

## CHAPTER 165

# ZONING REGULATIONS

165.01 Definitions	165.13 Off-Street Loading
165.02 Zoning Districts	165.14 Signs
165.03 Agricultural District	165.15 Adult Entertainment Businesses
165.04 One- and Two-Family Residential District	165.16 Special Exception Uses
165.05 Multi-Family Residential District	165.17 Nonconforming Uses
165.06 Mobile Home Park District	165.18 Administration
165.07 Planned Unit Development District (PUD)	165.19 Violations
165.08 Central Commercial District	165.20 Board of Adjustment
165.09 Highway Commercial District	165.21 Changes and Amendments
165.10 General Industrial District	165.22 Floodplain Management
165.11 General Regulations	165.23 Driveways in Residential Zones
165.12 Off -Street Parking	165.24 Permit Required

**165.01 DEFINITIONS.** For the purpose of this chapter the following terms and words are defined. The words “used or occupied” include the words “intended, designed, or arranged to be used or occupied.”

1. “Accessory use or structure” means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to sex acts or specified anatomical areas, as defined herein, including (but not limited to) topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
3. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
4. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas for observation by the individuals therein.
5. “Adult motion picture arcade” means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
6. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.

7. "Adult photo studio" means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or sex acts as defined herein.
8. "Alley" means a public or private thoroughfare which affords only a secondary means of access to abutting property.
9. "Apartment" means a single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of multi-family structure.
10. "Automobile sales and service" means a building or portion thereof, including the adjacent land area, designed, intended, or used for the selling, service, and repair of motor vehicles.
11. "Awning" or "canopy" means a roof-like cover extending over or before a place as a shelter. An awning shall have a pedestrian head clearance of at least seven (7) feet. An awning or canopy shall not extend further than four (4) feet from the building or structure upon which it is attached.
12. "Basement" means a story having more than one half of its height below grade. A basement is not counted as a story for the purpose of height regulations.
13. "Billboard sign" means a structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.
14. "Block" means property abutting on at least one street and lying within two or more intersecting or parallel streets or un-subdivided acreage or railroad right-of-way.
15. "Boarding, rooming, or lodging house" (also, bed and breakfast) means a building other than a hotel where for compensation, and by arrangement, lodging is provided.
16. "Buildable area" means the portion of a lot remaining after required yards have been provided.
17. "Building" means a structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
18. "Building, height of" means the vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
19. "Business," "commercial," and "manufacturing," when used herein, refer to the engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.
20. "Carport" means space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls. A carport may be attached to another building or be an accessory structure.
21. "Club" or "lodge" (private) means an association of persons (for the promotion of a nonprofit objective) who are bona fide members paying annual dues, and which association owns, hires, or leases a building, or portion thereof, the use of

such premises being restricted to members and their guests. It is permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with State and municipal laws.

22. “Day nursery” or “nursery school” means any private agency, institution, establishment, or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children.

23. “Driveway” means a traffic way providing access for vehicles to a building on property abutting a public street.

24. “Dwelling” means any building or portion thereof designed or used exclusively for residential purposes, but not including a tent or seasonal trailer. A manufactured home which has been converted to real estate in accordance with Section 414 of the *Code of Iowa*, and which is greater in width than twenty (20) feet and has a permanent foundation and is attached to City utilities is considered a dwelling for purposes of this chapter. *(Ord. 534 – Aug. 11 Supp.)*

25. “Dwelling, multiple” means a residence designed for the occupancy by three or more families, with separate housekeeping and cooking facilities for each.

26. “Dwelling, single-family” means a detached residence designed for or occupied by only one family and contains independent cooking facilities for the family.

27. “Dwelling, two-family” means a residence designed for or occupied by two families, with separate entrances, housekeeping, and cooking facilities for each.

28. “Essential services” means the erection, construction, alteration, or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, substations, treatment plants, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.

29. “Family” means one or more persons, but not exceeding six (6) persons who are unrelated, occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel, however, this requirement shall not apply to a Family Home as defined in Section 414.22 of the *Code of Iowa*. *(Ord. 534 – Aug. 11 Supp.)*

30. “Farm” (agriculture) means an area which is used for the growing of the usual farm products such as vegetables, fruits, and grains and their storage on the area, but not including bothersome animals as defined in Chapter 55 of this Code of Ordinances. The definition includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, the operation of any such accessory uses shall be secondary to that of the normal farming activity and such accessory uses do not include the feeding of garbage or offal to animals.

