

### 3) ARTICLE 3 – DEFINITIONS

3.1 For the purpose of the regulations, certain terms or words are used in a limited or special sense, as herein defined. 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 "shall" is mandatory and not directory.

3.2 A

3.2.1 Abandoned Building – Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one (1) year, or any completed building or portion thereof which has stood unoccupied for longer than two (2) years, and which is unsecured.

3.2.2 Access – A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

3.2.3 Access Point – The location of the intersection of a highway, street, or driveway with a highway.

3.2.4 Accessory Use or Structure – A use or a structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto. A structure detached from a principal building.

3.2.5 Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. (Example: child care facility accessory to a large-scale office building or industrial building.)

3.2.6 Adult – As used in this Article, refers to persons who have attained the age of at least eighteen (18) years.

3.2.7 Adult Entertainment Business – A business which as a part of or in the process of delivering goods and services displays to its patrons specified sexual activities or specified anatomical areas in printed form or through any form of photographic medium or by use of male or female models. In reference to the above, the following definitions shall apply:

3.2.7.1 Specified sexual activities means any sexual contact, actual or simulated, either natural or deviate, between two (2) 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 (1) person and the genitalia of another person or by use of artificial sexual organs or substitute therefore in contact with the genitalia or anus.

3.2.7.2 Specified anatomical areas include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

3.2.7.3 Substantial means more than twenty-five (25) percent of the book, magazine, film or video tape inventory are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

3.2.7.4 Adult Art or Adult Modeling Studio – An establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing, or otherwise; provided entrance to such establishment and such services are available only to adults.

3.2.7.5 Adult Artist – Body Painting Studio – An establishment or business which provides the services of applying paint or other substance whether transparent or non transparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.

3.2.7.6 Adult Bath House – An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.

3.2.7.7 Adult Book Store – An establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures, and other

periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein and limited in sale of such sexual materials to adults.

3.2.7.8 Adult Cabaret – A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

3.2.7.9 Adult Motel – A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

3.2.7.10 Adult Motion Picture Arcade – 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 "specified sexual activities" or "specified anatomical areas."

3.2.7.11 Adult Motion Picture Theater – An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

3.2.7.12 Adult Mini Motion Picture Theater – An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

3.2.7.13 Massage – Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.

3.2.7.14 Massage Establishment – Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity,

including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing (1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157 or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians, and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; (5) an athletic coach or trainer (i) in any accredited public or private secondary school, junior college, college, or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad, or non profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

3.2.7.15 Model Studio – Any establishment where for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" are provided for observation by or communication to persons paying such consideration or gratuity.

3.2.7.16 Model – Any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a

service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".

3.2.7.17 Nude Encounter Parlor – An establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of viewing any person or persons or the actual encounter of any person or persons depicting, describing, or relating to "specified sexual activities" as defined herein.

3.2.7.18 Nude Photographic Parlor – An establishment having a fixed place of business, where any person, association, firm, or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on any business of photographing any person or persons depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

3.2.8 Agriculture – The art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock. (Thompson v. Hancock County, 1995, 539 N.W. 2d 181)

3.2.9 Airport – Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or right-of-ways, together with all airport buildings and facilities located thereon.

3.2.10 Alley – A public or private way less than twenty-one (21) feet in width affording secondary means of access to abutting property.

3.2.11 Amusement and Recreation Services – Establishments engaged in providing entertainment for a fee and including, but not limited to, such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys and billiard/pool establishments; commercial facilities, such as arenas, rings, rinks, and racetracks; public golf courses; coin operated devices; amusement parks; membership sports and health clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors; and horse shows.

3.2.12 Animal Kennel – Any structure or premise in which animals are boarded, groomed, bred, or trained for commercial gain.

3.2.13 Apartment Unit – One (1) or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three (3) or more such units.

3.2.14 Attic – That part of a building that is immediately below and wholly or partly within the roof framing.

3.2.15 Automobile Repair – Major – General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

3.2.16 Automobile Repair – Minor – Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks, but not including any operation specified under "Automobile Repair – Major."

### 3.3 B

3.3.1 Basement – A space separated from the structure above it by a floor/ceiling , with a floor to ceiling height of not less than six (6) feet eight (8) inches, which is directly accessible from inside the structure through the separating floor/ceiling.

3.3.2 Bed and Breakfast – Overnight accommodations and a morning meal in an owner occupied dwelling unit with not more than four (4) guest rooms provided to transients for compensation.

3.3.3 Buffer Strip – Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one (1) use or property from another so as to physically shield or block noise, lights, or other nuisances.

3.3.4 Building – Any structure for the shelter or enclosure of persons, animals, or chattels having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

3.3.5 Building Height – The vertical distance from the average finished grade, exclusive of a walk-out basement, at the building line, to the highest point on any exterior wall for buildings with a flat roofs, to the deck line of a mansard roof, or to the lowest eave of a pitched or hipped roof.

#### 3.4 C

3.4.1 Camper – Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite.

3.4.2 Campground – A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

3.4.3 Camping Unit – Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

3.4.4 Camping Vehicle – See Recreational Vehicle.

3.4.5 Campsite – Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

3.4.6 Carport – A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

3.4.7 Casino – A room or rooms in which legal gaming is conducted.

3.4.8 Catch Basin – An inlet designed to intercept and redirect surface waters.

3.4.9 Cellar – A space separated from the structure above it by a floor/ceiling, which is only accessible from the outside of the structure.

3.4.10 Cemetery – Property used for the interring of the dead.

3.4.11 Certificate of Occupancy (CO) – A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure or use has

been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

3.4.12 Chain – A lineal measure equal to sixty-six (66) feet.

3.4.13 Change of Use – Any use that substantially differs from the previous use.

3.4.14 Chattel – Personal property as contrasted with real estate.

3.4.15 Child Day Care – (Definitions from Chapter 237A, Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four (24) hours per day per child on a regular basis in a place other than the child's home, but does not include care, supervision, or guidance of a child by any of the following:

3.4.15.1 An instructional program administered by a public or non-public school system accredited by the department of education or the state board of regents, except a program provided under section 279.49, Code of Iowa,

3.4.15.2 A church-related instructional program of not more than one (1) day per week, short-term classes held between school terms,

3.4.15.3 A child care center for sick children operated as part of a pediatrics unit in a hospital licensed by the department of inspections and appeals pursuant to Chapter 135B, Code of Iowa,

3.4.15.4 A non-profit program operated by volunteers for no charge for not more than two (2) hours during any twenty-four (24) hour period,

3.4.15.5 A program provided by the state or a political subdivision which provides recreational classes for a period of less than two (2) hours per day,

3.4.15.6 A program administered by a political subdivision of the state which is primarily for recreational or social purposes and is limited to children who are five (5) years of age or older and attending school.



