

CHAPTER 165

ZONING CODE – GENERAL PROVISIONS AND DEFINITIONS

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165.01 TITLE. Chapters 165 through 175 of this Code of Ordinances shall be known and may be cited as the "Zoning Code of the City of Solon, Iowa."

165.02 PURPOSE. The purpose of the Zoning Code is to promote and protect the public health, safety, order, convenience, prosperity and general welfare; to conserve and protect the value of property throughout the City; to encourage the most appropriate use of land; to implement the City's comprehensive plan's goals and policies through land use regulations; to provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards; to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements in conjunction with development; and to promote the general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.

165.03 CONFORMITY REQUIRED. The use of premises and buildings in the City shall be in accordance with the minimum standards established in the Zoning Code. No use or structure shall be established, substituted, expanded, constructed, altered, moved, maintained, or otherwise changed except in conformance with this Zoning Code. The following rules for conformity shall apply:

1. Creation of or changes to lot lines shall conform with the use provisions, dimensional and other standards and procedures of the Zoning Code and the Subdivision Regulations.
2. All land uses and development authorized by this Zoning Code shall comply with all other regulations and or requirements herein, as well as any other applicable local, State or Federal law.

3. Where a difference exists between this Zoning Code and other City regulations, the more restrictive requirements shall apply.

4. Where more than one part of this Zoning Code applies to the same aspect of a proposed use or development, the more restrictive requirements shall apply.

165.04 MINIMUM REQUIREMENTS. In interpretation and application, the requirements set forth in this Zoning Code shall be considered the minimum requirements necessary to accomplish the purposes of this Code.

165.05 INTERPRETATION. The use of premises and buildings in the City shall be in accordance with the minimum standards.

1. In case of inconsistency or conflict, any regulations, conditions or procedural requirements that are specific to an individual land use shall supersede regulations, conditions or procedural requirements of general application.

2. A land use includes the necessary structures to support the use unless specifically prohibited or the context clearly indicates otherwise, subject to other standards in this Code and any required permits for structures.

3. Except for words and terms defined in this chapter, all words and terms used in the Zoning Code shall have their customary meanings.

165.06 PROPOSED USE NOT COVERED IN ZONING CODE. Any proposed use not covered in the Zoning Code as a permitted use or special exception shall be first referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the Zoning Code amended by the Council as provided in Chapter 166 before a permit is issued for such proposed use.

165.07 OFFICIAL ZONING MAP AND DISTRICTS ESTABLISHED. The City is divided into eight districts, designated as follows:

- A-1 Agricultural
- R-1 Residential
- R-2 Residential
- R-3 Residential
- R-4 Residential
- C-R Retail Commercial
- C-G General Commercial
- C-H Highway Commercial
- I-L Light Industrial

The locations and boundaries of these districts are shown on the official zoning map, which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of the Zoning Code. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk under the following statement: "This is to certify that this is the official zoning map referred to in 165.07 of the Ordinance Number 327 of the City of Solon, Iowa, passed July 1, 2004." The official zoning map or a true copy of the same shall be on file in the office of the Clerk, and shall be final authority as to the current zoning status of land, water areas, buildings and other structures in the City.

165.08 CHANGES IN OFFICIAL ZONING MAP. No changes in the official zoning map shall be made except as may be required by amendment to the Zoning Code under Chapter 166. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map. Any unauthorized change of any kind whatsoever in the official zoning map by any person shall constitute a violation of the Zoning Code and is punishable as provided in Chapter 166. *(See Editor's Note at the end of this chapter for ordinances amending the zoning map.)*

165.09 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainties exist as to the location of any zone boundaries, the following rules of interpretation, listed in priority order, shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each abutting boundary of the right-of-way. Non-road-related uses by abutting property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners lot.
2. Where boundaries are indicated as following approximate lot lines, the actual lot lines shall be considered the boundaries.
3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change, the boundaries shall be considered to move with them.
4. If none of the rules of interpretation described in subsections 1 through 3 apply, then the zoning boundary shall be determined by map scaling.

165.10 ZONING OF NEWLY ANNEXED AREA. The Council or court shall designate the zoning district or districts in which such newly annexed territory shall be classified.

