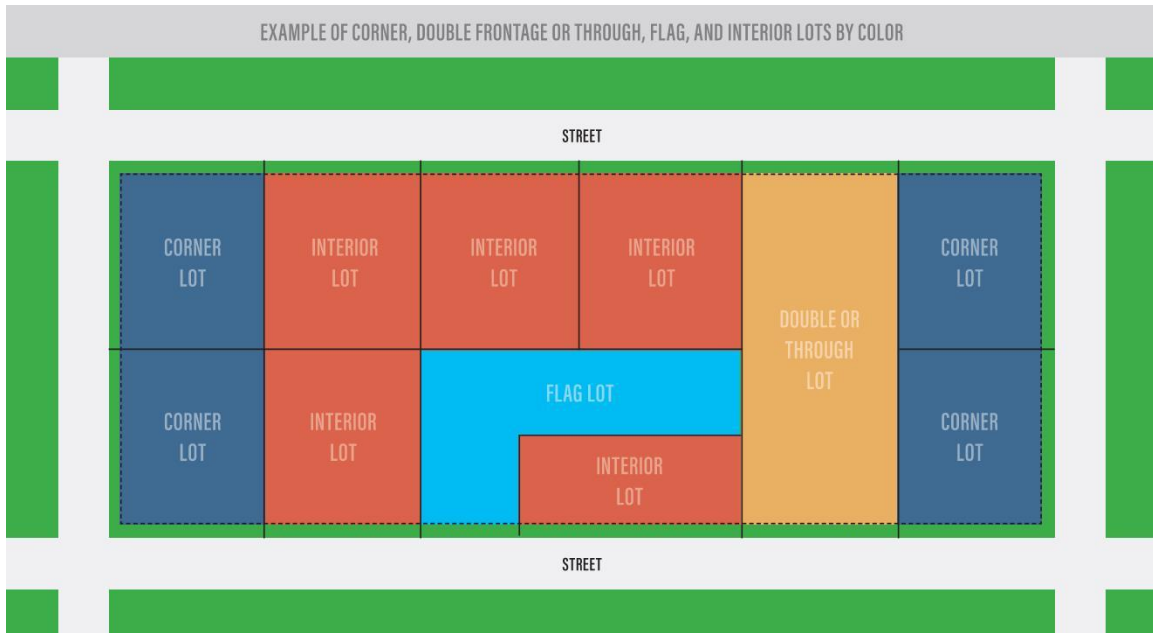
LOT shall mean a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot."

LOT, DOUBLE FRONTAGE or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

LOT, INTERIOR shall mean a lot other than a corner lot.



LOT AREA shall mean the total horizontal area included within the boundaries of the lot lines of a lot.

LOT COVERAGE shall mean that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT LINE shall mean the property line serving as the boundary for a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or a rear lot line.

LOT OF RECORD shall mean a lot which is part of a subdivision recorded in the office of the county recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT, ZERO LOT LINE shall mean a common lot line where a wall of a structure may be constructed.

LOT, ZONING shall mean a zoning lot that is a parcel of land sized to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an improved public street, or on the approved private street, and may consist of:

- A. A single lot of record
- B. A portion of a lot of record
- C. A combination of complete lots of record and portions of lots of record, or portions of lots of record
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Ordinance.

## M

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills, and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Salix and passed and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, and Subdivision activities.

MEDICAL OFFICES shall mean a business establishment, or portion thereof, furnishing medical, surgical or other service to individuals, including the offices of physicians, dentists, and other health practitioners, accessory medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, walls, kennels, and transformers.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MIXED USE BUILDING shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

MIXED USE DEVELOPMENT shall mean a single development that incorporates complementary land use types into a single development.

MOBILE HOME see Dwelling, Mobile Home.

MOBILE HOME PARK shall mean a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students.

MULTIPLE UNIT RESIDENTIAL shall mean a building or buildings designed and used for occupancy by three or more household units, all living independently of each other, and having separate kitchen and toilet facilities for each unit.

## N

NONCONFORMING BUILDING shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NONCONFORMING LOT shall mean a lot having less area or dimension than that required in the district in which it is located, and which was lawfully created prior to the zoning thereof whereby the larger area of dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the Woodbury County Recorder, which does not abut a public road or public road right-of-way.

NONCONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

## O

OFFICIAL ZONING DISTRICT MAP shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Salix City Council.