3.4.16 Church – A building or structure, or groups of buildings or structures, that by design and construction is primarily intended for conducting organized religious services and associated accessory uses.

3.4.17 Clinic – An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, or other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

3.4.18 Club – A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

3.4.19 Cluster – A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

3.4.20 Cluster Subdivision – A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

3.4.21 Cohabitation – Households that contain two (2) unrelated adults.

3.4.22 College – An educational institution authorized by the state to award baccalaureate or higher degrees.

3.4.23 Commercial Greenhouse – Structure in which plants, vegetables, flowers, and similar materials are grown for sale.

3.4.24 Commercial Use – Any motor vehicle licensed by the state as a commercial vehicle.

3.4.25 Common Elements – Land amenities, certain areas of buildings such as lobbies, corridors, and hallways, central services and utilities, and any other elements and facilities

owned and used by all condominium unit owners and designated in the master deed as common elements.

3.4.26 Common Open Space – See Open Space, Common.

3.4.27 Conditional Use – A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

3.4.28 Conditional Use Permit – A permit issued by the approving agency stating that the conditional use meets all conditions set forth in local ordinances.

3.4.29 Condominium – A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

3.4.30 Condominium Association – The community association that administers and maintains the common elements of a condominium.

3.4.31 Conservation Area – Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, high water tables, forest areas, endangered species habitat, dunes, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character. See Cluster Subdivision; Critical Area.

3.4.32 Consolidation – The removal of lot lines between contiguous parcels.

3.4.33 Contiguous – Next to, abutting, or touching and having a boundary, or portion thereof, that is common to two (2) or more properties.

3.4.34 Convenience Store – Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

3.4.35 Crawl Space – A space separated from the structure above it by a floor/ceiling having a floor to ceiling height of four (4) feet six (6) inches or less. A crawl space will not be used for the purpose of height measurement.

3.4.36 Critical Area – An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible, subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species. See Conservation Area.

3.4.37 Cul-De-Sac – The turnaround at the end of a dead-end street.

3.4.38 Culvert – A drain, ditch, or conduit, not incorporated in a closed system, that carries drainage water under a driveway, roadway, railroad, pedestrian walk, or public way.

3.4.39 Curvilinear Street – A pattern of streets that is curved.

## 3.5 D

3.5.1 Deciduous – Plants that drop their foliage annually before becoming dormant.

3.5.2 Deficient Unit – A housing unit that is not decent, safe, or sanitary, as determined through census surrogates or on-site inspection, and that does not comply with local codes or other housing standards.

3.5.3 Density – The number of families, individuals, dwelling units, households, or housing structures per unit of land.

3.5.4 Detention Basin – A facility for the temporary storage of stormwater runoff.

3.5.5 Deterioration – The marked diminishing of the physical condition of structures or buildings.

3.5.6 Developer – The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

3.5.7 Development – The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

3.5.8 Development, Major – Any development not a minor development.

3.5.9 Development, Minor – Any development involving three (3) or fewer lots and/or involving a land area of less than five (5) acres and not requiring the extension of any new streets or other municipal or governmental facilities. See Development.

3.5.10 Dilapidation – A deterioration of structures or buildings to the point of being unsafe or unfit for human habitation or use.

3.5.11 Disability – In reference to an individual, a physical or mental impairment that substantially limits one (1) or more of the major life activities; a record of such an impairment; or being regarded as having an impairment.

3.5.12 Driveway – A private roadway providing access to a street or highway.

3.5.13 Driveway Width – The narrowest width of driveway measured perpendicular to the driveway.

3.5.14 Duplex – A building containing two (2) single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. See Dwelling, Two-Family.

3.5.15 Dwelling – A structure or portion thereof that is used exclusively for human habitation.

3.5.16 Dwelling, Attached – A one (1)-family dwelling attached to two (2) or more one (1)-family dwellings by common vertical walls.

3.5.17 Dwelling, Detached – A dwelling that is not attached to any other dwelling by any means.

3.5.18 Dwelling, Garden Apartment – One (1) or more two (2)- or three (3)-story, multifamily structures, generally built at a gross density of ten (10) to fifteen (15) dwelling

units per acre, with each structure containing eight (8) to twenty (20) dwelling units and including related off-street parking, open space, and recreation. See Dwelling, Multifamily.

3.5.19 Dwelling, High-Rise – A building of eight (8) or more stories.

3.5.20 Dwelling, Mid-Rise – An apartment building containing from three (3) to seven (7) stories.

3.5.21 Dwelling, Multifamily – A building containing three (3) or more dwelling units, including units that are located one over the other.

3.5.22 Dwelling, Seasonal – A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

3.5.23 Dwelling, Single-Family Detached – A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards. See Dwelling, Detached.

3.5.24 Dwelling, Single-Family Semidetached – A one (1)-family dwelling attached to one (1) other one (1)-family dwelling by a common vertical wall, with each dwelling located on a separate lot. See Duplex.

3.5.25 Dwelling, Townhouse – A one (1)-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

3.5.26 Dwelling, Two-Family – A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

3.5.27 Dwelling Unit – One (1) or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See Housing Unit.

### 3.6 E

3.6.1 Essential Services – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, 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 municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings more than one hundred (100) square feet in area or more than ten (10) feet above grade at the highest point.

3.6.2 Existing Grade or Elevation – The vertical location above some elevation point of the ground surface prior to excavating for filling.

