

CHAPTER 1A ZONING REGULATIONS

SUBCHAPTER 1A SHORT TITLE AND DEFINITIONS

5-1A-1 SHORT TITLE

5-1A-2 DEFINITIONS

5-1A-1 SHORT TITLE: This Title shall be known and may be cited and referred to as the "Zoning Regulations."

5-1A-2 DEFINITIONS: The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Accessory Buildings" means a subordinate building which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

2. "Accessory Use" means a subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

3. "Basement" means a story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.

4. "Boarding House". See Lodging House.

5. "Building" means any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind, but not including any vehicle, trailer, with or without wheels, nor any movable device, such as furniture, machinery, or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.

6. "Building, Height of" refers to the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

7. "Building Official" shall mean the individual designated by the City Manager to administer this Title and who is responsible for the enforcement of the regulations imposed by this Title.

8. "Cellar" is a story having more than one-half (1/2) of its height below grade.
9. "Clinic" is an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
10. "Domesticated Animals" are animals which are raised, tended, groomed, maintained, boarded or kept for the purpose of commercial gain or for hobby purposes with the exception of pets.
11. "Dwelling" is any building or portion thereof which is used exclusively for residential purposes. A dwelling shall be on a permanent foundation with no wheels, axles or hitches, and shall be connected to the City sewer and water system. A dwelling shall be at least twenty feet in width and have a minimum floor area of 800 square feet. The owner of any building classified as a dwelling shall surrender the title, if one exists, to the Jackson County Assessor and request that the dwelling be listed as real estate.
12. "Dwelling, Single Family" shall mean a building designed to be occupied exclusively by one family.
13. "Dwelling, Two (2) Family" shall mean is a building designed to be occupied exclusively by two (2) families.
14. "Dwelling, Multiple" shall mean a building designed for or occupied exclusively by more than two (2) families.
15. "Dwelling Unit" is one or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
16. "Family" shall mean one or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage, or adoption.
17. "Farm" shall mean an area exceeding 10 acres used for the purpose of growing agricultural products and/or raising domesticated animals and accessory uses. Farming does not include livestock operations which can be described as feedlots; confinement areas; sale barns; or holding, transfer, or sale stations.
18. "Filling Stations" shall mean any building or premises used for the retail sale of motor vehicle fuels and/or accessory oils, fluids, etc. Accessory repair services are included uses provided the premises are not used for storage of wrecked or junked motor vehicles for periods exceeding 30 days.
19. "Floor Area" shall mean the total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement

is used for business or commercial purposes, it shall be counted as floor area in computing off street parking requirements.

20. "Frontage" shall mean the measure of a parcel that lies in direct contact with a public street.

21. "Garage, Private" shall mean a detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.

22. "Garage, Public" is any building or premises used as a business to repair, sell or trade motor vehicles, except no wrecked or junked motor vehicles may be stored outside for more than 30 days.

23. "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

24. "Home Occupations" shall mean any business, profession, occupation or trade conducted for gain or support within a residential building or any accessory structure thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

25. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as herein defined.

26. "Institution" shall mean a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

27. "Lodging House" is a building or place where lodging and boarding is provided, or which is equipped regularly to provide lodging and boarding by pre-arrangement for definite periods, for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.

28. "Lot" is a parcel of land occupied or intended for occupancy by a use permitted in this Title, including one main building together with its accessory buildings, open spaces and parking spaces required by this Title, and having its principal frontage upon a street.

30. "Lot, Corner" shall mean a lot abutting upon two (2) or more streets at their intersection.

31. "Lot, Depth of" shall mean the horizontal distance between the front and rear lot lines.

32. "Lot, Double Frontage" means a lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

33. "Lot of Record" shall mean lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Jackson County, Iowa, prior to the adoption of this Title.

34. "Motel, Motor Court, Motor Lodge or Tourist Court" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

35. "Manufacturing" shall mean the process of taking any number of raw or finished materials and producing a finished product not intended for retail sale on the premises.

36. "Nonconforming Use" shall mean any building or land lawfully occupied for a use at the time of passage of this Title or amendment thereto which does not conform after the passage of this Title or amendment thereto with the use regulation of the district in which it is situated.

37. "Nursing Home" shall mean a home for the aged or infirm, in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation; but not including hospitals, clinics or similar institutions.

38. "Parking Space" shall mean an area sufficient in size to store an automobile together with a driveway connecting the space to the street. For all uses except in an R-1 district, the term parking space shall include sufficient area to permit maneuvering into and out of the space. The maneuvering area and/or parking area may not include public walkways.

39. "Pets" shall mean any animal maintained or capable of being kept in the home for noncommercial, personal enjoyment. For the purposes of this Ordinance, pets shall not include domesticated animals normally thought of as farm or ranch animals including cows, pigs, horses, chickens, ducks, turkeys, geese, or other fowl, goats, or sheep; nor shall it include any animal normally thought of as wild.

40. "Premises" shall mean a lot, together with all buildings and structures thereon.

41. "Required Rear Yard" means that portion of the rear yard, extended forward from the rear lot line, which comprises the minimum setback distance for the zone in which it is located.

42. "Satellite Devices" shall mean any device designed to receive, transmit, or translate signals from television and other satellites, or other broadcasting devices for home and personal use. For the purposes of this Ordinance, satellite devices shall be considered accessory buildings and subject to all regulations that apply to accessory buildings. Area taken up by satellite devices shall be computed by squaring the largest width.

Commercial use of satellite devices are Special Uses.

43. "Setback" shall mean the distance required to obtain minimum front, side or rear yard space requirements as measured from the property line as required by this Ordinance.

44. "Sign" shall mean an identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

45. "Story" shall mean that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

46. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than sixty percent (60%) of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.

47. "Street" shall mean a public way which affords the principal means of access to abutting property.

48. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground; or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

49. "Structural Alteration" shall mean any change except those required by law or this Code, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beam or girders, not including openings in bearing walls as permitted by other regulations.

50. "Trailer or Mobile Home Park" is an area where two (2) or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one or more families.

51. "Yard" means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Title.

52. "Yard, Front" shall mean that portion of the full width of the lot that exists from the street right-of-way to the closest structure. Corner lots have two front yards, and must meet minimum set back requirements for each. Double frontage lots shall have the street exposure closest to the main entrance of the structure as the front yard.

53. "Yard, Rear" shall mean the yard extending the full width of the lot between a main building and the rear lot line.

54. "Yard, Side" shall mean a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.