

SECTION 1.03

DEFINITIONS

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FOR ALL THE PURPOSES OF THIS ORDINANCE, CERTAIN TERMS OR WORDS USED HEREIN SHALL BE INTERPRETED AS FOLLOWS:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory, the word "may" is permissive.

The words "used" or "occupied" include the words intended, designed, or arrange to be used or occupied.

Abutting - Having property or district lines in common.

Access - A way of approaching or entering a property from a public street.

Accessory Buildings - A subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessory Use - A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extend or purpose, the principal lawful use or building.

Alley - A public right-of-way designed primarily to provide secondary access to lots.

Buildable area - The space remaining on a lot in any District after the minimum space requirements (coverage, yards, setback, etc.) have been met.

Building - Is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, and requires a permanent location.

Centerline - A line halfway between the street lines.

Clinic - Is an establishment occupied by one or more members of a healing profession and used for practice of said profession. A "clinic" shall not include any in-patient care.

Commission - City Plan Commission of Garwin, Iowa.

Comprehensive Plan - A document or series of documents prepared by the Plan Commission setting forth policies for the future of the City and adopted by the City Council of Garwin, Iowa.

Council - City Council of Garwin, Iowa.

District - A designated geographic area of the City wherein regulations of this Ordinance are uniform.

Duplex - Is a building containing two dwelling units only.

Dwelling - A "dwelling" is a building, or portion thereof, but not a house trailer, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, or boarding, lodging, or rooming houses.

Dwelling, Attached - An "attached dwelling" is one which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached - A "detached dwelling" is one which is entirely surrounded by open space on the same lot.

Dwelling Unit - A "dwelling unit" consists of one or more rooms which are arranged, designed, or used as living quarters for one family, one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

Dwelling, Single-Family - A "single-family dwelling" is a building containing one dwelling unit only.

Dwelling, Multiple-Family - A "multiple-family dwelling" is a building, or portion thereof, containing two or more dwelling units.

Family - One or more persons related by blood, marriage, or adoption occupying a single dwelling unit. A family may include three, but not more than three persons not related by blood, marriage or adoption, but further provided that domestic employees employed on the premises may be housed on the premises without being counted as a family or families.

Garage - Is a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

Garage, Private - Is a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

Garage, Public or Storage - Is a building or part thereof other than private garage for the storage of motor vehicles and in which service station activities may be carried on.

Grade - The average level of the finished surface of the ground for buildings more than five feet from a street line. For buildings closer than five feet to a street the grade is the sidewalk elevation at the center of the building. If there is more than one street an average sidewalk elevation is to be used. If there is no sidewalk, the City Engineer shall establish the sidewalk grade.

Health Care Facility - Any residential care facility, intermediate care facility, or skilled nursing facility.

- A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who be reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.
- B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or licensed practical nurse.
- C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four hour per day basis.

Height-Building - Is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

Home Occupation - An occupation conducted in a dwelling unit, provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- D. No home occupation in a Residential District shall be conducted in any accessory building;
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off street parking and shall not be in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

Hospital - An institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individual, or any institution, place building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include

sanatoriums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

Hotel - Is a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

Institution - Is a nonprofit establishment of public use.

Junk Yard - An establishment or place of business which is maintained, operated, or used primarily for storing, keeping, buying or selling of old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts of automobiles, or iron, steel, or other old or scrap ferrous or non-ferrous material.

Kenel - Shall mean a place where four (4) or more dogs, cats, or similar animals or pets over four months of age are boarded, bred and/or offered for sale.

Lodging House - A "lodging house" is a building originally designed for or used as single-family, two-family, or multiple-family dwellings, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

Lot - For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record;
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Frontage - The front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot Measurements -

- A. Depth of a lot shall be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line, provided however that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where 80 percent requirement shall not apply.

Lot of Record - A lot which is part of a Subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Mobile Home Park or Trailer Park - Shall mean an approved site, lot, field or tract of land designed, maintained or used for the purpose of supplying location and accommodations for mobile home spaces and shall include any building, structure, vehicle or enclosure used to intended for use as part of the equipment of such park; unoccupied mobile homes which are parked for the purpose of inspection and sale may be placed in a mobile home park if they are incidental to the operation of said mobile home park.

Mobile Home or "Trailer" - Shall mean any vehicle mounted on wheels and for which a license would be required if used on highways, roads or streets, and so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.

Mobile Home Space or Mobile Home Lot - Shall mean a parcel of ground within a mobile home park designed for the accommodation of one mobile home.

Motel - Shall mean an establishment consisting of a group of living or sleeping accommodations with individual bathrooms, designed for use by transient, and having not more than fifty (50) percent of the living and sleeping accommodations occupied by, or designed for occupancy by, persons other than transient automobile tourists. A motel furnished customary hotel service, laundering of linen, telephone, secretarial or desk service, and the use and upkeep of furniture.

Nonconformities - Lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of the Ordinance's enactment.

Nuisance - Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Parking Space - An area on a lot sufficient in size to store one automobile (not less than nine (9) feet wide and twenty (20) feet long) connected to a public street or alley by a driveway not less than ten (10) feet wide so arranged as to permit ingress and egress of the automobiles at all times without moving any other automobile parked adjacent to the parking space.

Permitted Use - A use by right which is specifically authorized in a particular zoning district.

Principal Use - The main use of land or structures as distinguished from an accessory use.

Projections (into yards) - Parts of buildings such as architectural features that extend beyond the building's exterior wall.

Setback - The required distance between every structure and lot line on the lot in which it is located.

Street - All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle, or however otherwise designated.

Street Line - The right-of-way line of a street.

Statement of Intent - A statement preceding regulations for individual districts, intended to characterize the districts, and their legislative purpose.

Story - Is the portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Structure - Structure is anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

Structural Alteration - Any changes in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Use - The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Variance - A device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which conditions is not of the owners making.

Yard - An open space on the same lot with a building, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front - An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.

Yard, Rear - Is an open unoccupied space on the same lot with the building between the rear line of the building and rear line of the lot and extending the full width of the lot.

Zoning Administrator - The local Official responsible for granting Zoning Permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the Official may be appealed to the Board of Adjustment

Zoning District - A section of a City or County designated in the Zoning Ordinance text and delineated on the Zoning Map in which requirements for the use of land, the buildings and development standards are prescribed. Within each district, all requirements must be uniform.

Zoning Map - The Map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.