

## ARTICLE 2 RULES OF CONSTRUCTION AND DEFINITIONS

### Sec. 29.200. GENERAL RULES OF CONSTRUCTION.

In the construction of this Ordinance, words and phrases shall be construed according to the commonly approved usage of the language, except that technical words and phrases that have acquired a particular and appropriate meaning in law shall be construed accordingly. All words used in the present tense include the future tense; the singular number includes the plural and the plural number includes the singular; and the masculine gender includes the feminine and vice versa. The word "shall" is mandatory and not directory. The word "used" shall include "designed, intended or arranged to be used." Unless otherwise specified, all distances shall be measured horizontally.

### Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

- (1) **Abutting** means adjoining or bordering.
- (2) **Access** means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
- (3) **Accessible Parking Space** means parking spaces accessible for persons with disabilities.
- (4) **Accessory Parking** means the parking of vehicles of the residents, customers, guests, employees, or owners of a site, not including vehicles for sale by the owner or tenant of the site. Vehicles under this definition must be registered and licensed, and must be able to be started and move on their own power a distance of at least 200 yards. Accessory parking outdoors for more than 72 hours is considered outdoor storage as defined in this chapter.
- (5) **Accessory Structure** means a subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be incidental and accessory to the use of the principal building. Accessory Structures include, but are not limited to, garages, sheds, and fences.
- (6) **Accessory Use** means a use incidental to, and on the same lot as, a primary use.
- (7) **Adaptive Reuse** means rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).
- (8) **Adult Entertainment Facilities:** See Table 29.501(4)-7.
- (9) **Agriculture** means any use of any land, building, structure or portion thereof principally for the production and, as an accessory use, for the treatment and storage of plants, animals or horticultural products. "Agriculture" shall include aquaculture; beef cattle; bees and apiary products; dairy animals and products; flowers; forages; fruits, nuts and berries; grains and feed crops; horses; poultry; sheep; swine; trees and forest products; and vegetables. "Agriculture" shall not include any auction sales yards, recreational facilities, rural or suburban areas used primarily for residential or recreational purposes or stockyards or feedlots operated commercially.  
(*Ord. No. 3591, 10-10-00*)
- (10) **Alley** means any public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.
- (11) **Alteration** means a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
- (12) **Ambient Sound Level.** The amount of background noise at a given location prior to the installation of Small Wind Energy System, which may include, but is not limited to, traffic, machinery, lawnmowers, general human activity, and the interaction of the wind with the landscape. Ambient Sound Level is measured on the Decibel – dB(A) – weighted scale as defined by the American National Standards Institute (ANSI).  
(*Ord. No. 4040, 6-22-10*)
- (13) **Animal Hospital or Clinic** means an establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. This does not include open kennels or runs.
- (14) **Apartment Dwelling** means a dwelling containing three or more residential units. The term includes what is commonly known as an apartment building, but does not include community residential facilities or single family attached dwellings. Apartment dwellings may be occupied by families only, or by a group of unrelated persons limited to five or less per residential unit.  
(*Ord. No. 3591, 10-10-00*)

(15) **Assisted Living Facility** means a residence for 2 or more elderly that provides rooms, meals, personal care and supervision of self-administered medication. These facilities may provide other services, such as recreational activities, financial services, and transportation.

*(Ord. No. 4013, 11-10-09)*

(16) **Automotive and Marine Craft Trade:** See Table 29.501(4)-3.

(17) **Awning** means any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements or a roof-like structure of a permanent nature projecting from the wall of a structure and overhanging a public way.

\*\*\* **Basement.** See subsection 250.

(18) **Base Zone** means the mapped area to which a uniform set of general regulations apply, typically for agricultural, residential, commercial, or industrial uses.

(19) **Basic Utilities:** See Table 29.501(4)-6.

(20) **Bedroom.** A bedroom is any room or area within a dwelling unit that: is not a kitchen, bathroom, hallway or foyer; is at least 70 square feet and otherwise complies with building and fire code compliance for a bedroom; and does not provide the sole means of access or passage into any other room in the living unit except a bathroom or closet. If under this definition there is no remaining room or area in the living unit that can reasonably be used as a living room, then one bedroom may be considered a living room if it otherwise meets the definition of living room.

*(Ord. No. 4035, 4-27-10)*

(21) **Bicycle** means either of the following: (1) A device having two wheels and having at least one saddle or seat for the use of a rider, which is propelled by human power. (2) A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour, as certified by the original manufacturer."

(22) **Bicycle, Motorized** means a motor vehicle having a saddle or a seat for the use of a rider, designed to travel on not more than three wheels in contact with the ground, and not capable of operating at a speed in excess of 30 miles per hour on level ground unassisted by human power, as certified by the original manufacturer.

*(Ord. No. 3971, 11-6-08)*

(23) **Billboard** means a fabricated surface or devise located outdoors that is used or intended to be used in the business of displaying messages in exchange for a rental payment fee.

(24) **Block** means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries.

(25) **Bracket** means a structural support attached to a wall and bolted to or bearing thereon. Often used as a decorative feature connecting an overhanging stoop to the structure.

(26) **Building** means any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels.

(27) **Building Coverage** means the area of a lot covered by buildings or roof areas, including covered porches, accessory buildings and areas for outdoor storage, but excluding allowed projecting eaves, uncovered balconies, and similar features.

(28) **Building/Zoning Permit** means a permit issued by the duly designated Building Official authorizing the erection, construction, reconstruction, alteration, repair, conversion or maintenance of any building, structure or portion thereof. Such a permit shall not be issued without the signature of the Zoning Enforcement Officer, certifying compliance with this ordinance.

(29) **Building, Principal** means the building on a lot in which the Principal Use of the lot is conducted.

(30) **Build-to-line.** A build-to-line is a line to which the front wall of a building is to be constructed. The build-to-line and the setback line shall coincide. The build-to-line runs parallel to the front lot line and is established to create an even building facade line along a street.

