

ARTICLE 2

DEFINITIONS

SECTIONS:

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2.010 Interpretation

In the interpretation and application of this Zoning Regulation, the provision of said regulation shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare. Where this Zoning Regulation imposes a greater restriction upon land, buildings, or structures than is imposed or required by existing provision of law, ordinance, contract, or deed, the provision of the Zoning Regulation shall take precedents.

2.020 Rules of Interpretation

For the purpose of this Zoning Regulation the following rules shall apply:

1. Words used in the present tense shall include the future.
2. Words in the singular number include the plural number, and words in plural number include the singular, unless the context clearly indicates the contrary.
3. The word “person” includes a corporation, a member or members of a partnership or other business organization, a committee, board, trustee, receiver, agent, or other representative and all other legal entities.
4. The word “shall” is mandatory and not discretionary.
5. The word “may” is permissive.
6. The word “use”, “used”, or “occupied” as applied to any land, building, or structure shall be construed to include the words “intend”, or “arranged”, or “designed” to be used or occupied.
7. The word “City” means City of Osceola, Iowa.
8. The word “County” means County of Clarke, Iowa.
9. Unless otherwise specified, all distances shall be measured horizontally.

10. Chapter and Section Headings contained herein, shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section herein.

2.030 Definitions

For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

1. Accessory Building or Use. A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land. (See Article 16).
2. Agricultural Uses. Farming operation including, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry, including the structures necessary for carrying out farming operations.
3. Alley. A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
4. Alteration. Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.
5. Animal Hospital or Clinic. Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.
6. Apartment. (See Dwelling, Multiple Family.)
7. Automobile and Trailer Sales Area. An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.
8. Automobile Wrecking and Salvage Yards. A lot, plot, or parcel of land where three or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.
9. Basement/Cellar. A space with less than one-half of its Floor-to Ceiling height above the average finished grade of the adjoining ground or with a Floor-to-Ceiling height of less than 6 ½ feet.
10. Board. Board of Adjustment.

11. Buildings. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.
12. Building Height. A vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point or ceiling of the top story of a flat roof, to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.
13. Building Line. A line established, in general, by plat or elsewhere in this ordinance parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this ordinance.
14. Building Main. A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.
15. Canopy or Marquee. A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the City of Osceola.
16. Channel. Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.
17. Clinic, Dental or Medical. A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
18. Condominium. Means a building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee.
19. Court. An area enclosed or partially enclosed on not more than three sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.
20. Curb-Level. The officially established grade of the curb in front of the mid-point of the lot.
21. Day Care Center. A facility providing child day care for seven or more children and operated in accordance with Chapter 237A, Code of Iowa.
22. District. A section or sections of Osceola, Iowa for which the regulations governing the use of the height of and area of buildings and premises are uniform.

23. Dock (Loading). A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles. (See Article 18.)
24. Drainage Course (Water Course). Any natural depression, draw, or ravine which directs and facilitates the flow of water.
25. Dwelling. Any building, or portion thereof, but not a mobile home, designed or used for residential purposes.
26. Dwelling, Single-Family. A building designed for or occupied exclusively by one family.
27. Dwelling, Two-Family. A building designed for or occupied exclusively by two families, with separate housekeeping and cooking facilities only.
28. Dwelling, Multiple-Family. A building, or portion thereof designed for or occupied by three or more families, but which may have joint services or facilities for more than one family.
29. Easement. A portion or strip of land which is part of a lot, parcel tract which has been reserved or dedicated for specific use for access of person, utilities, or services.
30. Fabrication. That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic raw materials.
31. Family. "Family" means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit.
32. Fence. A free standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.
33. Flood. Shall mean an overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary; and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.
34. Floodplain. Shall mean the land adjacent to a watercourse subject to inundation from a flood having a change occurrence in any one given year of one percent (1%).

35. Floodway. Shall mean the channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage above that of natural conditions.
36. Floodway Fringe Area. Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.
37. Floor Area. The floor area shall mean the area included within the surrounding exterior walls of a building, or portion thereof, exclusive of vent shafts, and courts, cellars, and attic floor areas.
38. Frontage. All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
39. Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.
40. Garage, Repair. A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles to include painting of motor vehicles.
41. Garage, Storage. A building or portion thereof designed or used exclusively for housing four or more motor-drive vehicles, other than truck or commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.
42. Grade.
 - a) For buildings having walls adjoining one street only, the elevation of the curb at the center of the wall adjoining the street.
 - b) For buildings having walls, adjoining more than one street, the average of the elevation of the curb at the center of all walls, adjoining the streets.
 - c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from the street line to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City.
43. Home Occupation. The term “Home Occupation” shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in

- the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. (See Article 20.)
44. Hotel. A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit, or otherwise.
 45. Institutional Home. A place where the specialized care of people is provided for drug or alcohol abuse. An Institutional Home shall in no way be interpreted to mean a Day Care Center.
 46. Junk Yard. A parcel of land used for the storage, keeping for sale or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.
 47. Landscaping. The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.
 48. Lodging House. A building or place where lodging is provided or which is equipped regularly to provide lodging, prearrangement for definite periods, for compensation, for three or more persons.
 49. Lot. A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Regulation. Such lot shall have frontage on a dedicated public street.
 50. Lot, Corner. A lot abutting upon two or more streets at their intersection.
 51. Lot, Depth Of. The mean horizontal distance between the front and rear lot lines.
 52. Lot, Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
 53. Lot Line. Any line bounding a lot or separating one lot from another.
 54. Lot of Record. A lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