3.6.3 Existing Use – The use of a lot or structure at the time of the enactment of a zoning ordinance.

3.6.4 Exposed to Public View – Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

3.6.5 Exterior – Yards or other open outdoor spaces on premises, and the external surfaces of any structure.

3.6.6 Exterior Wall – Any wall that defines the exterior boundaries of a building or structure.

### 3.7 F

3.7.1 Façade – The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

3.7.2 Factory – A building in which raw material and semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

3.7.3 Family – A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

3.7.4 Family (Immediate) – Individuals related by blood, marriage, or adoption, including; Great-Grandfather, Great-Grandmother, Great-Grandson, Great-Granddaughter, Grandfather, Grandmother, Grandson, Granddaughter, Mother, Father, Son, Daughter, Sister, Brother, Sister-in-law, Brother-in-law, Uncle, Aunt, Niece, or Nephew.

3.7.5 Family Home – Any community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237, Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, a family home does not mean an individual foster family home licensed under Chapter 237, Code of Iowa. A family home also means an Elder Family Home as defined in 231A, Code of Iowa. A family home shall not be located within one-fourth (1/4) of a mile from another family home.

3.7.6 Farmer – Person who is physically and financially responsible for cultivating the ground and harvesting the resulting crop(s) and/or raising or managing livestock on a commercial scale as his/her primary livelihood.

3.7.7 Farmland – A parcel of land which is cultivated and from which the resulting crop is harvested or upon which livestock is raised or managed.

3.7.8 Farm House – A single family dwelling occupied by the farmer who owns and farms the farmland on which the home is located.

3.7.9 Farm Stand – A structure for the display and sale of farm products.

3.7.10 Farm Building – Any building or structure used for agricultural purposes by the farmer who owns the farmland on which the building or structure is located.

3.7.11 Flood – The temporary overflowing of water onto land that is usually devoid of surface water.

3.7.12 Flood Plain – The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

3.7.13 Floor Area, Gross – The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

3.7.14 Floor Area, Net – The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

3.7.15 Floor Area Ratio (FAR) – The gross floor area of all buildings or structures on a lot divided by the total lot area.

3.7.16 Forestry – Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

3.7.17 Fringe Area – The area of transition between two (2) different dominant land uses or other recognizable characteristics, including social, economic, or cultural.

3.7.18 Front Foot – A measure of land width, being one (1) foot along the front lot line of property.

3.7.19 Front Lot Line – See Lot Line, Front.

3.7.20 Front Yard – See Yard, Front.

3.7.21 Frontage – That side of a lot abutting on a street; the front lot line.

## 3.8 G

3.8.1 Garage, Private – A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one (1) truck of a rated capacity not exceeding one and one-half (1 1/2) tons.



- 3.8.2 Garbage – Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of food.
- 3.8.3 Grade, Finished – The final elevation of the ground level after development.
- 3.8.4 Grade, Natural – The elevation of the ground level in its natural state, before construction, filling, or excavation.
- 3.8.5 Grade Level – Roads, buildings, or structures built on the ground.
- 3.8.6 Gravel Pit – An open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-tract use.
- 3.8.7 Green Area – Land shown on a development plan, master plan, or official map for conservation, preservation, recreation, landscaping, or park.
- 3.8.8 Greenbelt – An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
- 3.8.9 Greenway – (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.
- 3.8.10 Ground Cover – Grasses or other plants and landscaping grown to keep soil from being blown or washed away.
- 3.8.11 Ground Floor – the first floor of a building other than a cellar or basement.
- 3.8.12 Groundwater – The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

### 3.9 H

3.9.1 Hazardous Substance – Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

3.9.2 Health Care Facility – A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

3.9.3 Highway or Primary Thoroughfare – An officially designated federal or state numbered highway or other road designated as an interstate, arterial, or collector on the Transportation Plan as officially adopted and amended from time to time by the Zoning Commission and County Board.

3.9.4 Home Business – Any business carried on by a member of the immediate family, residing on the premises, operating out of an accessory building on the same property as the residence.

3.9.5 Home Occupation/Professional Office – Any occupation or profession carried on by a member of the immediate family, residing on the premises.

3.9.6 Homeowners Association – A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

3.9.7 Horticulture – The cultivation of a garden or orchard.

3.9.8 Housing Unit – A room or group of rooms used by one (1) or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities. See Dwelling Unit.

### 3.10 I

3.10.1 Impact Fee – A fee imposed on a development to help finance the cost of improvements or services.

- 3.10.2 Impermeable – Not permitting the passage of water.
- 3.10.3 Impervious Surface – Any material that prevents absorption of stormwater into the ground.
- 3.10.4 Impoundment – A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.
- 3.10.5 Improvement – Any permanent structure that becomes part of, placed upon, or is affixed to real estate.
- 3.10.6 Incidental – Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
- 3.10.7 Incineration – The controlled process by which solid, liquid, or gaseous combustible wastes are burned and changed into gases and residue containing little or no combustible material.
- 3.10.8 Incinerator – A device used to burn waste substances and in which all the combustion factors – temperature, retention, time, turbulence, and combustion air – can be controlled.
- 3.10.9 Inclusionary Development – A residential housing development in which a percentage of the dwelling units is affordable to low- and moderate-income households.
- 3.10.10 Individual Sewage Disposal System – A system for the treatment and disposal of sanitary sewage in the ground on the lot upon which the primary use is located.
- 3.10.11 Infestation – The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.
- 3.10.12 Infrastructure – Facilities and services needed to sustain industry, residential, commercial, and all other land use activities.
- 3.10.13 Intensity of Use – The number of dwelling units per acre for residential development and floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial.

3.10.14 Interceptor Drain – Underground drainage system designed to catch and divert storm water runoff away from a slope or other area sensitive to water erosion or impact.

3.11 J

3.11.1 Junk – Any old, used, discarded, or salvaged material, including but not limited to; copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, obsolete or inoperable equipment, machinery, or vehicle, or parts thereof; or scrap metal.

3.11.2 Junkyard – Any area, lot, land, parcel, building, or structure where junk, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled. A junk yard includes a wrecking yard.

3.12 K

3.12.1 Kennel, Commercial – Any establishment where three (3) or more dogs, cats, or other animals normally allowed outdoors, six (6) months or older, are kept for breeding, boarding, grooming, selling, or training services in return for compensation.