31. “Farm machinery and equipment” means a tractor, combine, plow, cultivator, rake, baler, corn picker, sprayer, elevator, wagon, planter, disc, drag, spring tooth, mower, seeder, and any other implement of farm husbandry, motorized or not, operable or not.
32. “Fence” means an erection intended to prevent escape or intrusion or to mark a boundary. For purposes of this chapter, a fence may be composed of posts, wire, or vinyl or wooden boards. *(Ord. 534 – Aug. 11 Supp.)*
33. “Garage, commercial” means a building or portion thereof designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.
34. “Garage, private” means an enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.
35. “Gasoline service station or convenience store” means any building or premises used for the retail sale of liquid fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. Such use may also include the incidental sale of groceries, food, household products and similar retail product sales. *(Ord. 534 – Aug. 11 Supp.)*
36. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building.
37. “Granny flat” means an accessory residential structure placed on a residential zoned lot and occupied by relatives of the owners of the lot on which it is located. *(Ord. 534 – Aug. 11 Supp.)*
38. “Home occupation” means an occupation, profession, activity or use, carried on by a member of the family residing in the premises, which is an incidental or secondary use of the dwelling. *(Ord. 534 – Aug. 11 Supp.)*
39. “Junk yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations. Where permitted by district regulations, salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junk yards located within 1,000 feet of a State, Federal or County highway shall obtain a current “recycler’s license” from the Iowa Department of Transportation. Junk yards located over 1,000 feet from a State, Federal or County highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a recycler’s license.
40. “Junk vehicle” (junk machinery) means any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Wright County, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*.

41. “Kennel, dog” means any premises on which three or more dogs, six months old or older, are kept.
42. “Lot” means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as herein required. Such lot shall have frontage on a public street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (iv) 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 chapter.
43. “Lot area” means the area of a horizontal plane bounded by the front, side and rear lot lines.
44. “Lot, corner” means a lot fronting on two intersecting streets.
45. “Lot depth” means the mean horizontal distance between the front and rear lot lines.
46. “Lot, interior” means a lot other than a corner lot.
47. “Lot lines” means the lines bounding a lot.
48. “Lot line, front” means, in the case of an interior lot abutting on only one street, the street line of such lot. In the case of any other lot, the front lot line is considered as the line adjacent to the street upon which the lot has its least dimension.
49. “Lot line, rear” means that boundary line which is opposite and most distant from the front line.
50. “Lot line, side” means any boundary line not a front lot line or a rear lot line.
51. “Lot of record” means a lot which is a part of a subdivision recorded in the office of the county recorder of Wright County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
52. “Lot, through” means an interior lot having frontage on two parallel or approximately parallel streets and also known as a double fronted lot.
53. “Lot width” means the width of a lot as measured at the required front yard setback line.
54. “Massage parlor” means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on sex acts or specified anatomical areas by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors, or barber shops.
55. “Manufactured home” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, which is not less than twenty-four (24) feet in width, 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. A manufactured home located and installed on and attached to a permanent foundation system shall be located on a lot and shall be assessed and taxed as a site-built dwelling. A permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site.

*(Ord. 534 – Aug. 11 Supp.)*

56. “Mobile home” means a vehicle used, or so originally constructed, as to permit being used as a conveyance upon the public streets or highway and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping place for one or more persons. This definition refers to and includes all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle. Mobile homes of less than twenty-four (24) feet in width shall be located within a mobile home park.

*(Ord. 534 – Aug. 11 Supp.)*

57. “Mobile home converted to real estate” means a mobile home, at least 20 feet in width, which has been attached to a permanent foundation on real estate, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home, and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the County.

58. “Mobile home park” or “trailer park” means any lot or portion of a lot upon which one or more mobile homes or trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

59. “Motel,” “motor court,” “motor lodge” or “tourist court” means any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.

60. “Motor vehicle” (automobile) means a car, station wagon, sports utility vehicle, van, pickup (licensed for 6 tons or less), motor home, and non-motorized trailer (40 feet or less).

61. “Nursing home” (including convalescent and group homes) means a building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.

62. “Parking space” means a surfaced area, enclosed or unenclosed, having space for parking and maneuvering a motor vehicle, and connected to a surfaced driveway or aisle which affords satisfactory ingress and egress for a motor vehicle. Space for maneuvering and parking shall not encroach upon any public right-of-way.

