

Chapter 134. Zoning

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General

134-9.1 General

Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this zoning ordinance have their dictionary meaning.

134-9.2 Use Definitions

See [134-3.2](#) for an explanation of the use categorization system used in this zoning ordinance.

134-9.3 Measurement-Related Terms

See [135-7.1](#) for an explanation of various measurement-related terms.

134-9.4 Terms Beginning with “A”

Abut (or abutting): refer to [135-7.2.4](#)

Accessory building: a structure on the same lot with, separate from, and of a nature customarily incidental and subordinate to the principal structure and intended for the storage of equipment and materials of the principal use. Trailers, semi-trailers, tents, motor vehicles and component parts thereof are not accessory buildings. A structure which might otherwise be considered an accessory building, but which is connected to the principal structure by a breezeway or other extension of the principal structure containing a functional roof and floor shall, for the purposes of this chapter (i) lose its status as an accessory building; (ii) become part of the principal structure; and, (iii) shall be subject to all restrictions applicable to a principal structure.

Accessory use: a use on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Adjacent: refer to [135-7.2.4](#).

Agent: a person duly authorized to act on behalf of the owner of the subject property.

Applicant: the owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner’s behalf.

Awning: a roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

134-9.5 Terms Beginning with “B”

Building: any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

134-9.6 Terms Beginning with “C”

Canopy: a permanent roofed structure, including marquees and awnings, either attached to and supported by a building or freestanding, and may be either a private canopy which projects over private property or a public canopy which projects over public property.

Check: a check, draft, share draft, or other instrument for the payment of money.

Commercial Message: any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

134-9.7 Terms Beginning with “D”

Dwelling: any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, camper, motor home or mobile home.

Dwelling unit: a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one household containing bathroom and/or kitchen facilities.

134-9.8 Terms Beginning with “E”

RESERVED

134-9.9 Terms Beginning with “F”

Factory-built housing: a factory-built structure designed for longterm residential use. For the purposes of this chapter, factory-built housing consists of three types: Modular homes, mobile homes, and manufactured homes.

Factory-built structure: any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site.

Flood: a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain: the land adjacent to a body of water that has been or may be covered by floodwater, including but not limited to the 100-year flood.¹

Floodway: the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and to discharge the floodwater or flood flows of any river or stream, including but not limited to flood flows associated with the 100-year flood.

Foot-candle: a measure of illumination, the amount of light falling onto a surface. One lumen of light, shining evenly across one square foot of surface, illuminates that surface to one foot-candle.

134-9.10 Terms Beginning with "G"

RESERVED

134-9.11 Terms Beginning with "H"

Home occupation: an accessory use of a dwelling unit for business or commercial purposes.

Household: one or more persons occupying a single dwelling unit as a single housekeeping unit, which is (1) characterized by matrimonial or parent-child relationship, where all such persons are related by blood, marriage, adoption, fosterage, or legal guardianship; or (2) characterized by voluntary associational, communal relationships, provided no more than 4 inhabitants are included in the housekeeping unit.

134-9.12 Terms Beginning with "I"

RESERVED.

134-9.13 Terms Beginning with "J"

Junk: all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper, trash, rubber debris, waste, used lumber or salvaged wood; dismantled or inoperable vehicles, unsafe vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware; cut brush, including dead or decaying plant material, except a contained compost pile or orderly stacked firewood if cut in lengths less than or equal to 4 feet.

134-9.14 Terms Beginning with "K"

Kennel: any premises on which 4 or more dogs, 6 months old or older, are kept.

134-9.15 Terms Beginning with "L"

Lawfully Established: a use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

Lot: 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 space as are required in this chapter. Such lot shall have frontage on a public street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (iv) 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.

Lot, corner: refer to [135-7.2.15.](#)

Lot frontage: refer to [135-7.2.15..](#)

Lot lines: the lines bounding a lot.

Lot of record: a lot which is a 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.

Lot width: refer to [135-7.2.15.](#)

134-9.16 Terms Beginning with "M"

Manufactured home: a factory-built, single-family structure, which is manufactured or constructed under the authority of 42 USC 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purposes of this chapter, a manufactured home shall be considered the same as any site-built single-family detached dwelling.

Mobile home: any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets

¹ Discuss moving floodplain and way language

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DRAFT

Terms Beginning with “N”

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 the term also includes any such vehicle with motive power not registered as a motor vehicle in this state. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as “manufactured homes.” Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

Mobile home park or trailer park: any lot or portion of a lot upon which two or more mobile homes or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations. Mobile home parks are subject to the regulations of section [135-1.18](#).