55. Lot Width. The width of a lot measured at the building line and at right angles to its depth.
56. Manufacture. Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.
57. Minimum Building Elevation. Shall mean the elevation to which uses regulated by this ordinance are required to be elevated or flood proofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this ordinance was passed, plus one foot to allow for encroachments permitted by the establishment of a floodway.
58. Mobile Home. Shall mean a factory-built structure equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.
59. Mobile Home Park. A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on a lease or rental basis, mobile homes located therein permanently or semi-permanently.
60. Mobile Home Space. That area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around said mobile home, as are required in this Zoning Regulation.
61. Mobile Home Subdivisions. A subdivision developed for the purpose of selling individual lots on which mobile homes or modular homes on a permanent foundation may be located.
62. Natural Obstruction. Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.
63. Non-Conforming Use. Any building or land lawfully occupied by a use, at the time of the passage of this Zoning Regulation or amendments hereto, which does not conform with the regulations of the district in which it is situated.
64. Obstruction. Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that

is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

65. Parking Space. Parking space means a permanently surfaced area delineated to define its boundaries either within a structure or in the open, exclusive of driveway and access drive areas, except in one or two-family dwelling units. The space for the parking of motor vehicles shall adjoin adequate area for ingress and egress and turning maneuvers which do not encroach on any public right-of-ways, except when such parking space abuts upon a public alley.
66. Public Utility. Any business the purpose of which is to furnish to the general public:
- a) Telephone Service
 - b) Telegraph Service
 - c) Electricity
 - d) Natural Gas
 - e) Water
 - f) Transportation of Persons and Property
 - g) Solid Waste Disposal
 - h) Wastewater Treatment Plant
 - i) Any other business so affecting the public interest as to be subject to the supervision or regulation by any agency of the State.
 - j) Community closed circuit telecast.
67. Restaurant. A public eating establishment in which the primary function is the preparation and serving of food on the premises.
68. Retirement Home. Any dwelling in which three or more unrelated elderly persons are housed or lodged for hire, with meals.
69. Right-of-Way. A strip of land between property lines, dedicated to the public or private interests, which is intended for use as an alley, crosswalk, court, place, road, street, thoroughfare, or utility easement.
70. Rooming House. Any dwelling in which more than three persons either individually or as families are housed or lodged for hire, with or without meals.
71. Service Station. Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils, when the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
72. Setback. The minimum horizontal distance between the property line and the building line.

- a) Front Yard – is determined from the face of the building excluding steps, unenclosed porches, and eave overhang.
 - b) Rear Yard – is determined from the face of the building excluding steps, unenclosed porches, and eave overhand.
 - c) Side Yard – shall be determined from the eave overhang.
73. Sign. A sign shall include any sign, billboard, or other device which shall display or include any letter, word, mode, banner, flag, pennant, insignia device, or representation used as, or which is in the nature of an advertisement or announcement or which directs attention to an object, project, place, activity, person, institution, organization, or business, but shall not include any display of official notice or flag, pennant, emblem, or insignia or any nation or group of nations of any state, city, or political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.
- a) Sign Advertising – A sign which directs the attention of public to any goods, merchandise, property, real or personal, business, service, entertainment, or amusement conducted, produced, bought, sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
 - b) Sign Banjo – An advertising or business ground sign which is constructed in such a manner to form an inverted “V” or tent-like shape, hinged or not hinged at the top, and each angular face held at an appropriate distance by supporting member.
 - c) Sign Business – A sign which direct attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” or “For Rent” sign relating to the property on which it is displayed shall be deemed a business sign.
 - d) Sign Illuminated – Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
 - e) Sign Flashing – Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times where such is used. For the purpose of this Zoning Regulation, any revolving illuminated sign shall be considered a flashing sign.
 - f) Sign Animated – Any sign, or any portion thereof, which is set in motion by any force.

74. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including the basements used for the principal use.
75. Story, Half. A space under a sloping roof which has the line intersection of roof decking and wall face not more than four feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.
76. Street. A public or private thoroughfare which affords the principal means of access to abutting property.
77. Street Classification.
- a) Arterial – A street which provides for through traffic movement between and around areas and across the City, with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - b) Collector – A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - c) Local – A street which provides for direct access to abutting land, and for local traffic movement whether in business, industrial, or residential areas.
78. Public Street. Any thoroughfare or public way which has been dedicated to the public or deeded to the city for street purposes; and also any such public way which may be created after enactment of the provisions codified in this title.
79. Structural Alterations. Any change in the supporting members of a building, such as, bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Regulation, the following shall not be considered structural alterations:
- a) Attachment of a new front where structural supports are not changed and does not encroach beyond building line.
 - b) Addition of fire escapes where structural supports are not changed.
 - c) New windows where lintels and support walls are not materially changed.
 - d) Minor repair or replacement on non-structural members.
80. Tavern. Any establishment in which is performed the public sale and serving of malt beverages.

81. Townhouse. Means one single-family townhouse residential; unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided, however, that in any event, the term “townhouse” shall not mean a condominium.
82. Vision Clearance Area. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and setback line connecting points determined by measurement from the corner of each street line. (See Section 21.030)
83. Warehouse. A structure used for stockpiling, product mixing, production logistics, consolidation, distribution, and customer service. Included in this definition are mini-warehouse storage units.
84. Watercourse. Shall mean any stream, arroyo, or drain way having a channel that serves to give direction to a flow of water.
85. Yard. A space on the same lot with a main building; open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Regulation.
86. Yard, Front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line. For corner lots, this definition applies to both portions of a lot lying adjacent to the intersecting streets.
87. Yard, Rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.
88. Yard, Side. A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest part of the main building.

2.040 Words Not Defined Herein

Words or terms not herein defined shall have their ordinary meaning in relation to the context or as defined by the Planning and Zoning Commission.