

BINGEN MUNICIPAL CODE

Chapter 17.08

DEFINITIONS

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17.08.010 Definitions generally.

For the purpose of this title certain terms are defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “person” may be taken for persons, associations, firms, copartnerships or corporations; the word “structure” includes building; the word “occupied” includes premises designed or intended to be occupied; the word “used” includes designed or intended to be used; and the word “shall” is always mandatory and not merely directive. (Ord. 440, Att. A (part) 1997).

17.08.015 Accessory use or structure.

“Accessory use or structure” means one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the principal use of a building. (Ord. 440, Att. A (part) 1997).

17.08.016 Administrator.

“Administrator” means the person who is charged with the responsibility of administering this title. (Ord. 440, Att. A (part) 1997).

17.08.020 Alley.

“Alley” means a public right-of-way not over thirty feet wide which affords, generally, a secondary means of access to abutting lots, not intended for general use. (Ord. 440, Att. A (part) 1997).

17.08.025 Apartment house.

“Apartment house” means a building or portion thereof used or intended to be used as a home with three or more families or householders living independently of each other. (Ord. 440, Att. A (part) 1997).

17.08.030 Basement.

“Basement” means a portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor. (Ord. 440, Att. A (part) 1997).

17.08.035 Billboard.

“Billboard” means an outdoor advertising sign, any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation of the user, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon. (Ord. 440, Att. A (part) 1997).

17.08.040 Building.

“Building” means any structure, permanent, mobile, demountable or movable, built or used for the support, shelter, or enclosure of any person, animals, goods, equipment, or chattels and property of any kind. (Ord. 440, Att. A (part) 1997).

17.08.045 Building line.

“Building line” means a line established by this title to govern placement with respect to highways, streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivisions platted. In all other cases the front line shall be according to the comprehensive plan or the determination of the administrator. (Ord. 440, Att. A (part) 1997).

17.08.050 Bulk plant.

“Bulk plant” means an establishment where flammable liquids are received by tank vessel, pipeline, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container. (Ord. 440, Att. A (part) 1997).

17.08.055 Clinic.

“Clinic” means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out patients only. (Ord. 440, Att. A (part) 1997).

17.08.057 Cogeneration facility.

“Cogeneration facility” means a facility used to produce electrical energy and to produce forms of thermal energy (such as heat or steam) for commercial or industrial purposes, but does not include such facilities or uses to which a cogeneration facility may be interconnected and that may receive energy from a cogeneration facility for commercial or industrial purposes. (Ord. 440, Att. A (part) 1997).

17.08.060 Comprehensive Plan.

“Comprehensive plan” means the Bingen Comprehensive Plan as adopted by the city council. (Ord. 440, Att. A (part) 1997).

17.08.065 Council.

“Council” means the city council. (Ord. 440, Att. A (part) 1997).

17.08.070 Density provisions.

“Density provisions” means requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area, through standards which include yards, height bulk, lot area, lot coverage and occupancy limitations. (Ord. 440, Att. A (part) 1997).

17.08.075 Director of planning.

“Director of planning” means the person designated by the planning commission who is charged with the responsibility of administering this title in terms of the comprehensive plan and in accordance with the decisions of the planning commission, the board of adjustment and the city council; the “administrator” defined in Section 17.08.016. (Ord. 440, Att. A (part) 1997).

17.08.080 District or zone.

“District or zone” means a section or district of the city within which the standards governing the use of buildings or premises are uniform. (Ord. 440, Att. A (part) 1997).

17.08.085 Dwelling group.

A “dwelling group” shall consist of three or more detached dwelling structure located on the same lot. (Ord. 440, Att. A (part) 1997).

17.08.090 Dwelling unit.

“Dwelling unit” means a family combination with housekeeping and cooking facilities. A “bachelor unit” shall be computed as one-half the size requirement of a family or dwelling unit, providing such units are designed as separate apartments and not merely rooming accommodations and subject to specific limitations by district. Hotel, motel, room and boarding units shall not be considered as dwelling units. (Ord. 440, Att. A (part) 1997).

