

## CHAPTER 165.05      DEFINITIONS

### Sections:

165.05.010	Interpretation
165.05.100	Definitions
165.05.110	Accessory Building
165.05.120	Alley
165.05.130	Apartment
165.05.140	Apartment House
165.05.150	Basement
165.05.160	Boardinghouse or Rooming House
165.05.170	Building
165.05.180	Building, Height of
165.05.190	Building Official
165.05.200	Building Permit
165.05.210	Cellar
165.05.220	Clinic
165.05.230	Club
165.05.240	Day Care Center or Nursery School
165.05.250	District, Zoning
165.05.260	Dwelling
165.05.270	Dwelling, Farm
165.05.280	Dwelling, Multiple Family
165.05.290	Dwelling, Single Family
165.05.300	Dwelling, Single Family Attached
165.05.310	Dwellings, Two Family
165.05.320	Family
165.05.330	Farm
165.05.340	Filling, Service or Gas Station
165.05.350	Frontage
165.05.360	Garage, Private
165.05.370	Garage, Public
165.05.380	Garage, Storage
165.05.390	Grade
165.05.400	Home Occupation
165.05.410	Home Office
165.05.420	Hotel
165.05.430	Institution
165.05.440	Lot
165.05.450	Lot, Corner
165.05.460	Lot, Depth of
165.05.470	Lot, Double Frontage
165.05.480	Lot of Record
165.05.490	Mobile Home
165.05.500	Mobile Home Park
165.05.510	Non-Conforming Use
165.05.520	Nursing Home
165.05.530	Parking Space
165.05.540	Recreational Vehicle
165.05.550	Site Plan
165.05.560	Service Establishments
165.05.570	Story
165.05.580	Story, Half

165.05.590	Street
165.05.600	Street Line or Right-of-Way Line
165.05.610	Structural Alterations
165.05.620	Structure
165.05.630	Travel Trailer
165.05.640	Travel Trailer Park
165.05.650	Yard
165.05.660	Yard, Front
165.05.670	Yard, Rear
165.05.680	Yard, Side

**165.05.010 Interpretation**

For the purpose of this Chapter, certain terms and words are defined as set forth herein. Words used in the present tense include the future; the singular number includes the plural the singular. The word “building” includes the word “structure,” and the word “shall” is mandatory and not directory.

**165.05.100 Definitions**

The following definitions are provided for terms used throughout Chapter 165. More specialized definitions concerning the regulation of signs are located in 165.67 and concerning condominium and cooperative conversions in 165.90.

**165.05.110 Accessory Building**

A subordinate building, the use of which is incidental to that of the main building or to the main use of the premises. An “accessory use” means one which is incidental to the main use of the premises.

**165.05.120 Alley**

A permanent public service way providing a secondary means of access to abutting lands.

**165.05.130 Apartment**

A room or suite of rooms in a multiple or two-family structure, or where one or more living units is established above nonresidential uses, used or intended for use as a single housekeeping unit.

**165.05.140 Apartment House**

See Dwelling, Multiple Family.

**165.05.150 Basement**

A story having part but not more than one-half of its height below grade, which, when subdivided into rooms and used for tenant purposes, shall be included as a half-story for purpose of height measurement.

**165.05.160 Boardinghouse or Rooming House**

A building where, for compensation, lodging, or lodging and meals are provided for three but no more than 20 persons, not open to transient guests, in contradistinction to hotels open to transients. Three lodging rooms accommodating not more than two persons per room shall be equivalent to one apartment when determining lot area requirements.

**165.05.170 Building**

A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls without opening through such walls, each portion of such a building shall be considered a separate structure.

**165.05.180 Building, Height of**

The vertical distance from the grade to the highest point of a flat roof or the deck line of a mansard roof, or to the mean height level between eave and ridge for gable, hop and gambrel roof.

**165.05.190 Building Official**

The official responsible for enforcement of the building, zoning and subdivision codes of the City.

**165.05.200 Building Permit**

A permit signed by the Building Official allowing construction of or modifications to a building the plans for which have been reviewed and are consistent with the provisions of this ordinance and such other ordinances as may be applicable.

