

Chapter 135. Planning

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General

135-12.1 General

Words and terms expressly defined in this chapter have the specific meanings assigned unless the context clearly indicates another meaning. Words and terms that are not expressly defined in this chapter have the meaning given in the latest edition of *Merriam-Webster's Unabridged Dictionary*.

135-12.2 Use Definitions

See article 3 of chapter 134 of this code for an explanation of the use categorization system referenced in this chapter and for use type definitions.

135-12.3 Terms Beginning with "A"

Abut (or abutting): to touch or share a contiguous boundary or border.

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.

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

Adjacent: lying near or in the immediate vicinity.

Alley: a public way, other than street, less than 30 feet in width affording access to abutting lots.

Alley, improved: an existing or planned public alley right-of-way improved to the standards of the city's public works department.

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.

135-12.4 Terms Beginning with "B"

Basement: a building floor having more than 1.5 feet of its height below average grade, measured from the floor of the basement to the floor of the ground story above as shown in Figure 135-12.1-A of this article.

Basement, Visible: a half-story with between 1.5 feet and half of the basement height partially above average grade as shown in Figure 135-12.1-A of this article. Transparency may be required pursuant to section 135-3.8 of this chapter.

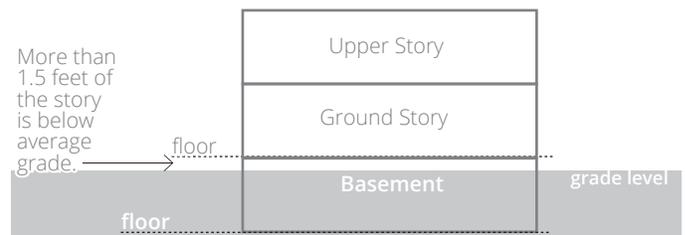
Building: any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs, general advertising signs, or wireless telecommunication towers.

Building frontage: that wall or side of a building which is adjacent and most nearly parallel to a street.

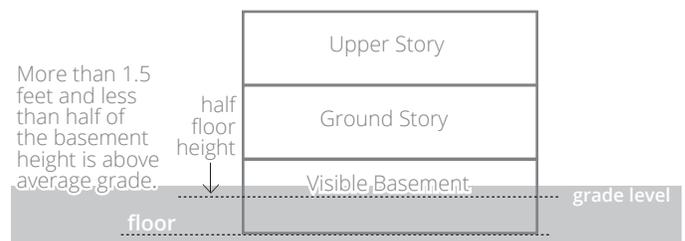
Build-to zone: an area in which the front and street side facade of a building must be placed. Build-to zone requirements establish minimum and maximum setbacks from street lot lines pursuant to section 135-3.3 of this chapter.

135-12.5 Terms Beginning with "C"

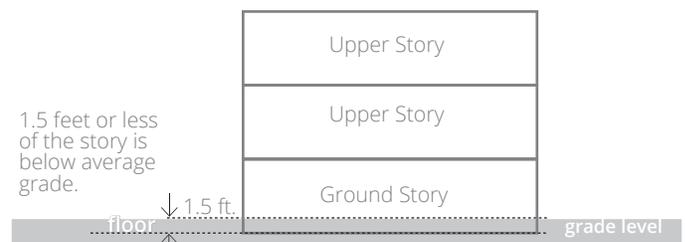
Canopy: a permanent roofed structure, including marquees and awnings, either attached to and supported by a building or freestanding, and may be either a private canopy which projects over private property or a public canopy which projects over public property.



Basement Diagram



Visible Basement Diagram



Ground Story Diagram

Figure 135-12.1-A. Illustration of Basement, Visible Basement, and Ground Story

Carport: a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building is considered a part of the principal building and subject to all yard requirements in this chapter.

Car-Share Program: a system in which a fleet of cars, or other motor vehicles, is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly basis;
2. Car-share vehicles are generally available 24 hours a day and seven days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

Car-Share Vehicle: a motor vehicle from a car-share program fleet.

Court or Courtyard: An outdoor area enclosed by building on at least three sides, open from the ground to the sky, and the fourth side is open to a public way, street, or open space and park.

135-12.6 Terms Beginning with “D”

Development: Any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of household units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a shore, river, stream, lake, pond, woodlands, wetland, endangered species habitat, aquifer or other resource area.

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: See “Household unit”.