17.08.095 Exception.

“Exception” means a use permitted only after review of an application therefore by the board of adjustment, rather than administrative officials. (Ord. 440, Att. A (part) 1997).

17.08.100 Family.

“Family” means a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, board or lodginghouse. (Ord. 440, Att. A (part) 1997).

17.08.105 Floor area ratio.

“Floor area ratio” means the ratio of usable floor area of a structure to the total area of the lot or land area occupied by such structure. (Ord. 440, Att. A (part) 1997).

17.08.110 Height of building.

“Height of building” means the vertical distance at the center of a building’s principal front, measured from the level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, the deck line of mansard roofs, or the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from average elevation of the finished grade along the front of the building. (Ord. 440, Att. A (part) 1997).

17.08.115 Home occupation.

“Home occupation” means a use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use, and not primarily considered as a business. (Ord. 440, Att. A (part) 1997).

17.08.120 Hotel.

“Hotel” means a building in which lodging is provided and offered to the public for compensation and which is opened to transient guests. (Ord. 440, Att. A (part) 1997).

17.08.125 Junkyard.

“Junkyard” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including house wrecking yards, used lumber yards, and yards for use of salvaged house wrecking and structural steel materials and equipment. (Ord. 440, Att. A (part) 1997).

17.08.130 Lot.

“Lot” means a parcel of land, under one ownership, used or capable of being used under the regulation of this title, including both the building site and all required yards and other open spaces. (Ord. 440, Att. A (part) 1997).

17.08.135 Lot coverage.

“Lot coverage” means that portion of a lot that is occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. It shall include all projections except eaves. (Ord. 440, Att. A (part) 1997).

17.08.140 Lot depth.

“Lot depth” means the horizontal distance between the front and rear lot lines. (Ord. 440, Att. A (part) 1997).

17.08.145 Lot width.

“Lot width” means the distance between side lot lines measured at the front yard building line; in case of irregularly shaped lots, the lot shall be measured at a point midway between the front and rear lot lines. (Ord. 440, Att. A (part) 1997).

17.08.150 Major thoroughfares.

“Major thoroughfares” means primary and secondary arterials and state highways as shown on the comprehensive plan. (Ord. 440, Att. A (part) 1997).

17.08.155 Manufacture.

“Manufacture” means the converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a different character or for use for a different character or for use as a different purpose. (Ord. 440, Att. A (part) 1997).

17.08.056 Manufactured home.

“Manufactured home” means a factory built home constructed after June 15, 1976, in accordance with United State Department of Housing and Urban Development requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance, which

dwelling unit: (1) is comprised of at least two fully enclosed parallel sections each not less than twelve feet wide by thirty-six feet long; (2) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and (3) has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single family residences. (Ord. 440, Att. A (part) 1997).

17.08.057 Manufactured home accessory structure.

“Manufactured home accessory structure” means any attached or detached addition to a manufactured home, such as an awning, carport, porch, or storage structure, which is ordinary appurtenant. (Ord. 440, Att. A (part) 1997).

17.08.058 Manufactured home skirting.

“Manufactured home skirting” means that weather-resistant material used to enclose the entire span underneath a manufactured home, having removal panels allowing access and securely anchored, all as approved by the building official. (Ord. 440, Att. A (part) 1997).

17.08.059 Manufactured home stand.

“Manufactured home stand” means an area of a manufactured home development improved as a pad to support a manufactured home, including its enclosed extensions and structural additions. (Ord. 440, Att. A (part) 1997).

17.08.160 Mobile home.

“Mobile home” means a single-family dwelling unit transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling unit and constructed before June 14, 1976. (Ord. 440, Att. A (part) 1997).

17.08.165 Mobile home park.

“Mobile home park” means any property used for the accommodation of inhabited trailer or mobile home coaches. (Ord. 440, Att. A (part) 1997).

17.08.170 Modular home.

“Modular home” means a single-family dwelling constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “factory-built,” “pre-fabricated,” and “panelized” units. (Ord. 440, Att. A (part) 1997).

17.08.175 Multiple-family residence.

“Multiple-family residence” means a building arranged to be occupied by more than two families. (Ord. 440, Att. A (part) 1997).