*(Ord. No. 3710, 5-13-03)*

(31) **Carport** means any parking space or spaces having a roof but not enclosed by walls and accessory to a dwelling unit or units. "Carport" shall not include any parking structures.

(32) **Cemetery** means any land, building, structure or portion thereof used for the burial of the dead. "Cemetery" does not mean columbarium, crematory, funeral home, or mausoleum operated in conjunction with and within the boundaries of such cemetery; this definition does not preclude the construction of the same on the grounds of a cemetery.

- (33) **Child Day Care Facilities:** See Table 29.501(4)-5.
- (34) **City** means the City of Ames, Iowa.
- (35) **Clinic** means a building designed and used for medical, osteopathic, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.
- (36) **Club** means any building, structure, portion thereof, or land used for social, educational, or recreational purposes, but not primarily for profit or to render a service that is customarily carried on as a business. "Club" shall include country club, civic club, social club and similar voluntary associations.
- (37) **Clubhouse** means an accessory building or amenity area of an apartment building for use by residents of the development for social, recreation, or administrative functions. Such functions could include management offices, meeting rooms, media rooms, fitness facilities, study areas, mail collection facilities, and maintenance and storage areas.  
(*Ord. No. 4167, 12-17-13*)
- (38) **Cluster Housing** means the site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.
- (39) **Colleges and Universities:** See Table 29.501(4)-5.
- (40) **Commercial Outdoor Recreation:** See Table 29.501(4)-7.
- (41) **Commercial Parking:** See Table 29.501(4)-6.
- (42) **Common Open Space** means an area of land, water or combination thereof planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- (43) **Community Facilities:** See Table 29.501(4)-5.
- (44) **Condominium** means a building containing 2 or more dwelling units which are designed and intended to be separately owned in fee.
- (45) **Congregate Housing** means a residential facility for more than 6 persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine, social and medical appointments, and counseling.
- (46) **Coniferous** means a plant with foliage that persists and remains green year-round.
- (47) **County** means Story County, Iowa.
- (48) **Court** means any area accessory to a building or structure, unoccupied by any building or structure, unobstructed to the sky, unimproved except with normal landscaping, and bounded on 3 or more sides by walls of the building or structure. "Court" shall not include any porches or yards.
- (49) **Deciduous** means a plant with foliage that is shed annually.
- (50) **Density** means the average number of dwelling units per acre of land, expressed in terms of "units per acre."
- (51) **Design Standards** means mandatory restrictions on the design of a site--including such parameters as public space, building materials, landscaping and building design--applicable only to certain Zones.
- (52) **Detention Facilities:** See Table 29.501(4)-7.
- (53) **Development Standards** means mandatory restrictions on the development of a site, including such parameters as height, density, area, setback or other limitations, as set forth in the applicable article of the Ordinance.
- (54) **District:** See "Zone".
- (55) **Dormer** means a shed, single gable or single hipped roofed structure rising from a slope of the roof, usually pierced by a window.
- (56) **Drive Aisle.** That portion of the parking area, parking lot, or parking structure not intended for parking but which provides access to parking spaces or vehicular circulation in or through a parking area, parking lot, or parking structure.
- (57) **Drive Through Facility** means a structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.
- (58) **Driveway.** The vehicular access way from a public or private street or alley to a parking area, parking lot, or parking structure.

(*Ord. No. 4018, 12-22-09*)

(59) **Dwelling, Apartment:** See "Apartment Dwelling".

(60) **Dwelling House** means any building in an "RM" or "RH" district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people, provided there is one parking space per bedroom for units with two bedrooms or more, or in University Impacted areas 1.25 parking spaces per bedroom in units with two or more

bedrooms, and one bedroom units shall have 1.5 parking spaces per unit.

*(Ord. No. 3739, 10-14-03)*

(61) **Dwelling, Single-Family** means any building consisting of no more than one dwelling unit, designed for and occupied exclusively by one family.

(62) **Dwelling, Single Family Attached** means a single family dwelling unit in a row of at least two such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant party walls and the unit is located on a separate lot.

*(Ord. No. 3640, 12-11-01)*

(63) **Dwelling, Two-Family** means any building consisting of 2 dwelling units, each designed for separate and independent occupancy.

(63.1) **Dwelling, Two Family Pre-existing:** A two family dwelling designed and built as, or converted to a two family dwelling, pursuant to a zoning and building permit as evidenced by approved building/zoning permits on file with the Chief Building Official. However, a home subject to a retroactive conversion permit does not meet the definition of being a two family dwelling pre-existing.

*(Ord. No. 4311, 6-27-17)*

(64) **Dwelling Unit** means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, meal preparation and a bathroom. "Dwelling unit" shall not include any hotels, manufactured homes, nursing homes, residential corrections facilities, rooming houses, sororities or fraternities, or supervised group homes.

(65) **Dwelling Unit, Efficiency** a dwelling unit consisting of not more than one habitable room together with a kitchen or kitchenette and sanitary facilities.

(66) **Elderly** means persons age 62 years or older.

(67) **Entertainment, Restaurant and Recreation Trade:** See Table 29.501(4)-3.

(68) **Essential Public Services:** See Table 29.501(4)-6.

(69) **Facade, Primary** means the front or face of a building which faces the front yard and is located nearest the front property line.

(70) **Facade, Recessed** means the front or face of a building which faces the front yard and is set back from the front property line a distance greater than that of the Primary Facade.

(71) **Facade, Secondary** means that portion of a building which is adjacent to the side yard and faces the street. A secondary facade only occurs on a corner lot.

(72) **Family** means a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

(a) Any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship;

(b) Three unrelated people;

(c) Two unrelated people and any children related to either of them;

(d) Not more than eight people who are:

(i) Residents of a "Family Home" as defined in Section 414.22 of the Iowa code and this ordinance; or

(ii) "Handicapped" as defined in the Fair Housing Act, 42 U.S.C. Section 3602 (h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).