Modular home: factory-built housing certified as meeting the state building code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Multi-tenant development: a development typically under unified ownership and control consisting of 2 or more business establishments, which may be on the same lot or on separate lots. The tenants of multi-tenant development typically share vehicle access and parking facilities.

134-9.17 Terms Beginning with “N”

Nonconformity: a nonconforming lot, nonconforming use, nonconforming structure, or nonconforming sign.

134-9.18 Terms Beginning with “O”

Occupant frontage: on premises having only one lot frontage, that side or wall of a building in which the main public entrance to the premises is located. In making such determination, the side or wall having the largest total public entrance width shall be used. If total public entrance widths on two or more sides or walls are equal, that side or wall having the least overall building dimension shall be used.

One hundred-year flood: a flood, the magnitude of

which has a one-percent chance of being equaled or exceeded in any given year and which, on the average, will be equaled or exceeded at least once every 100 years. All determinations of the 100-year flood level shall be based on data provided by the Federal Insurance Administration. If the Federal Insurance Administration has not provided sufficient data to make a determination, the city shall obtain, review and reasonably utilize data available from the state department of natural resources and from any other source in making such determination.

134-9.19 Terms Beginning with “P”

Parking lot: refer to [135-7.2.19](#)

Person: an individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity.

Principal use: the main use of land or structures as distinguished from an accessory use.

134-9.20 Terms Beginning with “Q”

RESERVED

134-9.21 Terms Beginning with “R”

RESERVED

134-9.22 Terms Beginning with “S”

Sex acts: any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

Sexual encounter center: any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

Specified anatomical areas: Human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

Shelter for the homeless: a building used to provide primarily short-term lodging, or short-term lodging and meals, and which may also provide other services,

including counseling, with or without compensation, to transient individuals or individuals who have no access to traditional or permanent housing.

Sign: any structure, including but not limited to a device or display, other than buildings or landscaping, used primarily for visual communication for the purpose of or having the result of bringing the subject thereto to the attention of a person, group of persons, or the public generally. The term "sign" includes but is not limited to any and all reading matter, letters, numerals, pictorial representations, emblems, trademarks, inscriptions, and patterns, whether affixed to a building, painted or otherwise depicted on a building, or separate from any building.

(Sign) Banner: A temporary sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags of any nation or political subdivision are not considered banners.

Sign, Business Directional: A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered within the general development area where the subject sign is located and that is expressly approved in accordance with the type 1 zoning exception procedures of [134-6.5](#) (see also [134-5.4.5](#)).

Sign, Construction: A temporary sign located on a lot upon which building or construction is actively occurring.

Sign, Directory: a sign containing the name of a building, complex or center and two or more identification signs of the same size, color and general design, limited to one type one or type two identification sign per occupant.

Sign, Drive-through: A sign located on the site of an allowed drive-through or drive-in use.

Sign, Driveway: A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

(Sign) Dwell Time: The duration or interval of time during that each individual message is displayed on any sign with a electronic display.

Sign, Electronic Display: any portion of a sign upon which alphabetic, pictographic or symbolic informational content can be changed or altered on a display screen composed of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices, including but not limited to programmable microprocessor controlled electronic displays; and, the projection of images or messages with these

characteristics by any other onto the sign face.

Sign Face: All of the surface of a sign used or designed for the presentation of a single visual display, including edges, borders and trim, and excluding the supporting structure.

Sign, Flashing (Illumination): A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

Sign, Freestanding: a sign that is not attached to any building, including monument signs, pole signs and portable signs.

Sign, Illuminated: Any sign, other than an electronic display, that is directly lighted by any constant light source, internal or external, except light sources clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

Sign, Indirectly Illuminated: a sign illuminated by artificial light reflecting from the sign face, where the light source not visible from any street right-of-way.

Sign, Internally Illuminated: a sign illuminated by an artificial light source which is not visible but which reaches the eye through a diffusing medium.

Sign, Marquee: a sign attached to and contained within the perimeter of the face or valance of a marquee.

Sign, Monument: a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or similar, permanent durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face.

Sign, Multi-Vision Display: any portion of a sign where the display surface is comprised of rotating elements that permit the display of different messages by the rotation of the elements.

Sign, On-premise: a sign that identifies or directs attention to:

1. A profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted upon the premises where such sign is located; or
2. The ideological or noncommercial views of an occupant of the premises. (see also [134-5.2.8](#)).