3.13 L

3.13.1 Lagoon – In wastewater treatment, a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity.

3.13.2 Lake – An inland water body fed by springs or surrounding runoff.

3.13.3 Land – Ground, soil, or earth, including structures on, above, or below the surface.

3.13.4 Landlocked – A lot or parcel of land without direct access to a public road.

3.13.5 Land Management Plan – The comprehensive long range plan for the desirable use of land in the county, as officially adopted and amended from time to time by the Zoning Commission and the County Board of Supervisors; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses, designed to

lessen congestion in the county streets and highways, to secure safety from fire, flood, panic, and other dangers, to protect health and general welfare, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements, the policy of which is to obtain a uniform result in accordance with the present and potential uses of land within the county, considering the individual parcel's relationship to the community as a whole.

3.13.6 Land Surveyor – One who is licensed by the state as a land surveyor and is qualified to make accurate field measurements and to mark, describe, and define land boundaries.

3.13.7 Land Use – A description of how land is occupied or utilized.

3.13.8 Landfill – A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in alternative layers of specified depth in accordance with an approved plan.

3.13.9 Livestock – Cattle, horses, sheep, swine, goats, poultry, llamas, ostrich, emu, or any other animal or fowl which are kept for commercial, hobby, or personal purposes. Each head of livestock with an average adult weight of five hundred (500) pounds or more shall be considered one (1) animal unit. Each head of livestock with an average adult weight of two hundred fifty (250) pounds or more but less than five hundred (500) pounds shall be considered one-half (1/2) an animal unit. Each head of livestock with an average adult weight of thirty (30) pounds or more but less than two hundred fifty (250) pounds shall be considered one-fourth (1/4) an animal unit. Each head of livestock with an average adult weight less than thirty (30) pounds shall be considered one-tenth (1/10) an animal unit. A mother and offspring shall be considered one (1) head until the offspring can be weaned.

3.13.10 Loading Space – An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

3.13.11 Lot – A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building and its accessory buildings, is sufficient to provide the yards and courts required by the regulations.

3.13.12 Lot, Corner – A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

3.13.13 Lot, Flag – A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

3.13.14 Lot, Interior – A lot other than a corner lot.

3.13.15 Lot, Through – A lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot.

3.13.16 Lot, Transition – (1) A lot in a transition zone; (2) a lot in one (1) zoning district abutting another district and designated as a transition lot.

3.13.17 Lot Area – The total area within the lot lines of a lot, excluding any street right-of-ways.

3.13.18 Lot Coverage – That portion of the lot that is covered by buildings.

3.13.19 Lot Depth – The average distance measured from the front lot line to the rear lot line.

3.13.20 Lot Frontage – The length of the front lot line measured at the street right-of-way line.

3.13.21 Lot Line – A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space.

3.13.22 Lot Line, Front – The lot line separating a lot from a street right-of-way.

3.13.23 Lot Line, Rear – the lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

3.13.24 Lot Line, Side – Any lot line other than a front or rear lot line.

3.13.25 Lot of Record – A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

3.13.26 Lot Width – The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

### 3.14 M

3.14.1 Maintenance Guarantee – Any security that may be required and accepted by a governmental agency to ensure that necessary improvements will function as required for a specific period of time. See Performance Guarantee.

3.14.2 Manufactured Home Dwelling – A factory-built structure built under authority of 42 U.S.C.(5403), is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed after June 15, 1976. A recreation travel trailer is not to be considered as a manufactured home.

3.14.3 Mass Gathering – Any outdoor event, or one held in a temporary structure or tent, attended by more than two thousand (2,000) persons over an eight (8)-hour period and that includes music festivals, concerts, theatrical exhibitions, public shows, entertainment, amusement, speeches, swap and shop markets, and flea markets. See Temporary Outdoor activity.

3.14.4 Mixed-Use Development – The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

3.14.5 Mixed-Use Zoning – Regulations that permit a combination of different uses within a single development.

3.14.6 Mobile Home – 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 (1) or more persons. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

3.14.7 Mobile Home Park – Any land upon which two (2) or more mobile, manufactured, or modular homes, or a combination of such homes, are harbored on developed spaces with water, sewer, and electrical services, used as dwellings, either free of charge or for a fee. Means same as "Manufactured Home Park" or "Manufactured Home Community".

3.14.8 Motor Fuel Station – A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.

3.14.9 Motor Home – A motor vehicle designed as an integral unit to be used as a conveyance upon public streets and highways and for use as a recreational dwelling and having any two (2) of the following systems permanently installed:

3.14.9.1 Cooking facilities

3.14.9.2 Ice Box or mechanical refrigerator.

3.14.9.3 Potable water supply including plumbing and a sink with faucet either self contained or with connections for an external source or both.

3.14.9.4 Self contained toilet or a toilet connected to a plumbing system with connection for external water disposal, or both.

3.14.9.5 Heating or air conditioning system or both, separate from the vehicle engine or the vehicle engine electrical system.

3.14.9.6 A one hundred ten/one hundred fifteen (110/115) volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.

### 3.15 N

3.15.1 Net Area of Lot – The area of the lot excluding those features or areas that the development ordinance excludes from the calculations.



3.15.2 Noise – Any undesired audible sound.

3.15.3 Noise Pollution – Continuous or episodic excessive noise in the human environment.

3.15.4 Nonconforming Lot – A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.15.5 Nonconforming Sign – Any sign lawfully existing on the effective date of an ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

3.15.6 Nonconforming Structure or Building – A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.15.7 Nonconforming Use – A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

3.15.8 Nuisance – Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

### 3.16 O

3.16.1 Obstruction – Any dam, wall, embankment, levee, dike, pile, abutment, soil, material, bridge, conduit, culvert, building, wire, fence, refuse, fill, structure, or other matter in, along, across, or projecting into any channel, watercourse, or flood plane that may impede, retard, or change the direction of the flow of water, either in itself or by catching debris carried by such water, or that is placed where the flow of water might carry the same downstream.