(e) Not more than five people who are granted a Special Use Permit as a single nonprofit housekeeping unit (a "functional family") pursuant to Section 29.1503(4)(d) of this ordinance.

(i) Exceptions - The definition of a "Family" does not include:

a. Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

b. Any group of individuals whose association is temporary or seasonal in nature; and

c. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

(73) **Family Home** means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than 8 persons with a developmental disability or brain injury and any necessary support personnel. "Family Home" shall not include individual foster care family homes licensed under Chapter 237 of the Iowa Code.

This definition is consistent with that set forth in Section 414.22(2)(b) of the Iowa Code.

(74) **Fence** means an unroofed barrier or unroofed enclosing structure, including retaining walls.

(75) **Floating Zone** means an unmapped zoning district where all the zoning requirements are contained in the Ordinance and the zone is fixed on the map only when an application for development meeting the zone requirements is approved.

(76) **Flood Plain** means that area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.

(77) **Floor Area, Gross** means the sum of the gross horizontal area of floors of a building, including interior balconies and mezzanines. All horizontal dimensions are to be between the exterior faces of walls or from the center line of walls separating 2 buildings.

(78) **Floor Area, Net** means the total square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.

(79) **Floor Area Ratio (FAR)** means the amount of floor area in relation to the amount of lot area, determined by dividing the gross floor area of all buildings on a lot by the area of that lot. Parking structures are excluded from the calculation of floor area ratio.

*(Ord. 4220, 6-23-15)*

(80) **Front** means the part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

(81) **Frontage, Lot** means the distance for which the front boundary line of the lot and the right-of-way are coincident.

(82) **Frontage, Street** means all of the property on one side of a street between 2 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.

(83) **Funeral Home** means any building or portion thereof used for performing funeral services, including preparing the dead for burial and storing funeral supplies and vehicles.

(84) **Funeral Facilities:** See Table 29.501(4)-5.

(85) **Gable** means the triangular upper portion of an end wall under a peaked roof.

(86) **Garage** means any accessory building, structure, or portion thereof used for parking and storing vehicles and located on the same lot as a principal building used for residential purposes. "Garage" shall not include any buildings, structures, or portions thereof used commercially for maintaining, parking, repairing, selling or storing vehicles.

(87) **General Development Standards** means requirements applying to all uses throughout any zone as set forth in the zone development standards tables for base zones and in supplemental development standards tables for overlay zones.

(88) **Golf Course** means any land, building, structure, or portion thereof used for the game of golf. "Golf Course" shall not include any miniature golf courses or driving ranges operated for commercial purposes.

(89) [This section reserved]

(90) **Greenhouse, Commercial** means any building, structure, or portion thereof whose roof and walls consist largely of glass or other translucent or transparent material and in which the temperature and humidity can be regulated and which is used primarily for the cultivation of plants or vegetables to be offered for sale.

(91) **Ground Cover** means grass or other spreading plant material used to define and cover the ground surface, less than 12 inches tall.

(92) **Group Living:** See Table 29.501(4)-1.

(93) **Handicap** means, with respect to a person pursuant to the Fair Housing Amendments Act,  
(a) A physical or mental impairment which substantially limits one or more of such person's major life activities;  
(b) A record of having such an impairment; or  
(c) Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

(94) **Height** means the vertical distance of a structure measured from the average elevation of the finished grade lying fifteen feet from the structure to: the highest point of the roof or parapet, for flat roofs; or, the mid-point between the eaves and the ridge, for sloped roofs.

(95) **Height, Total System.** The height above grade of the Small Wind Energy System, including the generating unit and the highest vertical extension of any blades or rotors.

(96) **Highway** means any public way designated as a highway by an appropriate local, state or federal agency.

(97) **Highway, Limited Access** means a freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such freeway or expressway.

(98) **Home Occupation** means an occupation, profession, activity, or use conducted for financial gain or profits in a dwelling that is clearly secondary to the residential use of the dwelling, does not alter the exterior of the dwelling or affect the residential character of the property or the neighborhood, and does not employ more than 2 persons, not including resident(s) of the dwelling.

(99) **Hospice** means a facility providing a caring environment for supplying the physical and emotional needs of the terminally ill.

(100) **Hospital** means a building or group of buildings having room facilities for one or more abiding patients, used for providing services for in-patient medical and surgical care of sick or injured humans and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

(101) **Hotel** means any number of buildings or portions thereof providing lodging or rooming to transient members of the public. "Hotel" shall include any automobile courts, inns, motels, motor inns, motor lodges, tourist cabins, tourist courts, or similar uses.

(102) **House of Worship** means any building, structure, portion thereof, or land maintained and operated by an organized religious group in which religious services are regularly conducted but which may include accessory uses in the main building or structure or in accessory buildings or structures for religious education, assembly, food preparation, recreation or library.

(103) **Household Living:** See Table 29.501(4)-1.

(104) **If Preexisting** means having been established pursuant to a City of Ames Zoning permit of record prior to the effective date of this Ordinance.

(105) **Independent Senior Living Facility** means an apartment dwelling featuring a central lobby, common dining area, and recreational rooms exclusively for the tenants. Domiciliary care services exclusively for the tenants may also be provided. Accessory support uses exclusively for tenants, such as pharmacies, banking services, barbers/beauticians, etc. may be included. The occupancy of an independent senior living facility shall be limited to:

- (a) Persons of the age of 55 or greater; or
- (b) 'Handicapped' but not including those persons currently illegally using or addicted to a 'controlled substance' as defined in the Controlled Substances Act 21 U.S.C. Section 802(6).

*(Ord. No. 3622, 7-10-01)*

(106) **Industrial Park** means a special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

(107) **Industrial Service:** See Table 29.501(4)-4.

(108) **Industrial Uses:** See Table 29.501(4)-4.

(109) **Intensity** means the degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.

(110) **Landscape, Landscaped, Landscaping,** means the improvement of a lot, parcel or tract of land with grass, shrubs trees flowers and/or groundcovers. Landscaping may include incidental ornamental features such as fountains, statuary, boulders, sculptures, pedestrian paths and other similar natural and artificial objects or improvements only when they are completely surrounded by adjacent plant material.