OFF STREET PARKING AREA shall mean all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN SPACE shall mean that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways or any principal or accessory use.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots, or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OPEN SPACE, USABLE shall mean an area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, and is designed and intended for common use and enjoyment.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean an individual, firm, partnership, or corporation having adequate proprietary interest to improve or develop a parcel or tract of land.

P

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKS AND RECREATIONAL FACILITIES shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING, OFF STREET shall mean all hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

PARKING, ON STREET shall mean the space designated for parking a vehicle within the paved portion of the street right-of-way.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

PARKING LOT, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles and restricted from public use.

PARKING LOT, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles and available for public use.

PARKING, SHARED shall mean a public or private parking area used jointly by two or more uses.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile.

PAVED shall mean permanently surfaced with poured concrete or asphalt.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry block and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMEABLE PAVEMENT shall mean a hard-surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Ordinance, this does not include gravel, cinders, crushed rock, or seal coat.

PERMANENT STORAGE shall mean the long-term storage on-site within an accessory building or structure.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERMANENTLY ATTACHED shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure to relocate it to another site.

PERSON shall mean an individual, corporation, Limited Liability Company (LLC), government or governmental subdivision or agency, estate, trust, partnership or association, or any other legal entity.

PLANNING AND ZONING BOARD shall mean the Planning and Zoning Board of Salix, Iowa.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the City, such as the Comprehensive Plan or Code of Ordinances that forms the basis for enacting legislation or making decisions.

PORCH, UNENCLOSED shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

PREFABRICATED HOME shall mean a specialized type of dwelling that is manufactured off-site in advance in standardized sections and then reassembled on-site. Prefabricated homes will be allowed in the City of Salix if they are built to City Building Code standards and are placed on a permanent foundation

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.



PRIMARY OR SECONDARY EDUCATIONAL FACILITY shall mean public and non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by state law.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot, within which the main or primary use of the lot or premises is located. Within a residential district, the dwelling is the primary structure.

PRINCIPAL USE shall mean the main use of land or structure, as distinguished from an accessory use.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use, or accessory use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed, either with or without a frame, with or without characters, letter, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, feather signs, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPERTY LINE shall mean the legal, platted boundary of a lot or parcel of land.

PUBLIC ASSEMBLY shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the public access and use.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the public access and use.

PUBLIC UTILITY shall mean all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable community or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.

PUBLIC UTILITY EASEMENT shall mean a portion of a lot or block in which the City and all public utilities enfranchised by the City have a rite of passage and/or a right to install and maintain pipes, wires, poles, conduits, and other equipment necessary to carry out public or quasi-public services.

PUBLIC WAY shall mean any sidewalk, street, alley, highway, easement, or other public thoroughfare.

## Q

QUASI PUBLIC USE shall mean a use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or other similar types of public services.

## R

RAILROAD shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RAILROAD FACILITIES shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECYCLING COLLECTION/PROCESSING shall mean indoor and outdoor facilities for obtaining useful materials or energy from solid waste or recycled materials. Materials can be reused for their original purpose, packaged and shipped elsewhere, reprocessed for a different purpose or converted into energy, not to include a biofuels plant or a salvage yard.

REDEVELOPMENT shall mean the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.

RELIGIOUS ASSEMBLY shall mean a use by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more households.

RETAIL SERVICES, GENERAL shall mean establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesome, processing or manufacturing operations with an accessory retail outlet on the premises.

RETENTION BASIN shall mean a facility for the temporary storage of stormwater with a permanent water surface.

REZONING shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities, and/or pedestrians.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-Way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

## S

SATELLITE DISH ANTENNA shall mean a parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone, and used to transmit and/or receive radio and electromagnetic waves.

SALVAGE SERVICES shall mean places of business engaged in the storage, sale, dismantling, or other processing of used or waste materials which are not intended for reuse in their original forms.

SCALE shall mean proportional relationship of the size of parts to one another.

SCREENING shall mean a structure or planting that conceals from public view from area behind such structure or planting.

SELF-STORAGE UNITS shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SETBACK shall mean the minimum distance, as prescribed by this Ordinance, measured from the edge of the eave or other similar building component located closest to the lot line.

