

62. *Easement*: A public dedication or private grant by the property owner of the specific use of a strip of land by others. Limitations apply on what type of principal or accessory buildings or structures can be located on a public easement.
63. *Escort Agency*. A business which furnishes a person to act as a companion, guide or date for another person and/or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
64. *Exception*. An exception shall mean the allowance of a use by Special Use Permit within a given district by the Board of Zoning Appeals. Exceptions shall be limited to only those specifically authorized and listed in this Zoning Ordinance.
65. *Family*. Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.
66. *Fence*. A free-standing structure of metal, masonry, glass, plastic, 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.
67. *Filling Station* Any building or premises used for dispensing and sale at retail, of any automobile fuels or oils, when the dispensing and sale are incidental to the conduct of a public garage. Where fuel sales are incidental to convenience merchandise, the premises are classified as a convenience store.
68. *Floodplain*. Land area subject to inundation from surplus storm water as defined by a Housing and Urban Development (HUD) flood insurance study and as depicted on a flood insurance rate map.
69. *Floor Area*. Floor area shall mean the gross floor area of all floors in the building including:
- a. Stairwells, elevator shafts, **and mechanical equipment enclosures, except roof-mounted mechanical equipment.**
 - b. **Penthouses.**
 - c. **One-half (1/2) the basement floor area.**
 - d. **Interior balconies and mezzanines.**
 - e. **Enclosed porches.**

SECTION 2. FENCES: Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

1. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected, except that fences installed upon public or parochial school grounds or in public parks and public playgrounds may be permitted by conditional use permit approved by the Planning Commission and Governing Body without any front yard setback limitation, providing the fence does not encroach on any required utility easements or cause any vision impairment for vehicles.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the City Building Inspector has certified that the proposed fence will not constitute a traffic hazard.
3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation, or any fence which shall adversely affect the public health, safety, and welfare.
5. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Planning Commission and Governing Body may, by exception, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.
6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
7. Fences shall be exempt from the provisions of SECTION 3 of this Article; however, the City retains the right to remove any fence for right-of-way purposes.

SECTION 3. BUILDING SETBACK LINES: Building setback lines are hereby established for all arterial and collector streets, as shown on the adopted Major Street Plan in the Garden Plain Comprehensive Plan. The setback lines, as established in this section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development and shall conform with the following requirements:

- L *Arterial Streets:* No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet, except as provided in SECTION 2 of this Article.