(111) **Land Use Policy Plan** means the comprehensive plan for the City, as adopted August 26, 1997, and as subsequently amended.

(112) **Laundry Facility** means any building, structure, or portion thereof used primarily for providing coin-operated or similar self-service clothes washing and drying machines to members of the general public for their use on the premises.

(113) **Living Room.** A living room is typically (though not exclusively) the largest finished room by floor area in a residential living unit. It may or may not have a dining area, have a least one window, and be accessed directly from a foyer, kitchen, or dining room/area, common hallway (as in an apartment building), and/or exterior doorway.

(114) **Lot** means a parcel of land intended for separate ownership, development or other use and that is

described or platted in a subdivision recorded pursuant to the Subdivision Regulations or otherwise recorded with the office of the Story County Recorder.

(115) **Lot Area** means the area of a horizontal plane bounded by front, rear and side lot lines, excluding any public ways.

(116) **Lot, Corner** means any lot conforming to the following requirements:

(a) A lot fronting on 2 intersecting streets which form an interior angle of 135 degrees or less and which lot has a frontage of not less than 25 feet on each of such streets; or

(b) A lot located at the angle in a street where the interior angle formed by the intersection of the street lines is 135 degrees or less and which lot has a frontage of not less than 25 feet on each leg of such angle.

(117) **Lot Coverage** means the percentage of a lot which, when viewed directly from above, would be covered by a structure or structures or any part thereof or any other impervious surface, excluding projecting roof eaves.

(118) **Lot Depth** means the distance from the front line to the rear lot line. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

(119) **Lot, Flag** means any lot having less frontage on a public way than is typical for the block in which the lot is proposed and is configured such that a narrow access corridor extends from the point of frontage to a larger portion of the lot (the "rear lot").

(120) **Lot, Interior** means any lot other than a Corner, Through or Flag Lot.

(121) **Lot, Recorded** means a lot designated on a plat of subdivision duly recorded pursuant to statute in the office of the Story County, Iowa, Recorder.

(122) **Lot, Through** means a lot, other than a corner lot, having frontage on 2 parallel or approximately parallel streets.

(123) **Lot Line** means the boundary of a lot as described and recorded or platted in a subdivision recorded pursuant to the Subdivision Regulations.

(124) **Lot Line, Front** means the property boundary that is first crossed when gaining access to a site from an abutting street or public right-of-way, except that for through lots, corner lots, lots with alley access, and lots extending into public rights-of-way, the front lot line shall be the boundary abutting the right-of-way or frontage road used as the basis for establishing the permanent address for the site.

(125) **Lot Line, Rear** means that boundary opposite and most distant from the front lot line. For three-sided lots, the rear lot line shall be the shorter of the two non-front lot lines. If the two lines are the same length, the owner may choose the rear property line.

(126) **Lot Line, Side** means any boundary that is not a front or a rear lot line.

(127) **Lot Width** means the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line or the chord thereof at a point located the minimum front setback distance from the front lot line.

(128) **Major Event Entertainment:** See Table 29.501(4)-7.

(129) **Manufactured Home** means a factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, and is to be used as a place for human habitation; but which is not constructed or equipped 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.

(130) **Manufactured Home Park** means any parcel of land that has been so designated and has been improved such that it contains 2 or more manufactured home spaces.

(131) **Manufactured Home Space** means any parcel of land within a manufactured home park designated for the accommodation of one manufactured home, or mobile home, to be used as a permanent dwelling and its accessory buildings or structures.

(132) **Manufactured Home Stand** means an outline of a manufactured home including any paved portion of the outdoor living area and any structural additions proposed or anticipated such as awnings, cabanas, carports, fences, porches or storage structures.

(133) **Manufacturing and Processing:** See Table 29.501(4)-4.

(134) **Mechanical Unit** means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, not including solar or wind energy systems as defined in Section 29.1309 and Section 29.1310.

*(Ord. No. 3997, 07-14-09; Ord. No. 4013, 11-10-09; Ord. No. 4040, 6-22-10; Ord. 4080, 08-23-11)*

(135) **Medical Centers:** See Table 29.501(4)-5.

(136) **Mobile Home** means 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 shall

also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

(137) **Modular Home** means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state build code commissioner.

(138) **Natural Grade** means the grade or topographic conditions of a site existing for at least 3 years, or the final grading of a lot in a major subdivision at the time of final plat approval. For purposes of determining allowable building height in floodplains, natural grade may be considered to be three feet above base flood elevation.”

(139) **Neighborhood Commercial Center** means a group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, in the Neighborhood Commercial zoning.

*(Ord. No. 3591, 10-10-00)*

(140) **Nonconforming Lot, Use or Structure** means a lot, use or structure which lawfully existed prior to the adoption, revision or amendment of this Ordinance, but which fails by reason of such adoption, revision or amendment to conform to this Ordinance.

*(Ord. No. 3591, 10-10-00)*

(141) **Nursing Home** means any building or portion thereof used for providing residential care for 2 or more invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate, or contagious cases. These facilities shall not contain equipment for surgery or for the treatment of serious injury. "Nursing home" shall not include any hotels.

*(Ord. No. 3591, 10-10-00)*

(142) **Off-Grid.** An electrical system that cannot be or is not permitted to be connected to the utility’s electric system or to any building or structure that is connected.

*(Ord. No. 4040, 6-22-10)*

(143) **Office Uses:** See Table 29.501(4)-2.

*(Ord. No. 3591, 10-10-00)*

(144) **Official Zoning Map** means the Official Zoning Map for the City, as adopted April 25, 2000, and as subsequently amended.

*(Ord. No. 3591, 10-10-00)*

(145) **Open Space** means useable open space designed and intended for the use of all residents of a residential development, including space dedicated to the public.

*(Ord. No. 3591, 10-10-00)*

(146) **Ordinance** means this Zoning Ordinance, adopted as Chapter 29 of the Municipal Code on April 25, 2000, and as subsequently amended.