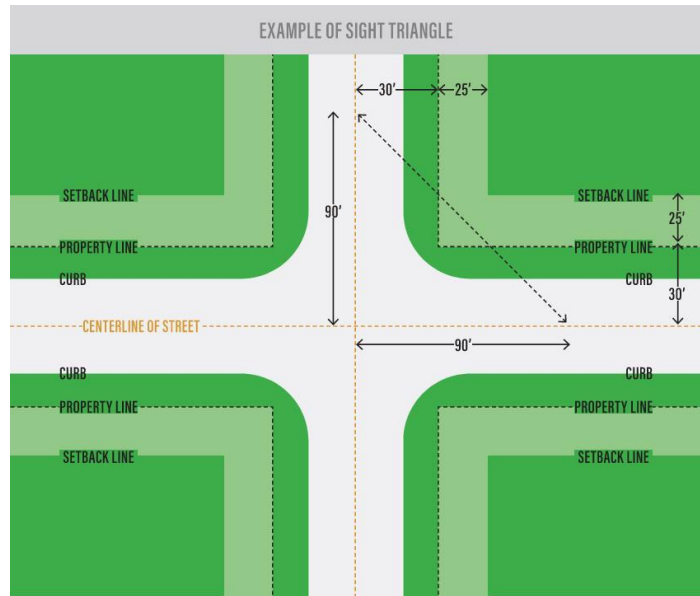
SETBACK, FRONT YARD see Yard, Front.

SETBACK, REAR YARD see Yard, Rear.

SETBACK, SIDE YARD see Yard, Side.

SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and half feet and five feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of the intersection of the centerline of the streets along the centerline of the streets.



SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

SIGNIFICANT HISTORIC SITE shall mean any archaeological site, standing structure, or other property that meets the criteria for eligibility to National Register of Historic Places or is listed in the state's Register of Historic Sites, or is determined to be an unplatted cemetery. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Iowa State Archaeologist or the Director of the Iowa Historical Society. All unplatted cemeteries are automatically considered to be "significant historic sites."

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics, or other similarities.

SIMPLE DIVISION shall mean any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.

SINGLE-UNIT RESIDENTIAL, DETACHED shall mean a building having accommodations for or occupied exclusively by one household unit which meet all the following standards:

- A. The home shall have no less than 640 square feet of floor area, above grade, for single story construction
- B. The home shall have no less than a 20-foot exterior width
- C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.

SITE shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Ordinance.

SITE PLAN shall mean a plan, prepared to scale, showing the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

SLOPE shall mean the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

SOLAR ENERGY SYSTEM shall mean a device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

SPOT ZONING shall mean the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group but must be in the public interest.

STABLE AND/OR RIDING ACADEMIES shall mean the buildings, pens, and pasture areas used for the boarding and feeding of horses or equine animals not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract of premises for more than 30 days.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this Ordinance.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excluding outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, TEMPORARY shall mean building or structure erected for one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joints, roof rafters, roof diaphragms, foundations, piles, and retaining walls or similar components.

SUBDIVISION shall mean a tract of land divided into three or more lots.

SUBDIVISION PLAT shall mean a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

TEMPORARY USE shall mean impermanent uses of an occasional nature. Temporary uses involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent structure shall not be considered temporary uses.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also, see Antenna.

TOWNHOUSE see Dwelling, Townhouse.

TRACT shall mean a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

TWO-UNIT RESIDENTIAL shall mean a building designed or used exclusively for the occupancy of two households living independently of each other and having separate kitchen and toilet facilities for each household.

## U

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from a residential district to commercial district or from a single-unit residential district to a multi-unit residential district.

USABLE OPEN SPACE shall mean a required ground area or terrace area on a lot which is graded, developed, landscaped, equipped, and intended and maintained for either active or passive recreation or both, available and accessible to and usable by all persons occupying a dwelling unit or rooming unit on the lot.

- A. The areas should be grassed and landscaped or covered only for a recreational purpose
- B. Roofs, driveways, and parking areas shall not constitute “usable open space”

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or the purpose for which land or buildings are occupied or maintained.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. This use represents the best use of public facilities and promotes the health, safety, moral, and general welfare of the community.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

UTILITY EASEMENT see Easement.

UTILITY SERVICE shall mean any device, including wire, pipe, or conduits, that carry gas, water, electricity, oil, wastewater, or communications into a building or development.