165.11 VOLUNTARY ANNEXATION. All applications for voluntary annexation of land to the City shall, in addition to the necessary requirements for annexation, designate the zoning classification which the applicant wishes for subject property. Upon receipt thereof, the application shall be referred to the Planning and Zoning Commission for recommendation on both the annexation and requested zoning. The Commission shall have the same time periods for its consideration as in any rezoning matter. The Commission may recommend approval of the requested zoning or the denial thereof. In the event the Commission recommends denial, they shall make an additional recommendation as to what zoning classification the Commission would recommend. A copy of this recommendation shall be forwarded to the applicant and shall be on the agenda for the next meeting of the Council. The Council shall set the zoning matter for public hearing, prescribing the same notice requirements as for a rezoning application and shall specify the proposed zoning for consideration. If the Council approves the zone, it shall be set by ordinance. No zoning classification not recommended by the Commission shall become effective except by the favorable vote of three-fourths of the members of the Council and no voluntary annexation not recommended by the Commission shall be approved by the Council except by a favorable vote of three-fourths of the members of the Council. The resolution providing for annexation shall be acted upon by the Council at the time of the public hearing on the zoning classification.

165.12 INVOLUNTARY ANNEXATION. Whenever after a public hearing thereon the Council determines that involuntary annexation proceedings should be undertaken against lands to be annexed, the matter shall be referred to the Planning and Zoning Commission for its recommendation as to the zoning of the lands. Upon receipt of the recommendation, the Council shall hold a public hearing thereon, prescribing the regular notice for rezoning set forth in the Zoning Code. If the Council approves the zoning, it shall adopt an ordinance setting forth the various zoning classifications for the lands. The Council may approve a higher classification or more restrictive classification than recommended by the Commission after the hearing; but prior to approval of any lower classification or less restrictive classification, the Council must send the matter back to the Commission for action on the lower classification. This may be done prior to the public hearing. In the event it is returned subsequent to the public hearing, a new public hearing shall be held thereon. If the Commission recommends against the lower classification, it shall not become effective except by a favorable vote of three-fourths of the members of the Council.

165.13 FEE SCHEDULE. The Council shall by resolution from time to time issue a Fee Schedule reflecting the City's true cost in considering and administering requests to rezone property and voluntary annexation petitions. The Fee Schedule shall reflect the City's true cost in evaluating, administering

and considering these matters. The City's cost shall include, but not be limited to: publication, legal, surveying or engineering fees, recording fees, service or certified mail charges or any other costs reasonably borne by the City in connection with these matters.

165.14 DEFINITIONS. For the purpose of the Zoning Code, certain terms and words are defined as set forth in this section. As used in the Zoning Code, the word "building" includes the word "structure."

1. "Abutting" or "adjoining" means to touch along a border or bounding at a point or line.
2. "Accessory use or structure" means a use or structure subordinate to the principal permitted use of a building or land on the same lot or parcel of ground or contiguous lot under same ownership and serving a purpose customarily incidental to the use of the principal building or use of land.
3. "Adjacent" means property that is located within 300 feet of a property line of a subject property.
4. "Adult use business" means a sexually oriented business involving the viewing, rental, sales of materials or performances, the specified content of which depicts or describes specified anatomical areas or specified sexual activities. It does not include any play, opera, musical or other dramatic works that are not obscene, classes, seminars or lectures held for serious, scientific or educational purposes that are not obscene, or exhibitors, performances, expressions or dances that are not obscene.
5. "Alley" means an improved thoroughfare or right-of-way, whether public or private, usually narrower than a street, that provides vehicular or other access to an interior boundary of one or more lots, and is not designed for general traffic circulation.
6. "Alteration, structural" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
7. "Apartment" means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are two or more such rooms or suites.
8. "Apartment house" means a building arranged, intended or designed to be occupied by three or more families living independently of each other.