17.08.180 Net area.

“Net area” means the total usable area exclusive of space dedicated to such things as streets, easements, and uses out of character with the principal uses. (Ord. 440, Att. A (part) 1997).

17.08.185 Nonconforming use.

“Nonconforming use” means a principal use or an activity involving a building or land occupied or in existence at the effective date of this title or at the time of any amendments thereto which does not conform to the standards of the zoning district in which it is located. (Ord. 440, Att. A (part) 1997).

17.08.190 Off-street parking space.

“Off-street parking space” means a permanently surfaced area not situated within a public right-of-way for the parking of a motor vehicle. (Ord. 440, Att. A (part) 1997).

17.08.194 Principal use.

“Principal use” means the main use of land or structures as distinguished from a subordinate or accessory use. (Ord. 440, Att. A (part) 1997).

17.08.195 Principal uses permitted outright.

“Principal uses permitted out right” means uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional exception, or variance; provided, that such use is in accordance with requirements of a particular district and general conditions stated elsewhere in this title. (Ord. 440, Att. A (part) 1997).

17.08.200 Prohibited uses.

“Prohibited uses” means any which is not specifically enumerated or interpreted as allowable in that district. (Ord. 440, Att. A (part) 1997).

17.08.202 Recreational Vehicle.

“Recreation vehicle” means a vehicular-type portable structure without permanent foundation designed and manufactured for recreational use, which can be towed, hauled or driven. The term includes, but is not limited to, self-propelled motor home, travel trailer, truck camper, or camping trailer., “Permanent” for the purposes of this chapter is defined as occupancy for more than four weeks in one consecutive twelve-month period. (Ord. 440, Att. A (part) 1997).

17.08.205 Service station.

“Service station” means a retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the washing, lubrication, and minor repair of automotive vehicles. (Ord. 440, Att. A (part) 1997).

17.08.210 Story.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, then the space between such floor and the ceiling next above it. First story means any floor not over four and one-half feet above the established grade, or if set back, not over four and one-half feet above average ground level at the front line of the building. (Ord. 440, Att. A (part) 1997).

17.08.215 Story, half.

“Half story” 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. A half-story containing independent apartments or living quarters shall be counted as a full story. (Ord. 440, Att. A (part) 1997).

17.08.220 Street.

“Street” means a public way which affords a primary means of access to property. (Ord. 440, Att. A (part) 1997).

17.08.225 Use.

“Use” means an activity or purpose for which land or premises or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased. (Ord. 440, Att. A (part) 1997).

17.08.230 Variance.

“Variance” means a modification of the regulations of this title when authorized by the board of adjustment after finding that the literal application of the provisions of this title would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property. (Ord. 440, Att. A (part) 1997).

17.08.235 Vicinity.

“Vicinity” means the area surrounding a use in which such use produces a discernable influence by aesthetic appearances, traffic, noise, glare, smoke, or similar influences. (Ord. 440, Att. A (part) 1997).

17.08.240 Yard.

“Yard” means land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this title surrounding a building site. (Ord. 440, Att. A (part) 1997).

17.08.245 Yard, front.

“Front yard” means an open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line. (Ord. 440, Att. A (part) 1997).

17.08.250 Yard, rear.

“Rear yard” means an open space on the same line with the building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot. (Ord. 440, Att. A (part) 1997).

17.08.255 Yard, side.

“Side yard” means an open space on the space on the same lot with the building between the side wall line of the building between the side wall line of the building on the side line of the lot. (Ord. 440, Att. A (part) 1997).

17.08.260 Zone transition lot.

“Zone transition lot” means a parcel of land abutting a district boundary where the district boundary is not a street upon which more restrictive or less restrictive standards are affixed. The width of such parcel shall be the width of the lot, if platted, but not exceed one hundred feet in any instance. (Ord. 440, Att. A (part) 1997).

17.08.265 Zoning.

“Zoning” means regulation of the use of lands or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. (Ord. 440, Att. A (part) 1997).

17.08.270 Zoning lot.

“Zoning lot” means a tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this title, having not less than minimum area required by this title for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width. A zoning lot need not necessarily coincide with the record lot which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the county. (Ord. 440, Att. A (part) 1997).