*(Ord. No. 3591, 10-10-00)*

(147) **Outdoor Display** means the outdoor exhibition of products, vehicles, equipment and machinery for sale or for lease. Uses that often have outdoor displays include car and boat sales and plant nurseries. Outdoor display does not include goods that are being stored or parked outside.

*(Ord. No. 3591, 10-10-00)*

(148) **Outdoor Storage** means the outdoor keeping of any goods, material, merchandise, vehicles, or other items for more than 72 hours, not including solid waste out of doors.

*(Ord. No. 3591, 10-10-00)*

(149) **Overlay Zone** means a mapped area to which a uniform set of regulations serving a particular purpose applies as a supplement to Base Zone regulations.

*(Ord. No. 3591, 10-10-00)*

(150) **Owner** means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or significant proprietary interest in a tract of land.

*(Ord. No. 3591, 10-10-00)*

(151) **Parking Area** means any area consisting of any number of parking spaces and which is accessory to another use.

*(Ord. No. 3591, 10-10-00)*

(152) **Parking Lot** means the area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. "Parking Lots" include motor vehicle displays or storage lots.

*(Ord. No. 3591, 10-10-00)*



(153) **Parking Space** means any area designed and used for temporary location of a vehicle. "Parking space" shall not include any vehicular storage areas.

*(Ord. No. 3591, 10-10-00)*

(154) **Parking Space, Interior** means a parking space that does not abut the perimeter of a parking lot.

*(Ord. No. 3591, 10-10-00)*

(155) **Parking Structure** means any structure designed and used for temporary location of vehicles.

*(Ord. No. 3591, 10-10-00)*

(156) **Parks and Open Areas:** See Table 29.501(4)-6.

*(Ord. No. 3591, 10-10-00)*

(157) **Passenger Terminals:** See Table 29.501(4)-6.

*(Ord. No. 3591, 10-10-00)*

(158) **Pitch** means the amount of slope of the roof in terms of angle or other numerical measure; for example, 1 unit of rise to 3 units of shelter would be expressed as 1:3 rise to run.

*(Ord. No. 3591, 10-10-00)*

(159) **Planned Unit Development (PUD)** means a development of land that is under unified control and is planned and developed as a whole in a single development operation or a programmed series of development phases for the purpose of encouraging mixed uses. The development may include streets, sidewalks, utilities, building, open spaces and other site features and improvements.

*(Ord. No. 3591, 10-10-00)*

(160) **Porch** means a structure attached to or extending from a building providing a covered shelter at a building entrance. A Porch is open on at least one side, except that it may be enclosed with screens or latticework.

(160.1) **"Pre-existing"** means a legally established use that was a permitted use existing on a site at the time of adoption of Ordinance No. 3557, Enacting a New Chapter 29 (Zoning) in the year 2000, and remaining in continuous use since that time. For purposes of this definition, 'continuous use' would include a period of discontinuance of the permitted use when that period is for less than one year.

*(Ord. 4311, 6-27-17)*

(161) **Primary Use** means the main use of land or structures, as distinguished from an accessory use.

*(Ord. No. 3591, 10-10-00)*

(162) **Principal** means any building, structure, or portion thereof which is used for, or a use which is conducted for, the primary purpose of the lot on which it is located.

*(Ord. No. 3591, 10-10-00)*

(163) **Public Place** means an open or unoccupied public space more than twenty feet in width that is permanently reserved for the purpose of primary access to abutting property.

*(Ord. No. 3591, 10-10-00)*

(163A) **Public Art** means any works of craft or art in any medium that the City of Ames Public Art Commission (PAC) has reviewed and which has been approved, and formally accepted by the City Council (or under the authority of the City Council as designated to the PAC) for temporary or permanent installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means.

*(Ord. No. 4356, 6-12-18)*

(164) **Public Way** means any right-of-way used for passage by the public. "Public Way" shall include any highways, streets or alleys.

*(Ord. No. 3591, 10-10-00)*

(165) **Radio and Television Broadcast Facilities:** See Table 29.501(4)-6.

*(Ord. No. 3591, 10-10-00)*

(166) **Rail Lines and Utility Corridors:** See Table 29.501(4)-6.

*(Ord. No. 3591, 10-10-00)*

(167) **Railroad Yards:** See Table 29.501(4)-6.

*(Ord. No. 3591, 10-10-00)*

(168) **Reasonable Accommodation:** See Section 29.1505.

*(Ord. No. 3591, 10-10-00)*

(169) **Recreation Facility** means any building, structure, portion thereof, land or water designed and used for exercise, relaxation, or enjoyment. "Recreation Facility" shall include any athletic fields, baseball or softball diamonds, basketball courts, football fields, golf courses, golf driving ranges, gun clubs, gymnasiums, hunting or fishing preserves, ice hockey rinks, miniature golf courses, racquetball or squash courts, soccer pitches, swimming pools, tennis courts, or tracks.

*(Ord. No. 3591, 10-10-00)*

(170) **Recreational Vehicle** means a vehicular type portable structure without permanent foundation which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreational, camping, and travel use, and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

*(Ord. No. 3591, 10-10-00)*

(171) **Religious Institutions:** See Table 29.501(4)-5.

*(Ord. No. 3591, 10-10-00)*

(172) **Residential Corrections Facility** means any building or portion thereof accredited by the State of Iowa Department of Corrections for residential use by adults placed there as a condition of their sentencing, probation, parole, work release, federal placement, or other placement agreement.

*(Ord. No. 3591, 10-10-00)*

(173) **Residential Unit** means that portion of a building providing living space for an individual or a single family.

*(Ord. No. 3591, 10-10-00)*

(174) **Residential Uses:** See Table 29.501(4)-1.

*(Ord. No. 3591, 10-10-00)*

(175) **Resource Production and Extraction:** See Table 29.501(4)-4.