UTILITIES shall mean all or part of the following systems or services: waterworks, sanitary sewage, gasworks, stormwater water drainage, electric light and power plant, heating, cable or television, telecommunications or broadband, or any other systems or services offered separately or combined with any of the others specified herein or otherwise authorized by state law. Any of these systems or services may be owned by a City, including

all land, easements, rights of way, fixtures, equipment, improvements, appurtenances, and property as useful for the operation of the utility.

## V

VALUE shall mean the estimated cost to replace a structure in-kind based on current replacement costs.

VARIANCE shall mean a relief or variation from the strict application of the bulk regulations or permitted uses to a specific piece of property which may be granted by the Board of Adjustment, according to the provisions of this Ordinance.

VEGETATION shall mean plants, including but not limited to, trees, grasses, shrubs, and vines.

VEHICLE shall mean a piece of equipment designed and used to transport people or materials on land or water. Vehicles include, but are not limited to, automobiles, trucks, bicycles, motorcycles, snowmobiles, boats, trailers, campers, wagons, etc.

VETERINARY SERVICES shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

VISUAL OBSTRUCTION shall mean any fence hedge, tree, shrub, wall, or structure that exceeds two feet in height, measured from the crown of intersecting or intercepting streets, alleys, or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of five feet.

## W

WAREHOUSING shall mean a building that is used for storing goods to be sold or distributed later.

WETLAND shall mean an area of land that is inundated or saturated by surface or ground water at a frequency and duration that supports a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as a hydrophytic vegetation.

WIRELESS COMMUNICATION TOWER shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceeded the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

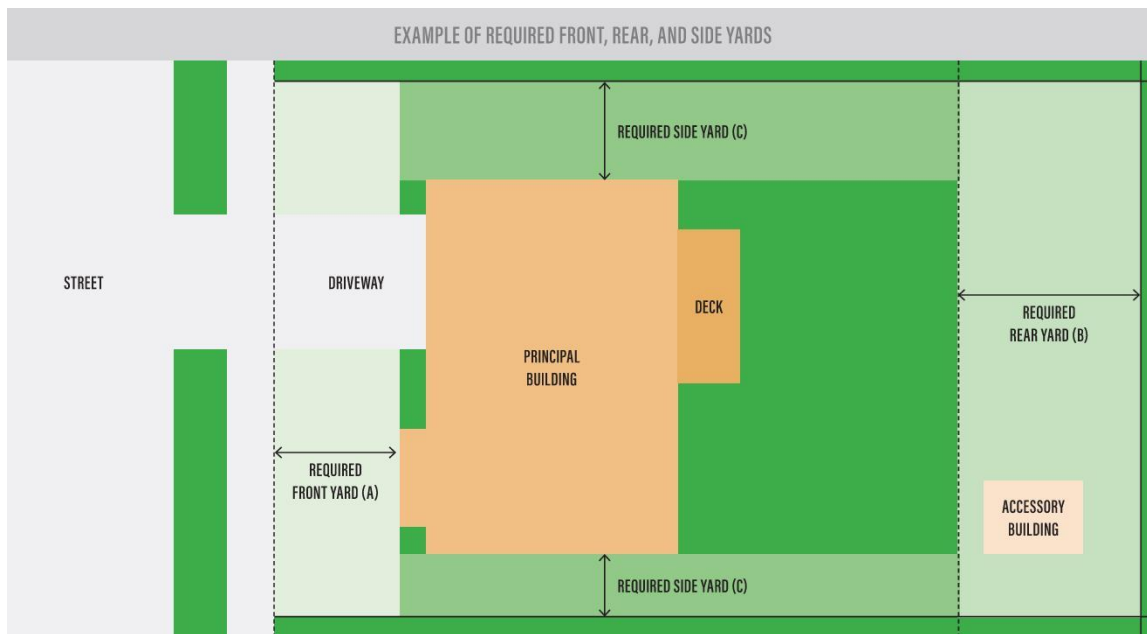


YARD shall mean any open space that is unoccupied and unobstructed on the same lot with a building or dwelling group. Obstructions permitted by this Ordinance, including building projections or accessory structures are allowed in this open space.

YARD, REQUIRED FRONT shall mean an open space between the front yard setback line and the front lot line and the front lot line or highway setback line, and extending the full width of the lot.

YARD, REQUIRED REAR shall mean an open space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, REQUIRED SIDE shall mean an open space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



ZERO LOT LINE see Lot, Zero Lot Line.

ZONING ADMINISTRATOR shall mean the person or person authorized and empowered by the City to administer and enforce the requirements of this Ordinance.

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.