**165.05.210 Cellar**

A story having more than one-half of its height below grade. A cellar is not included in computation for the number of stories for the purpose of building height measurement and is generally considered uninhabitable as a separate unit and unsuitable for sleeping rooms.

**165.05.220 Clinic**

An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group (2 or more) of physicians, dentists, chiropractors or other licensed physical or mental health care providers. The incidental distribution of drugs relating to the practice is permitted but the retail distribution of drugs is not permitted unless the underlying zoning would permit such use.

**165.05.230 Club**

An association of persons for some common purpose which is jointly supported and meets periodically, but not including groups organized primarily to render service which is customarily carried on as a business.

**165.05.240 Day Care Center or Nursery School**

A structure in which non-family members are cared for on a collective basis: center where more than five children are cared for in any week for monetary or other considerations and which are required to be licensed by the State of Iowa. Day Care may include organized pre-school activities.

**165.05.250 District, Zoning**

A section or sections of the city for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform and are set forth in this chapter.

**165.05.260 Dwelling**

A building or portion thereof designed or used exclusively for residential occupancy of one or more humans, but does not include hotels, motels, boarding houses and rooming houses, tourist courts, tourist homes, bed and breakfasts and other temporary lodging.

**165.05.270 Dwelling, Farm**

A building designed for and occupied exclusively by one family whose principal source of income is derived from the farm on which the building is located.

**165.05.280 Dwelling, Multiple Family**

A building or portion thereof designed or altered for occupancy by three or more independent living units.

**165.05.290 Dwelling, Single Family**

A building designed exclusively for the use and occupancy by one household unit or family, including a manufactured housing unit which is erected or installed on a site-built permanent foundation and not designed to be moved once so installed and which is designed and manufactured to comply with all building codes applicable to site built housing.

**165.05.300 Dwelling, Single Family Attached**

A single family attached dwelling means a row of two or more adjoining dwelling units each on a platted lot, each of which is separated from the others by one or more unpierced walls extending from the ground to the roof.

**165.05.310 Dwellings, Two Family**

A building designed or altered to provide dwelling units for occupancy by two families.

**165.05.320 Family**

One or more persons related by blood, marriage or adoption, or a group of five or fewer persons living together and maintaining a common household. "Family" may include residential care facilities for not more than eight developmentally disabled persons pursuant to the Code of Iowa, but does not include sororities, fraternities or other similar organizations.

**165.05.330 Farm**

"Farm" means an area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term "farming" include the operating of such an area for one more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operating of any such accessory uses shall be secondary to that of the normal farming activities; and, provided further, that farming does not include the feeding of garbage or offal to swine or other animals.

**165.05.340 Filling, Service or Gas Station**

“Filling Station” or “service station” means any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, and excluding public garages.

**165.05.350 Frontage**

“Frontage” means all the property on one side of the street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is a deadend, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**165.05.360 Garage, Private**

“Private garage” means an accessory building housing motor-driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one of the vehicles may be a commercial vehicle of not more than three tons capacity.

**165.05.370 Garage, Public**

“Public garage” means any building of premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor-driven vehicles.

**165.05.380 Garage, Storage**

“Storage garage” means any building, or premises, used for housing only of motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped repaired, hired or sold.

**165.05.390 Grade**

“Grade” means:

- A. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the walk adjoining the street.
- B. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a streetline is to be considered as adjoining the street.

**165.05.400 Home Occupation**

Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for the dwelling purposes and does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the family.

**165.05.410 Home Office**

An occupation or profession carried on within a dwelling by members of the immediate family residing on the premises, in connection with which there is no person employed on the premises other than a member of the immediate family residing on the premises and which meets all the following requirements:

- A. No name plate, sign or any other exterior alterations are made to indicate that the structure is used for any purpose other than a dwelling.
- B. No clients or customers are received other than occasionally at the premises.
- C. No mechanical or electrical equipment is installed or maintained other than such is compatible to domestic use.
- D. The use creates no additional traffic and requires no additional parking space.
- E. The use does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home for which purpose the district was created and primarily intended.
- F. The use does not occupy more than one room in the main building and is not conducted in an accessory building.