*(Ord. 534 – Aug. 11 Supp.)*

63. “Porch, unenclosed” means a roofed projection which is partially enclosed by a building or siding material other than meshed screens.

64. “Principal use” means the main use of land or structures as distinguished from an accessory use.

65. “Professional office” means any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.
66. “Private parking lot” means a surfaced area used for the parking for automobiles/motor vehicles.
67. “Roadside stand” means a temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.
68. “Sex acts” means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another, or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.
69. “Sexual encounter center” means any business, agency or persons who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.
70. “Sign area” means the surface area of a sign and is computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
71. “Sign, exterior” means a sign which directs attention to a business, profession, service, product, or activity sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure, projecting out from a building or structure, or erected upon the roof of a building or structure.
72. “Sign, freestanding or post” means any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.
73. “Specified anatomical areas” include the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.
74. “Split level” means a story having not more than one half of its height below grade. A split-level story is counted as a story for purposes of height regulations.
75. “Story” means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
76. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level.

77. “Street line” means the right-of-way line of a street, road, or highway.
78. “Street, public” means a public thoroughfare more than 20 feet in width.
79. “Structural alteration” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs, and maintenance.
80. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports.
81. “Variance” means a relaxation of the terms of this Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, literal enforcement of this Chapter would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance. Relief from the terms of the Floodplain Overlay District may be allowed under the terms of Section 165.22 of this chapter. *(Ord. 548 – May 13 Supp.)*
82. “Wind energy conservation system” (WECS) means any device that converts wind power to usable energy, such as electricity or heat. This definition may also include common names like wind charger, wind turbine, and windmill.
83. “Yard” means an open space on the same lot with a building or structure. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
84. “Yard, front” means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of uncovered steps and eaves. In the case of corner lots, the front yard may be considered as either yard adjacent to a street. The remaining yard adjacent to a street shall be considered a corner side yard. *(Ord. 542 – May 12 Supp.)*
85. “Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
86. “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.
87. “Zoning Administrative Officer” means the individual appointed by the City Council to administer and enforce the provisions of this chapter.
88. “Zoning compliance permit” means a permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.
89. “Zoning lot” means a single tract of land located within a single block which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership. Therefore, a “zoning lot” may be comprised of one or more lots or record, provided they are contiguous, not separated by a street or alley, and are under single ownership. *(Ord. 534 – Aug. 11 Supp.)*

90. Floodplain Management. The following definitions shall pertain to the requirements of the Floodplain Management requirements contained in Section 165.22 of this chapter.

A. “Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

B. “Basement” (as applied to the Floodplain Overlay District) means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”

C. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. Development does not include “minor projects” or “routine maintenance of existing buildings and facilities,” as defined in this subsection. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

D. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of these floodplain management regulations.

E. “Existing mobile home park or subdivision” means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of these floodplain management regulations.

F. “Expansion of existing mobile home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

G. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

H. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

I. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of, but published separately from, the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

J. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.

K. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise

use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

L. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

M. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

N. “Floodway fringe” means those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

O. “Historic structure” means any structure that is:

(1) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program, as determined by the Secretary of the Interior, or (ii) directly by the Secretary of the Interior in states without approved programs.

P. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 165.22(10)(D)(1) of this chapter, and

(2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

(3) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

(4) The enclosed area is not a “basement” as defined in this section.

In cases where the lowest enclosed area satisfies criteria listed in paragraphs (1) through (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

Q. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.

R. “Mobile home” means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter mobile homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

S. “Mobile home park” means a parcel or contiguous parcels of land divided into two or more mobile home lots for sale or lease.

T. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of these floodplain management regulations.

U. “New mobile home park or subdivision” means a mobile home park or subdivision for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the community.

V. “One hundred (100) year flood” means a flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year, or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

W. “Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

X. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles, and replacing siding;

- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work;
- (3) Basement sealing;
- (4) Repairing or replacing damaged or broken window panes;
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.

Y. “Special flood hazard area” means the land within a community subject to the 100-year flood. This land is identified as Zone A on the community’s Flood Insurance Rate Map.

Z. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab, or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

AA. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

BB. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

CC. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration

of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

(2) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five (25) percent.

DD. “Violation” means the failure of a structure or other development to be fully compliant with the requirements of the Floodplain Overlay District contained in Section 165.22 of this chapter.

*(#90 Ord. 548 – May 13 Supp.)*

o o o o o o o o o