GENERAL PROVISIONS AND DEFINITIONS

#### **CHAPTER 165**

# ZONING REGULATIONS

GENERAL PROVISIONS AND DEFINITIONS	165.34 NC - Neighborhood Commercial District
165.01 Purpose	165.36 GC - General Commercial District
165.02 Application of District Regulations	165.38 LI - Light Industrial District
165.03 Establishment of Districts; Official Zoning Map	165.40 HI - Heavy Industrial District
165.04 Rules for Interpretation of District Boundaries	•
165.05 Definitions	SUPPLEMENTARY DISTRICT REGULATIONS
	165.45 Supplementary District Regulations
NONCONFORMITIES	
165.10 Intent	ADMINISTRATION
165.11 Nonconforming Lots of Record	165.50 Administration and Enforcement
165.12 Nonconforming Uses of Land (or Land with Minor	165.51 Zoning/Building Permit Required
Structures Only)	165.52 Occupancy Permit Required
165.13 Nonconforming Structures	165.53 Certificate Issued
165.14 Nonconforming Uses of Structures or of Structures and Premises in Combination	165.54 Temporary Certificate
165.15 Repairs and Maintenance	BOARD OF ADJUSTMENT
165.16 Uses Under Special Exception Provisions Not	165.60 Board of Adjustment; Establishment and
Nonconforming Uses	Procedure
•	165.61 Board of Adjustment; Powers and Duties
DISTRICT REGULATIONS	165.62 Appeals from the Board of Adjustment
165.20 Districts Established	•••
165.22 AG - Agricultural District	ENFORCEMENT AND AMENDMENTS
165.24 LD - Limited Development District	165.70 Enforcement and Interpretation
165.26 RS - Residential Single-Family District	165.71 Amendments
165.28 RM - Residential Multi-Family District	165.72 Penalties for Violation
165.30 MH - Mobile Home District	165.73 Schedule of Fees, Charges and Expenses
165.32 AC - Arterial Commercial District	165.74 Complaints Regarding Violations

#### GENERAL PROVISIONS AND DEFINITIONS

165.01 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Iowa Falls, Iowa.

- 165.02 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.
  - No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
  - No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
  - No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

## 165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the Seal of the City, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03(1) of the Code of Ordinances of the City of Iowa Falls, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made on the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Code of Ordinances of the City of Iowa Falls, Iowa."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline:

boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.

- 6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
- 8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
- 9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

**165.05 DEFINITIONS.** For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows. The words "used or occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot or parcel."

- 1. "Abutting" means having property or district lines in common.
- 2. "Access" means a way of approaching or entering a property from a public street.
- 3. "Accessory Buildings" means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
- 4. "Accessory Use" means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
- 5. "Agriculture" means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
- 6. "Alley" means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
- 7. "Basement" means a story having part but not more than one-half ( $\frac{1}{2}$ ) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
- 8. "Bed and Breakfast Houses" means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
- 9. "Board" means the Board of Adjustment.
- 10. "Boarding Houses" means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.

- 11. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures, or vehicles originally designed for transportation purposes.
- 12. "Building, Height of" means the vertical distance from the average natural grade at the building line 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 roofs.
- 13. "Clinic" means 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. "Clinic" shall also be construed to include veterinary clinics which may house small animals for an extended period of time provided that all phases of the business are conducted within a building where noises and odors are not evident.
- 14. "Convenience Store" means any retail establishment offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.
- 15. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
- 16. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin or trailer. Dwellings shall be permanently affixed to the real estate and taxed as real property.
- 17. "Dwelling, Multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families. This may include, but not be limited to, such buildings as commonly referred to as condominiums, apartment buildings or row/cluster buildings.
- 18. "Dwelling, One-family, Bi-attached" means a dwelling designed for or occupied by one (1) family and which is erected on a separate lot and is joined to another such residence on one side only by an approved wall located on the lot line and which has yards on the remaining sides.
- 19. "Dwelling, Single-family" means a building designed for or occupied exclusively by and for residence purposes by one (1) family and having no common walls with other dwellings.
- 20. "Dwelling, Two-family" means a building designed for or occupied exclusively by and for residence purposes by two (2) families.
- 21. "Family" means a group of persons occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage, adoption or legal process.
- 22. "Family Home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, "family home" does not mean an individual foster care family home licensed under Chapter 237, Code of Iowa.
- 23. "Floor Area" means the total number of square feet of floor area 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.
- 24. "Foundation" means the minimum requirements for the foundation of a dwelling or for a manufactured home, placed outside of an approved mobile home park, shall be a perimeter trench

footing that is no smaller than the width and length of the proposed home. The minimum trench footing width shall be four (4) inches but, in no event, no less than the width of the foundation wall. The trench footing depth shall be forty-two (42) to forty-eight (48) inches. No reinforcement is required. The foundation wall shall be four (4), six (6), or eight (8) inch block, brick, or stud wall, with siding to match the home. An access door to the underfloor space shall be provided. All other State support and tie-down requirements shall be met. It is the intent herein to provide a foundation which is compatible with the structural design of a home or of a manufactured home, and which ensures visual compatibility with surrounding residential structures.