*(Ord. No. 3591, 10-10-00)*

(176) **Restaurant**

(a) **Fast Food Restaurant** means an establishment which is maintained, operated, and/or advertised to the public as a place where food and beverage are served to customers from a serving counter in disposable containers or wrappers and where food and meals are generally prepared in advance for immediate sale, and which may include inside seating, drive-through service, delivery service, and takeout/carry-out service.

(b) **Sit-Down Restaurant** means a use engaged in the preparation and sale of food and beverages, which could include the sale of alcoholic beverages when conducted as a secondary feature of the use. The food and beverage is generally for the consumption on-site, however, may include limited carry-our service.

*(Ord. No. 3591, 10-10-00, Ord. No. 3666, 6-11-02)*

(177) **Retail Sales and Services -- General:** See Table 29.501(4)-3.

*(Ord. No. 3591, 10-10-00)*

(178) **Right-of-Way** means any strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-way" includes any public ways.

*(Ord. No. 3591, 10-10-00)*

(179) **Roof, Gabled** means a roof that slopes from both sides of a ridge.

*(Ord. No. 3591, 10-10-00)*

(180) **Roof, Gambrel** means a double pitched roof.

*(Ord. No. 3591, 10-10-00)*

(181) **Roof, Hipped** means with slopes on all 4 sides, continuous from peak to eaves.

*(Ord. No. 3591, 10-10-00)*

(182) **Roof, Mansard** means a steep, dual pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

*(Ord. No. 3591, 10-10-00)*

(183) **Rooming House** means any building or portion thereof used for lodging or rooming where meals may be served for compensation to more than 3 persons not members of the family there residing. "Rooming house" shall not include any hotels.

*(Ord. No. 3591, 10-10-00)*

(184A) **Runway Protection Zone (RPZ)** - Runway protection zone is a trapezoidal area "off the end of the runway threshold established to enhance the protection of people and property on the ground" in the event an aircraft lands or crashes beyond the runway end. Runway Protection Zones underlie a portion of the approach closest to the airport.

*(Ord. No. 4186, 6-24-14)*

(184B) **Salvage Yard** means any open area on any parcel of land used for dismantling, storing, abandonment or keeping of junk or machinery, or the dismantling or abandonment of motor vehicles, other vehicles or parts thereof. "Salvage Yard" shall not include any vehicular storage areas.

*(Ord. No. 3591, 10-10-00; Ord. No. 4186, 6-24-14)*

(185) **Schools:** See Table 29.501(4)-5.

*(Ord. No. 3591, 10-10-00)*

(186) **Setback** means the distance that is required by this Ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. This term refers to a required minimum area, while the term "Yard" refers to the actual open area.

*(Ord. No. 3591, 10-10-00)*

(187) **Setback, Front** means a setback that extends across the full width of a lot to a line that runs parallel with the front lot line, the minimum depth of which is measured from the front lot line; or, in the case of flag lots, is measured from the point at which the access strip ends and the lot widens.

(188) **Setback, Rear** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

*(Ord. No. 3591, 10-10-00)*

(189) **Setback Side** means a setback that is to extend the full length of a lot, the required depth of which is measured as the minimum horizontal distance between a side lot line and a line parallel thereto on the lot.

*(Ord. No. 3591, 10-10-00)*

(190) **Shadow Flicker.** Changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.

*(Ord. No. 4040, 6-22-10)*

(191) **Short-Term Lodging:** See Table 29.501(4)-1.

*(Ord. No. 3591, 10-10-00)*

(192) **Shrub** means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or coniferous.

(a) Shrubs Low: Shrubs with a mature height of 3 to 6 feet.

(b) Shrubs High: Shrubs with a mature height of 6 feet or greater.

*(Ord. No. 3591, 10-10-00)*

(193) **Single Family Dwelling** means a dwelling containing one residential unit.

*(Ord. No. 3591, 10-10-00)*

(194) **Single, Nonprofit Housekeeping Unit** means the functional equivalent of a traditional family, including a non-transient, interactive group of persons jointly occupying or a non-transient individual person occupying a single dwelling unit, including the joint or individual use of common areas, for the purpose of sharing or conducting household activities and responsibilities such as meals, chores and expenses. "Single, Nonprofit Housekeeping Unit" shall not include occupants of a boarding house, hotel, fraternity, sorority, or club.

*(Ord. No. 3591, 10-10-00)*

(195) **Single Room Occupancy Housing (SRO)** means a dwelling providing single room residential units where bath or toilet facilities are usually shared by individuals who are not members of the same family. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels, boarding houses and rooming houses.

*(Ord. No. 3591, 10-10-00)*

(196) **Site Development Plan, Major or Minor** means a plan showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land in such detail as may be required by the applicable article of the Ordinance.

*(Ord. No. 3591, 10-10-00)*

(197) **Small Production Facility:** A combined manufacturing and commercial facility of alcoholic beverages for direct sale to wholesale or customers that also includes a retail outlet, tasting room, or restaurant that sells products produced on site. This use includes breweries, distilleries, and wineries.

*(Ord. No. 4216, 5-12-15)*

(197.5) **Small Wind Energy Conversion System, Horizontal Axis.** A Small Wind Energy System that has blades which rotate through a horizontal plane.

*(Ord. No. 4040, 6-22-10)*

(198) **Small Wind Energy Conversion System, Vertical Axis.** A Small Wind Energy System that has blades which rotate through a vertical plane.

*(Ord. No. 4040, 6-22-10)*

(199) **Small Wind Energy System (SWES).** A Wind Energy System which has a rated capacity of up to one hundred (100) kW and which is incidental and subordinate to a permitted use on the same parcel or lot. A system is considered a Small Wind Energy System only if it supplies electrical power solely for on-site use,

However, when a parcel on which the system is installed also receives electrical power supplied by a Utility, excess electrical power generated and not presently needed for on-site use may be used by the Utility in accordance with laws and regulations governing such use meets utility requirements.