3.16.2 Occupant – the individual, individuals, or entity in actual possession of a premises.

3.16.3 Occupation – Gainful employment in which an individual engages to earn compensation.

3.16.4 Office At Home – A home occupation in which a part of a dwelling unit is used as the resident's office. See Home Occupation.

3.16.5 Off-Site – Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or within a contiguous portion of a street or other right-of-way.

3.16.6 Off-Site Parking – Parking provided for a specific use but located on a site other than the one on which the specific use is located.

3.16.7 Off-Street Loading – Designated areas located adjacent to buildings where trucks may load and unload cargo.

3.16.8 Off-Street Parking Space – A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

3.16.9 On-Site – Located on the lot that is the subject of an application for development.

3.16.10 Open Space – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

3.16.11 Open Space, Common – Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

3.16.12 Open Space, Green – An open space area not occupied by any structures or impervious surfaces. See Green Area; Greenbelt.

3.16.13 Open Space, Private – Common open space, the use of which is normally limited to the occupants of a single dwelling, building, or property.

3.16.14 Open Space, Public – Open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

3.16.15 Open Space Ratio – Total area of open space divided by the total site area in which the open space is located.

3.16.16 Ornamental Tree – A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

3.16.17 Outbuilding – A separate accessory building or structure not physically connected to the principal building.

3.16.18 Outdoor Storage – The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

3.16.19 Overlay Zone – A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

3.16.20 Owner – Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

### 3.17 P

3.17.1 Parking Area – Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

3.17.2 Parking Area, Private – A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

3.17.3 Parking Area, Public – A parking area available to the public, with or without payment of a fee.

- 3.17.4 Parking Lot – An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.
- 3.17.5 Parking Space – A space for the parking of a motor vehicle within a public or private parking area.
- 3.17.6 Party Wall – A common shared wall between two (2) separate structures, buildings, or dwelling units.
- 3.17.7 Path – A cleared way for pedestrians and/or bicycles that may or may not be paved or otherwise improved.
- 3.17.8 Pedestrian – An individual who travels on foot.
- 3.17.9 Performance Guarantee – Any security that may be accepted by a municipality to ensure that improvements required as part of an application for development will be satisfactorily completed.
- 3.17.10 Performance Standards – A set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.
- 3.17.11 Perimeter – The boundaries or borders of a lot, tract, or parcel of land.
- 3.17.12 Permeability – The ease with which air, water, or other fluids can move through soil or rock.
- 3.17.13 Permitted Use – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- 3.17.14 Person – A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.
- 3.17.15 Planned Commercial Development (PCD) – An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses.

3.17.16 Planned Development – An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained according to plan as a single entity and containing one (1) or more structures with appurtenant common areas.

3.17.17 Planned Industrial Development (PID) – A planned development consisting primarily of industrial uses.

3.17.18 Planned Residential Development (PRD) – An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more residential clusters; appropriate commercial, public, or quasi-public uses may be included if such uses are primarily for the benefit of the residential development.

3.17.19 Planned Unit Development (PUD) – An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

3.17.20 Plat – (1) A map representing a tract of land showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

3.17.21 Plat, Final – A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

3.17.22 Plat, Preliminary – A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

3.17.23 Plat, Sketch – A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

3.17.24 Point of Tangency – The point at which a curved line meets a straight line.

3.17.25 Potable Water – Water suitable for drinking or cooking purposes.

3.17.26 PPM – Parts per million.

3.17.27 Preexisting Use – The use of a lot or structure prior to the time of the enactment of a zoning ordinance.

3.17.28 Preliminary Approval – Preliminary approval means the conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.

3.17.29 Premises – A lot, plot, or parcel of land together with the structures thereon.

3.17.30 Principal Entrance – The place of ingress and egress used most frequently by the public.

3.17.31 Principal Use – The primary or predominant use of any lot or parcel.

3.17.32 Prohibited Use – A use that is not permitted in a zone district.

3.17.33 Public Areas – Parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; and other places where the public is directly or indirectly invited to visit or permitted to congregate.

3.17.34 Public Building – Any building, structure, facility, or complex used by the general public, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, public eating places, schools, and theaters; business buildings, such as offices; and factories and industrial buildings.

3.17.35 Public Hearing – A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

3.17.36 Public Improvement – Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

3.17.37 Public Notice – The advertisement of a public hearing in a paper of general circulation, and through other media sources, indicating the time, place, and nature of the public hearing and where the application and pertinent documents may be inspected.

3.17.38 Public Sewer and Water System – Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

3.17.39 Public Utility Facilities – Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

### 3.18 Q

3.18.1 Quarry – A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use. See Gravel Pit.

3.18.2 Quarter Section – A tract of land one-half (1/2) mile square, two thousand six hundred forty (2,640) feet by two thousand six hundred forty (2,640) feet, or one hundred sixty (160) acres.

3.18.3 Quorum – A majority of the full authorized membership of a board or agency.

### 3.19 R

3.19.1 Ranch – A place where livestock is bred and/or raised.

3.19.2 Rainfall, Excess – The portion of rainfall that becomes direct surface runoff.

3.19.3 Reasonable Use Doctrine – A common law principle that no one has the right to use his or her property in a way that deprives others of the lawful enjoyment of their property.

3.19.4 Recreation Facility – A place designed and equipped for the conduct of sports and leisure-time activities.

3.19.5 Recreation Facility, Commercial – A recreation facility operated as a business and open to the public for a fee.

3.19.6 Recreation Facility, Personal – A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

3.19.7 Recreation Facility, Private – A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

3.19.8 Recreation Facility, Public – A recreation facility open to the general public.

3.19.9 Recreational Development – A residential development planned, maintained, operated, and integrated with a major recreation facility, such as a golf course, ski resort, or marina.

3.19.10 Recreational Vehicle – A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

3.19.11 Recreational Vehicle Park – Any lot or parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. See Campground.

3.19.12 Refuse – Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard, including but not limited to: plastic; metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving, or consumption of food; crockery, bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

3.19.13 Rent – A periodic payment, made by a tenant, to a landlord for the use of land, buildings, structures, or other property, or portions thereof.



3.19.14 Rental Housing – Housing occupied by a tenant paying rent to an owner and no part of the rent is used to acquire equity in the property.