Dormer: a roof projection no wider than eight feet from an attic space containing a window.

135-12.7 Terms Beginning with “E”

Electric Vehicle: any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on

electrical energy from the grid or an off-board source, that is stored on-board via a battery. “Electric vehicle” includes:

1. battery electric vehicles; and
2. plug-in hybrid electric vehicles.

Electric Vehicle (EV) Charging Station: a public or private parking space that is served by battery charging station equipment.

Electric Vehicle Parking Space: any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

135-12.8 Terms Beginning with “F”

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.

135-12.9 Terms Beginning with “G”

Gable: the vertical triangular end of a building from cornice or eaves to ridge.

Gambrel roof: a roof with a lower steeper slope and an upper less steep one on each of its two sides.

Garage, private: an enclosed structure intended for and used for the parking of the private motor vehicles of the household residents upon the premises.

Grade, average: the average of the high and low ground elevation along a facade measured five feet from the base of the applicable building facade.

135-12.10 Terms Beginning with “H”

Household: one or more persons, functioning as a single housekeeping unit, occupying a single dwelling unit in compliance with the occupancy limitations set forth in the International Property Maintenance Code. The number of occupants per household shall not exceed the number of occupants permitted by the minimum area requirements of the occupancy limitations set forth in the International Property Maintenance Code.

Household unit or 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 kitchen facilities.

135-12.11 Terms Beginning with “I”

Impervious Surface or Cover: any surface that cannot effectively absorb or infiltrate rainfall, including

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Terms Beginning with "J"

driveways, sidewalks, patios, swimming pools, and areas of a site covered by buildings.

International Property Maintenance Code: the International Property Maintenance Code, published by the International Code Council, as adopted and amended in chapter 60 of this code.

135-12.12 Terms Beginning with "J"

RESERVED

135-12.13 Terms Beginning with "K"

RESERVED

135-12.14 Terms Beginning with "L"

Lawfully established: a building, structure, lot, or site element that was established in conformance with all applicable regulations in effect at the time of its establishment.

Lot: a parcel of land which may or may not have been created by subdivision plat or plat of survey. Such lot may consist of:

1. A single pre-existing lot;
2. A portion of a pre-existing lot;
3. A combination of complete pre-existing lots; of complete pre-existing lots and portions of pre-existing lots; or of portions of multiple pre-existing lots; or
4. A parcel of land described by metes and bounds.

Lot, corner: a lot abutting upon two or more streets at their intersection.

Lot, depth: the mean horizontal distance between the front and rear lot lines.

Lot, double frontage: a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

Lot, flag: a lot with only enough width along the street for a driveway and full lot width behind another lot.

Lot, pre-existing: a lawfully created lot, shown on a plat recorded in the office of the county recorder prior to the effective date of this code.

Lot frontage: the portion of a lot which abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lot frontage.

Lot, interior: a lot other than a corner lot.

Lot lines: the lines bounding a lot.

Lot width: the width of a lot measured at the required

front setback line and at right angles to its depth. The minimum lot width shall be maintained from the required front yard setback line to the front of the principal building.

135-12.15 Terms Beginning with "M"

Manufactured home: a factory-built, single-household 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-household 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 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 [135-2.21 of this chapter](#).

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.

135-12.16 Terms Beginning with "N"

RESERVED

135-12.17 Terms Beginning with "O"

Occupied: See "Used".

Occupied space: interior floor space within any building story that is regularly or normally occupied by building users. Occupied space does not include storage areas, utility space, or parking areas.

Off-street parking and loading area: any portion of a property used for parking of employee, customer or resident vehicles.

135-12.18 Terms Beginning with "P"

Parking area or parking lot: any portion of a property used for parking of employee, customer, or resident vehicles.

Parking lot, main: any set of parking aisles and lanes with more than 60% of the parking for the building on the lot.

Parking space: a permanently surfaced area which includes the parking stall plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering, incidental to parking or un-parking, shall not encroach upon any public right-of-way, except as permitted by the city engineer.

Patio: a paved and landscaped area on a lot for the gathering of people, not vehicles. Seating, eating and drinking, or retail sales may occur on a patio as permitted by the district.

Pedestrian way: a pathway designed for use by pedestrians, allowing pedestrian movement across private property.

Pervious surface or cover: any surface that allows for the absorption or infiltration of rainwater into the ground or into plant material, including vegetated roofs.