9. "Applicant" means a property owner or any person or entity acting as an agent for the property owner in an application for a development proposal, permit or approval.
10. "Basement" means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulation.
11. "Billboard" means a sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.
12. "Billboard face" means that portion of a billboard, exclusive of its structural support, on which changeable advertising copy is displayed, either by affixing preprinted poster panels or by painting copy on location, sub-classified as follows:
 - A. Billboard Face I - a billboard face not exceeding a height of 14 feet or a width of 48 feet; and
 - B. Billboard Face II - a billboard face not exceeding a height of 12 feet or a width of 24 feet.
13. "Boardinghouse" means a building other than a hotel where, for compensation and by arrangement, lodging or lodging and meals are provided for three or more persons.
14. "Building" means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.
15. "Building, height of" means 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 roofs.
16. "Building coverage" means the area of a lot that is covered by the total horizontal surface area of the roof of a building.
17. "Building envelope" means the area of a lot that delineates the limits of where a building may be placed on the lot, based on setback and other requirements.
18. "Building facade" means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

19. "Cellar" means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

20. "Church" or "temple" means a place where religious services are conducted, and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders.

21. "Clearing" means the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.

22. "Conditional use permit" means a permit granted by the City to locate a non-permitted use on a particular property subject to conditions placed on the use to ensure compatibility with nearby land.

23. "Daycare" means an establishment for group care of adults or children, including, but not limited to, child daycare services, adult daycare such as adult day health centers or social daycare as defined by the Iowa State Department of Social and Health Services, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school, and programs covering after-school care for school children.

24. "Demolition" means to destroy or ruin on purpose to permanently remove.

25. "Developer" means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

26. "Development activity" means any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates additional demand for public facilities.

27. "Development proposal" means any activities requiring a permit or other approval from the City relative to the use or development of land.

28. " Dwelling unit" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupant, including but not limited to bachelor, efficiency and studio apartments, factory-built housing and mobile homes.

29. " Dwelling " means any building or portion thereof that is designed for use exclusively for residential purposes.

30. " Dwelling unit, accessory " means a separate, complete dwelling unit attached to or contained within the structure of the primary use or contained within a separate structure that is accessory to the primary use of the premises.

31. " Dwelling unit, apartment " means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are two or more such rooms or suites.

32. " Dwelling unit, duplex " means a building containing two separate, complete, attached dwellings.

33. " Dwelling unit, multiple " means a building designed for or occupied exclusively by more than two families.

34. " Dwelling unit, senior citizen assisted " means a building containing two or more dwelling units restricted to occupancy by senior citizens, and including, but not limited to, the following support services, as deemed necessary:

- A. Food preparation and dining areas;
- B. Group activity areas;
- C. Medical supervision; and
- D. Similar activities.

35. " Dwelling unit, single detached " means a detached building containing one dwelling unit.

36. " Dwelling unit, single-family " means a building designed for or occupied by one family.

37. " Dwelling unit, two-family " means a building designed for or occupied exclusively by two families.

38. " Eaves " means the lower border of a roof that overhangs the wall.

39. " Family " means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boardinghouse, lodging house or hotel, as defined in this section.

40. " Farm " means an area which is used for the growing of the usual farm products such as vegetables, fruits and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term " farming " includes the operating of such

area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals.

41. "Frontage" means all the property on one side of a street between two 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.

42. "Front of building" means the side of building that distinctly includes the front entrance façade of the building, as determined by Zoning Official at time of building permit. The front of building does not necessarily mean the side of the building where the owner or occupants most frequently enter.

43. "Garage, private" means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity.

44. "Garage, public" means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

45. "Garage, storage" means a building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

46. "Grade" means the average level of the finished surface of the ground abutting 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.

47. "Historic marker or plaque" means a sign, either freestanding or building-mounted, and not exceeding four square feet in surface area, commemorating a notable historic person or event associated with the building or site on which the marker or plaque is located, or in the case of roadside historic markers, in the immediate vicinity of the site on which the marker is located.

48. "Home industry" means a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a

dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the premises as a residence or farm.

49. "Home occupation" means an occupation or a profession which:
- A. Is customarily carried on in a dwelling unit and does not occupy more than twenty-five percent (25%) of one floor of the dwelling unit; and
 - B. Is carried on by a member of the family residing in the dwelling unit; and
 - C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes; and
 - D. Does not employ more than one person outside the immediate family; and
 - E. Has no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building; and
 - F. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare.
50. "Impervious surface" means any non-vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle, including but not limited to: roof tops, swimming pools, paved or graveled roads or parking areas, and excluding landscaping, surface water retention/detention facilities, and pedestrian walkways six feet wide or less.
51. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.
52. "Kennel" means a place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.
53. "Loading space" means a space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.
54. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street.