3.19.15 Replacement Cost – The cost of replacing a building or structure with its functional equivalent.

3.19.16 Residence – A home, abode, or place where an individual is actually living at a specific point in time.

3.19.17 Residential Density – The number of dwelling units per acre of residential land.

3.19.18 Restriction – A limitation on property that may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

3.19.19 Restrictive Covenant – A restriction on the use of land usually set forth in the deed.

3.19.20 Retention Basin – A pond, pool, or basin used for the permanent storage of water runoff.

3.19.21 Rezone – To change the zoning classification of particular lots or parcels of land.

3.19.22 Riding Academy – An establishment where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

3.19.23 Right-of-Way – (1) A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; (2) generally, the right of one to pass over the property of another.

3.19.24 Right-of-Way Lines – The lines that form the boundaries of a right-of-way.

3.19.25 Riparian Land – Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.

3.19.26 Riparian Rights – Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

3.19.27 Rod – A lineal measure equal to sixteen and one-half (16 1/2) feet or five and one-half (5 1/2) yards.

3.19.28 Roof – The outside top covering of a building

3.19.29 Roof, Flat – A roof that is not pitched and the surface of which is generally parallel to the ground.

3.19.30 Roof, Gable – A ridged roof forming a gable at both ends of the building.

3.19.31 Roof, Gambrel – A gabled roof with two (2) slopes on each side, the lower steeper than the upper.

3.19.32 Roof, Hip – A roof with sloping ends and sides.

3.19.33 Roof, Mansard – A roof with two (2) slopes on each of four (4) sides, the lower steeper than the upper.

3.19.34 Roof, Shed – A roof with one (1) slope.

3.19.35 Row House – An attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof. See Dwelling, Townhouse.

3.19.36 Rubbish – A general term for solid waste, excluding food waste and ashes, taken from residences, commercial establishments, and institutions.

## 3.20 S

3.20.1 Salvage – The utilization of waste materials.

3.20.2 Scenic Area – An open area the natural features of which are visually significant or geologically or botanically unique.

3.20.3 Scenic Corridor – An area visible from a highway, waterway, railway, or major hiking, biking, or equestrian trail that provides vistas over water, across expanses of land such as farmlands, woodlands, or costal wetlands, or from mountaintops or ridges.

3.20.4 Scenic Easement – An easement the purpose of which is to limit development in order to preserve a view or scenic area.

3.20.5 Scenic Overlook – An area, usually at the side of a road, where persons can observe a scenic area.

3.20.6 Scenic Route – The roadway and adjacent corridor as viewed from a road or highway designated as a scenic route by the State, County Conservation Board, and/or any other official governmental agency.

3.20.7 Scrap – Discarded or rejected materials that result from manufacturing or fabricating operations.

3.20.8 Seasonal Dwelling Unit – A dwelling unit that lacks one (1) or more of the basic amenities or utilities required for all-year or all-weather occupancy.

3.20.9 Seasonal Structure – A temporary covering erected over a recreational amenity, such as a swimming pool or tennis court, for the purpose of extending its use to cold weather months or inclement conditions.

3.20.10 Seasonal Use – A use carried on for only a part of the year, such as outdoor swimming during the summer months or skiing during the winter months.

3.20.11 Section of Land – Measured as six hundred forty (640) acres, one (1) square mile, or one thirty-sixth (1/36) of a township.

3.20.12 Sediment – Deposited silt that is being or has been moved by water or ice, wind, gravity, or other means of erosion.

3.20.13 Sediment Basin – A barrier or dam built across a waterway or at suitable locations to retain sediment.

3.20.14 Sedimentation – (1) The depositing of earth or soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion; (2) in wastewater treatment, the settling out of solids by gravity.

3.20.15 Setback – The distance between the building and any lot line.

3.20.16 Setback Line – That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.

3.20.17 Shade Tree – A tree, usually deciduous, planted primarily for overhead canopy.

3.20.18 Shared Driveway – A single driveway serving two (2) or more adjoining lots.

3.20.19 Shrub – A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

3.20.20 Side Yard – See Yard, Side.

3.20.21 Sign – Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency; or any structure or device to which either or both the United States Code, Section 131 and Chapter 306C, Division II, 1979 Code of Iowa apply.

3.20.22 Sign, Animated or Moving – Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

3.20.23 Sign, Awning, Canopy, or Marquee – A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

3.20.24 Sign, Bench – A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

3.20.25 Sign, Billboard – A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

3.20.26 Sign, Bulletin Board – A sign that identifies an institution or organization on the premise of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.

3.20.27 Sign, Business – A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

3.20.28 Sign, Construction – A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

3.20.29 Sign, Directional – Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”

3.20.30 Sign, Directory – A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

3.20.31 Sign, Façade – See Sign, Wall.

3.20.32 Sign, Face – The area or display surface used for the message.

3.20.33 Sign, Flashing – Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

3.20.34 Sign, Freestanding – Any non-movable sign not affixed to a building.

3.20.35 Sign, Governmental – A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

3.20.36 Sign, Ground – Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

3.20.37 Sign, Holiday Decoration – Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local, or religious holiday.

3.20.38 Sign, Home Occupation – A sign containing only the name and occupation of a permitted home occupation.

3.20.39 Sign, Identification – A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

3.20.40 Sign, Illuminated – A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

3.20.41 Sign, Inflatable – Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

3.20.42 Sign, Memorial – A sign, tablet, or plaque memorializing a person, event, structure, or site.

3.20.43 Sign, Nameplate – A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

3.20.44 Sign, Off-Premises – See Sign, Billboard.

3.20.45 Sign, On-Site Informational – A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.

3.20.46 Sign, Pole – A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

3.20.47 Sign, Political – A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

3.20.48 Sign, Portable – A sign that is not permanent, affixed to a building, structure, or the ground.

3.20.49 Sign, Private Sale or Event – A temporary sign advertising private sales of personal property, such as “house sales,” “garage sales,” rummage sales,” and the like, or private not-for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, and Christmas tree sales.