Porch: a roofed projection which has no more than 50% of each outside wall area enclosed by a building or siding material other than meshed screens.

Porch, enclosed: a roofed projection which has more than 50% of each outside wall area enclosed by a building or siding material other than meshed screens.

Primary frontage: the portion of a lot abutting a primary street right-of-way pursuant to section [135-](#)

[2.1.6 of this chapter.](#)

Primary street: a street that receives priority over other streets in terms of setting front lot lines and locating building entrances pursuant to section [135-2.1.6 of this chapter](#) and section [135-5.3.1 of this chapter](#).

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

Public way: a pedestrian or vehicular circulation route that is prioritized similar to a street.

135-12.19 Terms Beginning with "Q"

RESERVED

135-12.20 Terms Beginning with "R"

Roof, gambrel: a roof with a lower steeper slope and an upper less steep one on each of its two sides.

135-12.21 Terms Beginning with "S"

Semi-pervious surface or cover: a material that allows for at least 40% rainfall to be absorbed into the ground or plant material. Typical examples include pervious pavers, permeable asphalt, permeable concrete, and gravel.

Shadow line: an architectural feature consisting of a decorative, three-dimensional, horizontal or vertical linear element that protrudes or is recessed at least two inches from the exterior facade of a building, casting a shadow to reinforce the feature. Shadow lines typically delineate the top or bottom of floors in a building through the use of cornices, pilasters, or stepped brick coursing.

Single housekeeping unit: an interactive group of persons jointly occupying a single household, including joint access to and use of all common areas including living, kitchen and eating areas within the household unit, and sharing household activities and responsibilities such as chores, expenses, meals and maintenance.

Story: that portion of a building above grade and between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling or roof next above it, provided the space is of a height appropriate for normal human use and not a crawl space.

Story, ground: the first story of a building with less than 1.5 feet below average grade as shown in [Figure 135-12.1-A of this article.](#)

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Terms Beginning with “T”

Story, half: that portion of a building constituting either a visible basement, or a space under a sloping roof where the intersection of roof decking and wall face is not more than four feet above floor level.

Story, upper: a story in a building located above the ground story of the building. Also referred to as upper floor.

Street facade or street-facing facade: the facade of a building that faces a street right-of-way.

Street, major: neighborhood residential, community residential, community mixed-use, regional residential, regional mixed-use or industrial business park street typology and downtown streets as identified in the city's transportation master plan, and any other street similar in scale, speed, and character as determined by the community development director and city engineer.

Street, minor: local street typologies as identified in the city's transportation master plan, and any other street similar in scale, speed, and character as determined by the community development director and city engineer.

Street, public: any thoroughfare or public way that has been dedicated to the public or conveyed to the city by deed, easement, or plat for street right-of-way purposes.

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.”

135-12.22 Terms Beginning with “T”

Trailer park: See “Mobile home park.”

135-12.23 Terms Beginning with “U”

Used or occupied: actively and continuously occupied by and functioning for a permitted use.

135-12.24 Terms Beginning with “V”

RESERVED

135-12.25 Terms Beginning with “W”

RESERVED

135-12.26 Terms Beginning with “X”

RESERVED

135-12.27 Terms Beginning with “Y”

Yard: the unoccupied and unobstructed space that exists between a building and a lot line. The following are not considered obstructions in a yard: yard recreational equipment, arbors and trellises, flagpoles, yard lights, statuary or other similar decorative things; any obstruction less than 36 inches above the average grade of the lot.

Yard, front: a yard extending from the front facade of the principal building along the full length of the front or primary lot line.

Yard, rear: a yard extending from the rear of the building facade along the rear lot line between the side yards or, on a corner lot, between the street-side yard and the side yard. On interior lots it is the opposite end of the lot from the front yard. On corner lots, one of the lot lines which is not adjacent to a street shall be designated as the rear lot line. In addition to the items that are not considered obstructions under the definition of “yard”, the following is not considered an obstruction in a rear yard: laundry drying equipment.

Yard, side: a yard extending from the front yard to the rear lot line and measured between the side lot lines and the nearest building. In addition to the items that are not considered obstructions under the definition of “yard”, the following is not considered an obstruction in a side yard: laundry drying equipment.

Yard, street-side: a side yard abutting a street lot line.

135-12.28 Terms Beginning with “Z”

RESERVED