The boundaries of the lot shall be determined by its legal description of a lot of record.

55. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

56. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.

57. "Lot, interior" means a lot other than a corner lot.

58. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder.

59. "Lot, through" means a lot other than a corner lot with frontage on more than one street, other than an alley. Through lots with frontage on two streets may be referred to as double-frontage lots.

60. "Lot width" means the width of the lot measured at the building line and at right angles to its depth; provided however, the width between side lot lines at their foremost points (where the lot intersects with the street line or front property line) may be eighty percent of the required lot width in the case of lots on the turning circle of a cul-de-sac.

61. "Mitigation" means the use of any or all of the following actions listed in descending order of preference:

- A. Avoiding the impact by not taking a certain action;
- B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected area;
- D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
- E. Compensating for the impact by replacing, enhancing or providing substitute; and
- F. Monitoring the impact and taking appropriate corrective measures.

62. "Nonconformance" means any use, improvement or structure established in conformance with City or County rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone or to the current

development standards of the Zoning Code due to changes in the Code or its application to the subject property.

63. "Park" means a site designed or developed for recreational use by the public including, but not limited to:

A. Indoor facilities, such as:

- (1) Gymnasiums;
- (2) Swimming pools; or
- (3) Activity centers; and

B. Outdoor facilities, such as:

- (1) Play fields;
- (2) Fishing areas; or
- (3) Picnic and related outdoor activity areas; and

C. Areas and trails for:

- (1) Hikers;
- (2) Equestrians;
- (3) Bicyclists; or
- (4) Off-road recreational vehicle users.

64. "Parking aisle" means that portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.

65. "Parking lot unit depth" means the linear distance within which one parking aisle is flanked by accessible rows of parking stalls as measured perpendicular to the parking aisle.

66. "Parking space" means a surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

67. "Parking space angle" means the angle measured from a reference line, generally the property line or centerline of an aisle, at which motor vehicles are to be parked.

68. "Place" means an open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

69. "Premises" means a parcel of land including the buildings located thereon.

70. "Private" means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests is a private garage.

71. "Public Works Director" means the manager of the City's Public Works Department, or his or her designee.

72. "Recreational vehicle (RV)" means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

- A. Travel trailer;
- B. Folding camping trailer;
- C. Park trailer;
- D. Truck camper;
- E. Park trailer;
- F. Motor home; and
- G. Multi-use vehicle.

73. "Recreational vehicle parks" means the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes.

74. "Schools, elementary, and middle/junior high" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Iowa in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.

75. "Schools, preschool" means establishments providing exclusively educational programs for pre-kindergarten or preschool children (ages two to five), but excluding daycare as defined in subsection 23 of this section (daycare).

76. "Schools, secondary or high school" means institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Iowa in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.

77. "Setback" means the minimum required distance between a structure and a lot line, access easement, or buffer line that is required to remain free of structures.

78. "Setback, interior" means the setback extending from the interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

79. "Setback, street" means the setback extending from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way, vehicle access easement, or the edge of a surface improvement which extends beyond a right-of-way at the depth prescribed for each zone.

80. "Sign" means any structure or part thereof, or device attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard," but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

81. "Sign, animated" means any sign that includes action or motion or the optical illusion of action or motion or color changes of all or any part of the sign.

82. "Sign, building" means any sign that is painted on, or attached directly to or supported by, an exterior building wall, including facade signs, awning signs, canopy signs, and marquees, but excluding window signs.

83. "Sign, changing message center" means an electrically controlled sign that contains messages for date, time, and temperature only which changes at intervals of one minute or less.

84. "Sign, community bulletin board" means a permanent sign used to notify the public of community events and public services, and which contains no commercial advertising.

85. "Sign, directional" means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience, and may include incidental graphics such as trade names and trademarks.

86. "Sign frame" means an enclosing structure or case around a sign.

87. "Sign, freestanding" means a sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or similar structure.

88. "Sign, fuel price" means a sign utilized to advertise the price of gasoline and/or diesel fuel.

89. "Sign, incidental" means a sign, emblem or decal designed to inform the public of goods, facilities, or services available on the premises, and may include but not limited to signs designating:

- A. Restrooms;
- B. Hours of operation;
- C. Acceptable credit cards;
- D. Property ownership or management;
- E. Phone booths; and
- F. Recycling containers.