**165.05.420 Hotel**

“Hotel” means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

**165.05.430 Institution**

“Institution” means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

**165.05.440 Lot**

“Lot” means a parcel of land occupied or intended for occupancy by a use permitted in this Chapter, including one main building together with its accessory building, the required open spaces and parking set forth in this Chapter, and having its principal frontage on a street or upon an approved private way.

**165.05.450 Lot, Corner**

A lot abutting two or more streets at their intersection.

**165.05.460 Lot, Depth of**

The mean horizontal distance between the front and rear lot lines.

**165.05.470 Lot, Double Frontage**

A lot having frontage on two non intersecting streets, as distinguished from a corner lot.

**165.05.480 Lot of Record**

A lot which has been recorded in the office of the county recorder of the county; or a parcel of land, the deed to which was recorded in the office of the county recorder prior to the adoption of this Chapter.

**165.05.490 Mobile Home**

“Mobile home” means a manufactured housing unit built on a chassis to permit its conveyance upon public streets. A mobile home does not meet the uniform building code requirements applicable to site built housing, but is designed and constructed to accommodate year-round occupancy as a single family dwelling containing water supply, waste disposal, heating and electrical conveniences. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitches or other appurtenances of mobility are removed and when it has been placed on a foundation of any type.

**165.05.500 Mobile Home Park**

An area designated for the placement exclusively of mobile homes in accordance with the provisions of this Chapter and Chapter 146.

**165.05.510 Non-Conforming Use**

Any lawful use of land or building at the time of passage of this Chapter or amendment thereto, which use does not conform after the passage of this Chapter or amendment thereto with the use regulation of the district in which it is situated.

**165.05.520 Nursing Home**

Means an establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted persons, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or care of the sick or injured.

**165.05.530 Parking Space**

A durably surfaced area (meaning concrete or asphaltic concrete), in the main building, in an accessory building or unenclosed, of sufficient size to store one automobile, and, if the space is unenclosed, being an area with a minimum width of eight and one-half and comprising an area of not less than 153 square feet exclusive of a durably surfaced driveway connecting the parking space with a street, alley or other public access way and permitting satisfactory ingress and egress of an automobile.

**165.05.540 Recreational Vehicle**

A vehicle, powered or unpowered, intended to be licensed to traverse public streets, and that is designed to be used for recreational purposes or for the transport of recreation vehicles such as boats.

**165.05.550 Site Plan**

A site plan is a plan for the use of a parcel drawn to scale and with written information sufficient to guarantee compliance with the provisions of this ordinance. The contents of the site plan will be further defined in 165.75 of this ordinance along with specific standards to protect the health, safety and welfare of the community.

**165.05.560 Service Establishments**

“Service establishments” means a shop or activity where materials or objects are treated or repaired and where objects may be sold, such as a shop for repairing shoes, but it does not include an establishment where large objects or large quantities of material are assembled and treated, such as a garage or plumbing shop.

**165.05.570 Story**

That portion of a building 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.

**165.05.580 Story, Half**

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor, and in which space not more than 60 percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupants of the floor immediately below.

**165.05.590 Street**

A public thoroughfare which affords the principle means of access to abutting property.

**165.05.600 Street Line or Right-of-Way Line**

A line separating an abutting lot, parcel or tract of land from a contiguous street right-of-way.

**165.05.610 Structural Alterations**

Means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**165.05.620 Structure**

Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for athletic endeavors and pergolas.

**165.05.630 Travel Trailer**

A portable vehicular structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

**165.05.640 Travel Trailer Park**

Means any site, lot, field, or tract of land upon which two or more travel trailers or similar vehicles designed for recreation purposes are harbored either free of charge or for a fee.

**165.05.650 Yard**

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**165.05.660 Yard, Front**

A yard extending across the full width of the zoning lot lying between the side lot lines, and being the minimum horizontal distance between the street line and nearest building or any portion thereof other than the projection of the usual steps, overhangs or unenclosed entryways.

**165.05.670 Yard, Rear**

A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the principle structure or any projection thereof.



**165.05.680      Yard, Side**

That part of the yard lying between the nearest line of the principle building and a side lot line, and extending from the required front yard to the required rear yard line.

**165.05.690      Zoning Certificate**

A letter or form prepared by the Zoning official which certifies the zoning at a point in time determined from the official zoning map maintained by the City Clerk.