- 25. "Frontage" means all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.
- 26. "Garage" means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.
- 27. "Garage, Private" means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
- 28. "Garage, Public" means any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" does not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
- 29. "Grade" means 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.
- 30. "Group Home" means any building used for a residential purpose by a group of people numbering three (3) or more who are not related by blood, marriage, adoption or legal process and who are congregated together due to a physical handicap, a mental handicap, a mutual disadvantage or a common good. This shall be in contradistinction to a rehabilitation center or lodging house as defined in this chapter.
- 31. "Health Care Facility" means any residential care facility, intermediate care facility, or skilled nursing facility.
  - A. Residential Care Facility Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
  - B. Intermediate Care Facility Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require

nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

- C. Skilled Nursing Facility Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.
- 32. "Home Occupation" means an occupation conducted in a dwelling unit, provided that:
  - A. No persons other than members of the family residing on the premises shall be engaged in such occupation, except by authorization of the Board of Adjustment, in which case the Board will allow one (1) person from outside the family to be employed.
  - B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than fifty (50) percent of the gross floor area of one (1) floor of the dwelling unit shall be used in the conduct of the home occupation.
  - C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.
  - D. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.
  - E. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

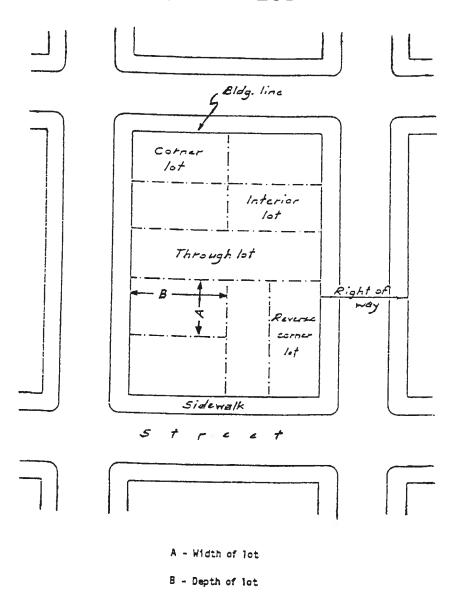
All Home Occupations shall be required to obtain a Special Exception from the Board of Adjustment.

33. "Hospital" means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

- 34. "Hotel" means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.
- 35. "Junk Yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.
- 36. "Kennel (Commercial)" means an establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.
- 37. "Lodging House" means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.
- 38. "Lot" means for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved public street, or on an 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, or complete lots of record and portions of lots of record, or of 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 this chapter.
- 39. "Lot Frontage" means the front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.
- 40. "Lot Measurements":
  - A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
  - B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where eighty (80) percent requirement shall not apply.
- 41. "Lot of Record" means a lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

- 42. "Lot Types" The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:
  - A. "Corner" lot a lot located at the intersection of two (2) or more streets.
  - B. "Interior" lot a lot other than a corner lot with only one (1) frontage on a street other than an alley.
  - C. "Through" lot a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.
  - D. "Reversed Corner" lot a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

### CHART - LOT



- 43. "Manufactured Home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development. For the purpose of this chapter, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. It shall be located in accordance with the setback, lot size, minimum square footage, and hook-up requirements for a site-built, single-family detached dwelling on the same lot. It shall be installed with a permanent foundation system for a manufactured home as described in this chapter under "foundation."
- 44. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June

- 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
- 45. "Mobile Home Park" means any site, lot, field or tract of land upon which three (3) 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" is not to be construed to include 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. The mobile home park shall meet the requirements of any zoning regulations that are in effect.
- 46. "Modular Home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. Once certified by the State, a modular home shall be subject to the same standards as a site-built home. It shall be located in accordance with the setback, lot size, minimum square footage and hook-up requirements for a site-built, single-family dwelling or multi-family dwelling on the same lot, whichever is applicable. It shall be installed with a permanent foundation system as required by this chapter for a site-built, single-family or multi-family detached dwelling, whichever is applicable.
- 47. "Motel (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court)" means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.
- 48. "Nonconformities" means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter's enactment.
- 49. "Nursing or Convalescent Home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.
- 50. "Occupancy Permit" means a certificate issued by the administrative officers stating that the building and use comply with the provisions of these zoning regulations. Occupancy permits shall be granted for new construction and other activities for which a building/zoning permit is required.
- 51. "Parking Space" means an area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
- 52. "Permitted Use" means a use by right which is specifically authorized in a particular zoning district.
- 53. "Preschool/Child Care Center" means an establishment providing for the care, supervision and protection of children for a fee.
- 54. "Principal Use" means the main use of land or structures as distinguished from an accessory use.
- 55. "Projections (into yards)" means parts of buildings such as architectural features that extend beyond the building's exterior wall.

- 56. "Service Station (Gas Station)" means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale. "Service Station" shall also include convenience stores if the convenience store offers for sale any of the above.
- 57. "Setback" means the required distance between every structure and lot line on the lot in which it is located.
- 58. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
- 59. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
- 60. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
- 61. "Street Line" means the right-of-way line of a street.
- 62. "Structural Alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
- 63. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards and excluding temporary political and real estate signs but not including fences or walls used as fences. The term "structure" shall not include vehicles or structures originally designed for transportation purposes. (Ord. 977 Nov. 10 Supp.)
- 64. "Use" means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
- 65. "Variance" means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.
- 66. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.
- 67. "Yard, Front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be either side for the purpose of selecting the rear yard. Corner lots shall meet the front yard requirements on each street frontage. (See chart on following page)
- 68. "Yard, Rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or

unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

- 69. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On corner lots the yard not designated as front or rear yard shall be considered the yard. Each corner lot shall have two (2) front and two (2) side yards. (See chart on following page)
- 70. "Zoning/Building Administrator" means the local official responsible for reviewing Zoning/Building Permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.
- 71. "Zoning District" means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.
- 72. "Zoning Map" means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

**CHART - YARD** 