3.20.50 Sign, Projecting – A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.

3.20.51 Sign, Real Estate – A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

3.20.52 Sign, Roof – A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

3.20.53 Sign, Suspended – A sign hanging down from a marquee, awning, or porch that would exist without the sign.

3.20.54 Sign, Temporary – A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

3.20.55 Sign, Vehicle – A sign on a vehicle not customarily and regularly used to transport persons or properties.

3.20.56 Sign, Vending Machine – Any sign, display, or other graphic attached to or part of a coin-operated machine dispensing food, beverages, or other products.

3.20.57 Sign, Wall – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

3.20.58 Sign Area – The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

3.20.59 Sign Control – Regulations on the number, size, location, height, color, materials, lighting, and content of signs.

3.20.60 Sign Projection – On a sign attached to a wall, the distance from the exterior wall surface to the sign element farthest distance from such surface.

3.20.61 Similar Use – A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and clientele. See Change of Use.

3.20.62 Single-Family Dwelling – See Dwelling, Single-Family Detached; Dwelling, Single-Family Semidetached.

3.20.63 Site – Any plot or parcel of land or combination of contiguous lots or parcels of land.

3.20.64 Site Plan – The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

3.20.65 Solid Waste – Unwanted or discarded material, including waste material with insufficient liquid content to be free flowing.

3.20.66 Special Assessment – A fee levied by a local authority for the financing of a local improvement that is primarily of benefit to the landowners who must pay the assessment.

3.20.67 Special Use Permit – A permit issued by the proper governmental authority that must be acquired before a special exception use can be constructed. See Conditional Use Permit.

3.20.68 Spoil – Dirt, rock, or waste material that has been removed from its original location, or materials that have been dredged from the bottoms of waterways.

3.20.69 Storm Sewer – A conduit that collects and transports runoff.



3.20.70 Stormwater Detention – Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. See Detention Basin; Retention Basin.

3.20.71 Stormwater Management – The control and management of stormwater to minimize the detrimental effects of surface water runoff.

3.20.72 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 is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use. When the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the total building height shall be considered a separate full story of fractional story respectively, except the first story which may be fifteen (15) feet high.

3.20.73 Story, Half – A space under a sloping roof that has the line of intersection of the roof and wall face not more than three (3) feet above the floor level and in which space the possible floor area with head room of five (5) feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

3.20.74 Street – Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

3.20.75 Street, Collector – A street that collects traffic from local streets and connects with minor and major arterials.

3.20.76 Street, Cul-De-Sac – A street with a single common ingress and egress and with a turnaround at the end.

3.20.77 Street, Dead-End – A street with a single common ingress and egress.

3.20.78 Street, Dual – A street with opposing lanes separated by a median strip, center island, or other form of barrier, which cannot be crossed except at designated locations.

3.20.79 Street, Expressway – A divided multilane major arterial street for through traffic with partial control of access and with grade separations at major intersections.

3.20.80 Street, Freeway – A limited access highway with no grade crossing.

3.20.81 Street, Local – A street designed to provide vehicular access to abutting property and to discourage through traffic.

3.20.82 Street, Loop – A local street that has its only ingress and egress at two (2) points on the same collector street.

3.20.83 Street, Major Arterial – A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

3.20.84 Street, Minor Arterial – A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

3.20.85 Street, Paper – A street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

3.20.86 Street, Private – A street that has not been accepted by the municipality or other governmental entity.

3.20.87 Structure – A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

3.20.88 Subdivider – Any person having an interest in land that is the subject of an application for subdivision.

3.20.89 Subdivision – The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

3.20.90 Subdivision, Cluster – See Cluster Subdivision

3.20.91 Subdivision, Minor – A subdivision of land that does not involve any of the following: (1) the creating of more than the maximum number of lots specifically

permitted by ordinance as a minor subdivision; (2) a planned development; (3) any new street; or (4) the extension of any off-tract improvements.

3.20.92 Substandard Structure/Dwelling – A term used in the 1960s and preceding U.S. Censuses of Housing to indicate a lack of some or all plumbing facilities and/or the presence of physical inadequacies. See Deficient Unit

3.20.93 Substantial Improvement – Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds fifty (50) percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

3.20.94 Suitable Site – A site that is adjacent to compatible land uses, has access to appropriate streets, and is consistent with state environmental policies.

### 3.21 T

3.21.1 Temporary Outdoor Activity – Happenings that are carried out primarily out-of-doors for a fixed period of time and including flea markets, fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts, and parades. See Mass Gathering.

3.21.2 Temporary Structure – A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

3.21.3 Temporary Use – A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

3.21.4 Tenant – An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

3.21.5 Townhouse – See Dwelling, Townhouse.

3.21.6 Tract – An area, parcel, site, piece of land, or property that is the subject of a development application.

3.21.7 Traffic Count – A tabulation of the number of vehicles or pedestrians passing a certain point during a specified period of time.

3.21.8 Trailer – A structure standing on wheels, towed or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary office.

3.21.9 Transfer of Development Rights (TDR) – The removal of the right to develop or build, expressed in dwelling units per acre or floor area, from land in one zoning district to land in another district where such transfer is permitted.

3.21.10 Transition Zone – A zoning district that permits uses compatible with uses permitted in two (2) adjacent zones that, without the transition zone, could be considered incompatible to each other.

3.21.11 Transitional Area – (1) An area in the process of changing from one (1) use to another or changing from one (1) racial or ethnic occupancy to another; (2) an area that acts as a buffer between two (2) land uses of different intensity and compatibility.

3.21.12 Transitional Use – A permitted land use or structure of an intermediate intensity by level of activity or scale between a more intensive and less intensive use. See Transitional Area.

3.21.13 Transportation Corridor – A combination of principal transportation routes involving a linear network of one (1) or more highways of four (4) or more lanes, rail lines, or other primary and secondary access facilities that support a development corridor.

3.21.14 Travel Trailer – A vehicle without motive power that is manufactured or constructed to permit it being used as a conveyance upon the public streets and highways and designed to be used as a temporary place of human habitation for vacation or recreational purposes, and shall not be used as a place of permanent habitation. The vehicle may be no more than eight (8) feet six (6) inches wide and overall length may not exceed forty (40) feet.