90. "Sign, indirectly illuminated" means a sign that is illuminated entirely from an external artificial source.

91. "Sign, monument" means a freestanding sign that is above ground level and is anchored to the ground by a solid base, with no open space between the sign and the ground.

92. "Sign mounting" means a support, backing, or setting for a sign.

93. "Sign, nonconforming" means any existing permanent, legally erected, on-premises sign which does not comply with the current requirements of Chapter 168.

94. "Sign, off-premises directional" means a sign which contains no advertising of a commercial nature which is used to direct pedestrian or vehicular traffic circulation to a facility, service or business located on other premises within 660 feet of the sign.

95. "Sign, on-premises" means a sign which displays a message which is incidental to and directly associated with the use of the property on which it is located.

96. "Sign, permanent residential development identification" means a permanent, freestanding sign identifying the residential development upon which the sign is located.

97. "Sign, portable" means a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building, such as an A-frame.

98. "Sign, projecting" means any sign, other than a flat wall sign, which is attached to and projects vertically more than one foot from the wall of a building or other structure.

99. "Sign, recommended face background colors" means colors recommended by the City for use on the sign face background of mall signs, monument signs, perimeter signs and building signs. Sign recommended face background colors include corresponding or related colors to those in the building's color palette.

100. "Sign, required frame colors" means colors required by the City for use on the frames of mall signs, monument signs, perimeter signs and building signs. Sign required frame colors include those that match or blend with the building's color palette.

101. "Sign, window" means any sign located inside or on, affixed to, or located within three feet of a window of a building, whether temporary or permanent, lighted or unlighted, which may be viewed from the exterior of the building. Merchandise located within three feet of a window is not included in the definition unless the merchandise blocks more than one third of the window.

102. "Story" means 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 is no floor above it, then the space between the floor and the ceiling next above it.

103. "Story, half" means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or such person's family, or by a family occupying the floor immediately below it, shall be deemed a full story.

104. "Street" means a public thoroughfare which affords the principal means of access to abutting property.

105. "Street banner" means a temporary sign without mechanical or electrical devices made of cloth or similar non-rigid materials suspended with rope or cable over the public street right-of-way.

106. "Street frontage" means any portion of a lot or combination of lots which directly abut a public right-of-way.

107. "Street/utility pole" means telephone, utility/electric, cable television or street light poles located within a public right-of-way.

108. "Structure" means any thing constructed or erected, the use of which requires more or less permanent location on the ground,

including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

109. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

110. "Substantial improvement" means any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.

111. "Swimming pool" means any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground, and on ground swimming pools, hot tubs, and spas.

112. "Temporary use permit" means a permit to allow a use of limited duration and/or frequency, or to allow multiple related events over a specified period.

113. "Trailer" means any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place. The term "trailer" includes camp car and house car.

114. "Use" means an activity or function carried out on an area of land, or in a building or structure located thereon. Any use comprising the sole or main use on the site is considered the primary use of the site. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

115. "Public utility" means a facility for the distribution or transmission of services to an area, requiring location in the area to be served, including, but not limited to:

- A. Telephone exchanges;
- B. Water pumping or treatment stations;
- C. Electrical switching substations;
- D. Water storage reservoirs or tanks;
- E. Municipal ground water well-fields;
- F. Regional storm water management facilities;

- G. Natural gas gate stations and limiting stations;
- H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users; and
- I. Sewer lift stations.

116. "Variance" means an adjustment in the application of standards of the Zoning Code to a particular property.

117. "Vegetation" means any and all plant life growing at, below or above the soil surface.

118. "Yard" means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

119. "Yard, front" means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where owner may elect to place the front of building on a street parallel to lot line having the greater dimension. In the case of the front of building being place on street parallel to lot line having the greater dimension, required front and rear yard setbacks must be met from that street's place line.

120. "Yard, rear" means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be opposite of the front yard on the lot layout.

121. "Yard, side" means a yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the site of the main building or any projections thereto.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Sections 165.07 and 165.08 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
328	August 19, 2004		
330	September 2, 2004		
331	September 2, 2004		
354	September 15, 2005		