Sign, Off-Premise Advertising: a sign that identifies or directs attention to:

1. A profession, business, service, activity, product, campaign or attraction manufactured, sold, offered or conducted at a location other than upon the

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Terms Beginning with "T"

premises where such sign is located; and/or

2. The ideological or noncommercial views of a party who is not an occupant of the premises.

Sign, Pole: a freestanding sign that is not a portable sign and that is not a monument sign.

Sign, Portable: a sign not permanently anchored or secured.

Sign, Projecting: A sign that is affixed to a building wall, canopy, awning or marquee and that extends horizontally more than 15 inches from the wall, canopy, awning or marquee.

Sign, Promotional: A temporary sign that is located on a lot on which a business promotion is actively occurring and that consists of tinsel, flags, balloons, banners, wind devices, or similar attention-getting devices, whether or not the same contain any words, numbers or characters.

Sign, Real Estate: A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental or lease.

Sign, Roof: a sign erected upon or above a roof or parapet of a building.

Sign, Temporary: a sign intended for a limited period of display.

Sign, Wall: A sign affixed to a building wall, canopy, awning, marquee or parapet wall that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, or parapet wall nor extend above the parapet wall.

Sign, Window: A sign inside a window or affixed to the exterior of a window with paint or adhesive (i.e., decal)..

(Sign) Wind Device: Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

(Sign) Word: Any and all of the following (otherwise, each separate character is considered to be a word):

1. A word in any language found in any standard unabridged dictionary or dictionary of slang.
2. A proper noun or any initial.
3. A separate symbol or abbreviation, such as "&", "S", "%" and "INC".
4. A telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00" or "50%".
5. A symbol or logo that is a registered trademark, but that itself contains no word or character.

Small engine: a motor used to power tools,

professional tools, and equipment including generators, lawnmowers and other outdoor power tools producing an average output that ranges around 25 horsepower, which is usually powered by gasoline and that varies in size, shape and compression process depending on its configuration.

Story: refer to [135-7.2.22](#).

Story, ground: refer to [135-7.2.22](#).

Story, half: refer to [135-7.2.22](#).

Story, upper: refer to [135-7.2.22](#).

Street facade or street-facing facade: refer to [135-7.2.22](#)

Street line: the right-of-way line of a street.

Street, private: refer to [135-7.2.22](#)

Street, public: refer to [135-7.2.22](#).

Structural alteration: any replacement or changes in a type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

Structure: anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include but are not limited to buildings, walls, fences, gates, towers, factory-built homes, signs, utility poles, flagpoles, yard lights and storage tanks. For the purposes of this chapter, streets, sidewalks, alleys, hard-surfaced parking areas and underground utilities are excluded from the definition of the term "structure."

134-9.23 Terms Beginning with "T"

Tobacco store: a place of business primarily engaged in the retail sale of tobacco and tobacco related products, provided however that no more than 25 percent of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only.

Trailer park. See Mobile home park.

134-9.24 Terms Beginning with "U"

RESERVED

134-9.25 Terms Beginning with "V"

Vehicle, inoperable: any motor vehicle, recreational vehicle, boat, trailer or semitrailer which lacks a current registration or component part which renders the

vehicle unfit for legal use upon the public right-of-way.

Vehicle, unsafe: any motor vehicle, recreational vehicle, boat, trailer or semitrailer:

- (1) With a missing, broken or shattered windshield or any exposed broken glass edges.
- (2) With a missing fender, door, hood, steering wheel, trunk top, or trunk handle.
- (3) Which has become the habitat of rats, mice, snakes, or any other vermin or insects.
- (4) Left unattended on jacks, blocks, or elevated in any other way which constitutes a threat to the public health, safety or welfare.
- (5) Which because of its condition constitutes a threat to the public health, safety or welfare.

Vision clearance triangle: refer to [135-7.2.25](#)

134-9.26 Terms Beginning with "W"

RESERVED

134-9.27 Terms Beginning with "X"

RESERVED

134-9.28 Terms Beginning with "Y"

Yard: refer to [135-7.2.22](#).

Yard, front: refer to [135-7.2.22](#).

Yard, rear: refer to [135-7.2.22](#).

Yard, side: refer to [135-7.2.22](#).

Yard sales: casual and occasional sales of used household goods by the owner thereof to the public, on a non-recurring basis, if the seller, at the time of the sale, is not engaged for profit in the business of selling goods of that or a similar nature, so long as such sales are not conducted in excess of four consecutive days and no more than two times annually. Any other sales shall constitute a commercial use not permitted in a residential zone.

134-9.29 Terms Beginning with "Z"

RESERVED