3.21.15 Trip – A single or one-way motor vehicle movement either to or from a subject property or study area.

3.21.16 Trip Distribution – The measure of the number of vehicles or passenger movements that are or will be made between geographic areas.

3.21.17 Trip Ends – The total of trips entering and leaving a specific land use or site over a designated period of time.

3.21.18 Trip Generation – The total number of vehicle trip ends produced by a specific land use or activity.

3.21.19 Truck Camper – A structure designed to fit into the bed of a pickup truck and used for temporary shelter and sleeping.

## 3.22 U

3.22.1 Underground Utilities – The placement of electric, telephone, cable, and other utilities customarily carried on poles in underground vaults or trenches.

3.22.2 Underutilized Land – Land parcels with any of the following characteristics: (1) more than eighty (80) percent of the parcel in non-building uses, such as surface parking or storage yard; (2) land parcels containing structures that are at least fifty (50) percent vacant; (3) land parcels with buildings with a floor area ratio of less than zero to one (0:1) and (4) land parcels with buildings that are abandoned, dilapidated, or otherwise seriously impaired by physical deficiencies.

3.22.3 Undeveloped Land – Land in its natural state before development.

3.22.4 Unimproved Land – Land in its natural state before development.

3.22.5 Use – The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

3.22.6 Utility, Private or Public – (1) Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; (2) a closely regulated enterprise with a franchise for providing a needed service.

3.22.7 Utility Easement – The right-of-way acquired by a utility or governmental agency to locate utilities, including all types of pipelines, telephone and electric cables, and towers.

3.22.8 Utility Services – The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

### 3.23 V

3.23.1 Vacancy – Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

3.23.2 Vacant Land – (1) Land that is undeveloped and unused; (2) any nonresidential areas with significant amounts of land not covered by nonstructural impervious surfaces; (3) land suitable for redevelopment or infill at high densities; and (4) residential areas with lot sizes in excess of two (2) acres where environmental factors permit higher densities.

3.23.3 Variance – Permission to depart from the literal requirements of a zoning ordinance.

3.23.4 Variance, Bulk – A departure from any provision of a zoning ordinance except use. See Variance, Hardship.

3.23.5 Variance, Hardship – A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size that, if applied to a specific lot, would significantly interfere with the use of the property.

3.23.6 Variance, Planning – A variance granted for bulk relief that would result in an opportunity for improved zoning and planning that would benefit the community.

3.23.7 Variance, Use – A variance granted for a use or structure that is not permitted in the zone.

3.23.8 Vehicle – Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, travel trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

3.23.9 Vehicle, Inoperable – Any vehicle that is not **insured or** licensed for the current year as required by law or which exhibits any of the following characteristics: Cannot legally travel on a public street due to broken, damaged, or missing fender, door, bumper, hood, wheel, steering wheel, exhaust system, or windshield or other glass customary to the vehicle; lacking an engine or other means of power suitable to the design, one (1) or more wheel, or other structural parts which renders the vehicle incapable of either forward or reverse movement in the manner for which it was designed; has become a habitat for rats, mice, snakes, or any other vermin or insects; or constitutes a threat to the public health and safety because of its defective or obsolete condition.

3.23.10 Vehicle, Motor – A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

3.23.11 Vehicle, Off-Road (ORV) – Vehicles designed for use on a variety of non-improved surfaces and including dune buggies and all-terrain vehicles, snowmobiles, trail bikes, mopeds, and motor bikes.

3.23.12 Vehicle, Passenger – A motor vehicle with no more than two (2) axles and/or four (4) wheels, not more than four thousand five hundred (4,500) pounds in gross weight, and designed primarily for the transport of persons.

3.23.13 Vehicle, Recreational – See Recreational Vehicle.

3.23.14 Vested Right – A right that cannot be changed or altered by changes in regulation.

3.23.15 View Protection Regulation – Requirements to assure that development does not interfere with scenic views.

3.23.16 Vista – A unique view to or from a particular point.

### 3.24 W

3.24.1 Waiver – Permission to depart from the requirements of an ordinance with respect to the submission of required documents.

3.24.2 Waste – (1) Bulky waste – items the large size of which precludes or complicates their handling by normal collection, processing, or disposal methods; (2) construction and

demolition waste – building materials and rubble resulting from construction, remodeling, repair, and demolition operations; (3) hazardous waste – wastes that require special handling to avoid illness or injury to persons or damage to property; (4) special waste – those wastes that require extraordinary management; (5) wood pulp waste – wood or paper fiber residue resulting from a manufacturing process; and (6) yard waste – plant clippings, prunings, and other discarded material from yards and gardens.

3.24.3 Water Supply System – The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

3.24.4 Water Table – The upper surface of groundwater or the level below which the soil is seasonally saturated with water.

3.24.5 WECS (Wind Energy Conversion System) – An electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

3.24.6 C-WECS (Commercial) – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics of which the output is intended to primarily be sold to, or owned by an electric utility.

3.24.7 I-WECS (Individual Use) – A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, of which the output is intended to reduce on-site consumption of utility power with no distribution to any other property or person.

3.24.8 WECS (Total Height) – The highest point, above ground level, reached by a rotor tip or any other part of the WECS.

3.24.9 WECS (Tower) – Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.

3.24.10 WECS (Tower height) – The total height of the WECS exclusive of the rotor blades.



3.24.11 Windbreak – Berms, vegetation, landscaping, fences, or a combination of all four (4) to provide a barrier against wind, snow, dust, or other natural elements.

3.24.12 Wrecking Yard – Any area of land where two (2) or more inoperable vehicles, equipment, or machinery or parts thereof, are stored in the open; or any building or structure used for the wrecking or storing of such inoperable vehicles or parts thereof.

### 3.25 Y

3.25.1 Yard – An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance. See Lot Line; Yard Depth; Yard Line.

3.25.2 Yard, Front – A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

3.25.3 Yard, Rear – A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

3.25.4 Yard, Required – The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

3.25.5 Yard, Side – A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

3.25.6 Yard Depth – The shortest distance between a lot line and a yard line.

3.25.7 Yard Line – A line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.

### 3.26 Z

3.26.1 Zero Lot Line – The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.