*(Ord. No. 4040, 6-22-10)*

(200) **Small Wind Energy System, Building-Mounted.** A Small Wind Energy System which requires support by a building, and does not connect directly to the ground. A building mounted system is not a minor projection, as defined in Section 29.402.

*(Ord. No. 4040, 6-22-10)*

(201) **Small Wind Energy System, Collocated.** A Small Wind Energy System that is mounted on a tower or pole structure which serves another primary purpose, such as a parking lot light or flagpole.

*(Ord. No. 4040, 6-22-10)* (180)

(202) **Small Wind Energy System, Freestanding.** A Small Wind Energy System which is elevated by means of a tower and is not located on another supporting structure.

*(Ord. No. 4040, 6-22-10)*

(203) **Social Service Providers:** See Table 29.501(4)-5.

*(Ord. No. 3591, 10-10-00)*

(204) **Soil Erosion and Sedimentation Control Plan** means a plan submitted by an applicant for the purpose of providing such earthen and other surfaces designed to minimize soil erosion and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas, proposed area alterations and the location of and detailed information concerning erosion and sediment measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any erosion and sediment control facilities that are installed.

*(Ord. No. 3591, 10-10-00)*

(205) **Solar Energy System** – All exterior and above ground parts of a panel or other solar energy device including legs/braces and/or supporting devices, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating; primarily for on-site use.

*(Ord. No. 4013, 11-10-09)*

(206) **Solar Energy System, Attached** – A Solar Energy System which requires support by another structure, whether roof or otherwise, and does not connect directly to the ground. An attached system is not a minor projection, as defined in Section 29.402.

*(Ord. No. 4013, 11-10-09)*

(207) **Solar Energy System, Commercial** – A Solar Energy System which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site.

*(Ord. No. 4013, 11-10-09)*

(208) **Solar Energy System, Freestanding** – A Solar Energy System which is completely self-supported. A freestanding system is not an accessory structure, as defined in Section 29.402, and is therefore regulated by the setback and height requirements within this section.

*(Ord. No. 4013, 11-10-09)*

(209) **Solar Energy System, Interconnected**– A Solar Energy System which produces electricity and is capable of distributing surplus electricity to the public or other properties outside the control of the system's owner, even if the system is temporarily or automatically disconnected by a switch or other mechanical device.

*(Ord. No. 4013, 11-10-09)*

(210) **Solar Energy System, Passive** – A Solar Energy System that does not produce electricity and does not use active mechanical systems for energy transfer.

*(Ord. No. 4013, 11-10-09)*

(211) **Solid** means the area calculated by multiplying the width of the front facing facade by the height measured between the foundation and roof line, not including a gable area. See also "Void."

*(Ord. No. 3591, 10-10-00)*

(212) **Sorority or Fraternity** means any building or portion thereof used principally for residential purposes by members, candidates for membership, employees and guests of a social club affiliated with a college or university. "Sorority or Fraternity" shall not include any hotels.

*(Ord. No. 3591, 10-10-00)*

(213) **Special Purpose District** means a zone other than a Base Zone, fixed on the map, intended to promote and enhance the development of areas of the City possessing a unique character.

*(Ord. No. 3591, 10-10-00)*

(214) **Special Use Permit** means the permit required for the development of specified uses in certain zones. See Section 29.1503.

*(Ord. No. 3591, 10-10-00)*

(215) **Specified Anatomical Areas** means (1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point above the top of the areolae, or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*(Ord. No. 3591, 10-10-00)*

(216) **Specified Sexual Activities** means (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in (1) through (3) of this definition.

*(Ord. No. 3591, 10-10-00)*

(217) **Sports Practice Facility** means a facility dedicated solely to the training and development of sports teams. Uses shall not include the playing of scheduled games, matches, championships, or tournaments. The facility may have limited observation seating for family and associates of the players who wish to watch the practice, but it is not open to the public; nor is the facility used for other assembly-type uses when not otherwise used for sports practice. The facility may also include ancillary offices.

*(Ord. No. 3993, 06-16-09)*

(218) **Stoop** means a roofed space outside the main walls of the building that serves as a covered entrance for a building that is supported by columns, posts or brackets. A stoop is not enclosed, but does provide shelter.

*(Ord. No. 3591, 10-10-00)*

(219) **Story**. That portion of a building included between the upper surface of a floor and the upper surface of the ceiling joist, roof rafter or floor next above, located fully above finished grade. Also, any 14-foot increment of building vertically measured between the surface of a first-level floor (excluding basement) and the highest point of the roof or parapet for flat roofs, or the mid-point between the eaves and the ridge for sloped roofs. When the term is applied to setback and/or maximum number of story requirements: any 14-foot increment greater than 0.50 (7 feet) shall be rounded up to the next 14-foot increment; when applied to minimum number of stories requirements: if the increment is less than 0.57 (8 feet) it shall be rounded down.

*(Ord. No. 4108, 04/24/12)*

(220) **Street** means any public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.

*(Ord. No. 3591, 10-10-00)*

(221) **Street, Arterial** means a street that provides for rapid movement of concentrated volumes of traffic relatively long distances to and from major traffic generators or areas of larger volumes of traffic with a high degree of access control and is designated in the Transportation Plan for the City of Ames as an arterial street.

*(Ord. No. 3591, 10-10-00)*

(222) **Street, Front** means the street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place, it shall mean the street designated as the front street in the owner's application for a building permit.

*(Ord. No. 3591, 10-10-00)*

(223) **Structure** means anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on the land.

*(Ord. No. 3591, 10-10-00)*

(224) **Suburban Regulations** means specific requirements applying to all land uses in the Suburban Residential (F-S) Floating Zone. These requirements relate to minimum densities, lot and block design, open space requirements, landscape buffering requirements, and parking requirements. These requirements are similar to the conventional development patterns that are typical of development that has occurred since the 1940s.

*(Ord. No. 3591, 10-10-00)*

(224A) **Supervised Transitional Home** is a small group living residential use occupying a dwelling unit as a single housekeeping unit for purposes of assisting occupants with daily living skills as a transition to a long term living environment. Such use provides permanent in-home supervision by an institutional use, non-profit, or social service agency where the in-home supervision is not included in the total number of allowed occupants for the dwelling unit. The use is not intended as transitional living facilities for former offenders, residences for persons with physical or mental disabilities, temporary shelters, or for residential uses complying with household living or family home regulations. Supervision means that an employee of an "agency" is present on site every day.

*(Ord. No. 4286, 1-10-17)*

(225) **Swept Area.** Any and all portions of overhanging blades, turbines, or attachments that oscillate, rotate or otherwise move, which are not part of the fixed structural elements of the Small Wind Energy System.

*(Ord. No. 4040, 6-22-10)*

(226) **Tower.** The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

*(Ord. No. 4040, 6-22-10)*

(227) **Trade Uses:** See Table 29.501(4)-3.

*(Ord. No. 3591, 10-10-00)*

(228) **Tree, Landscape** means deciduous or coniferous tree. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 1-1/2 inches, measured 4 feet above the ground when planted, and be a minimum height of 6 feet. Coniferous trees at the time of planting must be a minimum height of 4 feet.

*(Ord. No. 4312, 6-27-17)*

(229) **Tree, Ornamental** means an understory deciduous tree, 25 feet or less tall at maturity, planted primarily for its ornamental value or screening purposes. Ornamental trees shall be at least 6 feet tall when planted.

*(Ord. No. 3591, 10-10-00; (Ord. No. 4312, 6-27-17)*

(230) **Tree, Over-story** means an over-story deciduous, greater than 25 feet tall at maturity, planted primarily for its high crown of foliage or overhead canopy. Shade trees shall be at least 6 feet tall when planted.

*(Ord. No. 3591, 10-10-00; (Ord. No. 4312, 6-27-17)*

(231) **Trucks and Equipment** means those vehicles having a manufacturer's stated "gross vehicle weight" of more than 10,000 pounds.

*(Ord. No. 3591, 10-10-00)*

(232) **Urban Regulations** means specific requirements applying to specific land uses in the Village Residential (F-VR) floating zone. The requirements relate to building placement, design elements, use, height and parking and are specific and unique to each land use in the Village Residential (F-VR) zone and serve to create a development pattern that is reflective of development prior to the 1940s.

*(Ord. No. 3591, 10-10-00)*

(233) **Use Category** means a class of similar uses grouped together for purposes of delineating the uses permitted in a zone.

*(Ord. No. 3591, 10-10-00)*

(234) **Useable Open Space** means land or water which is free of buildings, structures and/or other substantial improvements and that is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50%.

*(Ord. No. 3591, 10-10-00)*

(235) **Utility.** The electric service provider and owner of the electric distribution system through which electric service is normally provided to the subject property.

*(Ord. No. 4040, 6-22-10)*

(236) **Vehicular Service Facilities:** See Table 29.501(4)-7.

*(Ord. No. 3591, 10-10-00)*

(237) **Vehicle Storage** means the keeping of vehicles as a characteristic attribute of a defined principle use, (e.g., parking associated with a towing company, or with a vehicle service facility). Vehicle storage does not include accessory parking as defined in this chapter, and does not include parking associated with sales or leasing of vehicles. Vehicles stored outdoors for more than 72 hours are considered outdoor storage as defined in this chapter.

(238) **Vehicular Storage Area** means any open area on any parcel of land used for storing or keeping of motor vehicles, other vehicles or parts thereof. "Vehicular Storage Area" shall not include any salvage yards.

*(Ord. No. 3591, 10-10-00)*

(239) **Void** means the area calculated by adding the area of all window and door openings in the primary facade of a building, measured around the perimeter of the frame. A front facing window or door shall be included in the void area regardless of its location. See also "Solid."

*(Ord. No. 3591, 10-10-00)*

(240) **Warehouse and Freight Handling:** See Table 29.501(4)-4.

*(Ord. No. 3591, 10-10-00)*

(241) **Waste Processing and Transfer:** See Table 29.501(4)-4.

*(Ord. No. 3591, 10-10-00)*

(242) **Wholesale Trade:** See Table 29.501(4)-3

*(Ord. No. 3591, 10-10-00)*

(243) **Wind Energy System (WES).** An aggregation of parts including the foundation, base, tower,

generator, rotor, blades and supports in such configuration as necessary to convert the power of wind into electrical energy primarily for on-site use (e.g., wind charger, windmill or wind turbine).

*(Ord. No. 4040, 6-22-10)*

(244) **Wind Energy System, Commercial.** A Wind Energy System which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site.

*(Ord. No. 4040, 6-22-10)*

(245) **Wind Energy System, Interconnected.** A Wind Energy System which produces electric power and is capable of connecting with the utility's electric system or is otherwise capable of distributing surplus electricity to the public or other properties outside the control of the wind energy system's owner, even if the system is temporarily or automatically disconnected by a switch or other mechanical device.

*(Ord. No. 4040, 6-22-10)*

(246) **Wind Energy System, Non-Electric.** A Wind Energy System which converts the power of the wind into a mechanical energy, which is not electrical, and may otherwise be of a decorative, ornamental or historical nature.

*(Ord. No. 4040, 6-22-10)*

(247) **Wind Turbine Generator.** The component of a WES that transforms mechanical energy from the wind into electrical energy.

*(Ord. No. 4040, 6-22-10)*

(248) **Yard** means the actual unobstructed open space that exists or that is proposed between a structure and the lot lines of the lot on which the structure is located. See "Setback."

*(Ord. No. 3591, 10-10-00)*

(249) **Zone** means a section of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform, as set forth in the applicable article of the Ordinance.

*(Ord. No. 3591, 10-10-00)(Ord. No. 4096, 01-10-12)*

(250) **Basement.** That floor level of a building between the upper surface of a floor and the ceiling or floor joists next above, which has at least 50% of the total area of its perimeter or foundational walls located below natural and finished grade.

*(Ord. No. 4108, 04/24/12)*