

ARTICLE II

DEFINITIONS

SECTION 1. DEFINITIONS

Subsection A. For the purpose of this Ordinance certain terms and words are hereby defined; words used in the present tense shall include the future; words in the singular shall include the plural and words in the plural shall include the singular; the word "shall" is mandatory and not discretionary.

1. **Accessory use or structure.** A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.
2. **Adult.** As used in this Article, refers to persons who have attained the age of at least eighteen (18) years.
3. **Adult bookstore.** An establishment which has a substantial or significant portion of its stock in books, magazines or other periodicals, and paraphernalia and which excludes minors by virtue of age.
4. **Adult motels.** An establishment which has a substantial or significant portion of trade or business that excludes minors by virtue of age.
5. **Adult movie arcades/theaters.** An enclosed building used predominantly for presenting motion pictures, slides or photographic reproductions distinguished by an emphasis on matters depicting sexually explicit activities or anatomical areas for observation by persons compensating the business therein.
6. **Advertising sign.** Any structure, regardless of the material used in construction of the structure, that is erected, maintained or used for public display of a poster, painted sign, wall or roof sign, whether the structure is placed on the wall or roof itself; a picture or other pictorial reading matter which advertises.
7. **Agriculture.** The use of land for an agricultural purpose including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal or poultry husbandry, and the necessary accessory uses for packing, treating and storing the produce; provided however, that the operation of any such accessory use shall be secondary to that of normal agricultural activity carried on upon the premises and provided further that the above use shall not include commercial animal or poultry slaughtering or packing nor the commercial feeding of garbage or offal to any animal.
8. **Aliquot part.** A fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, one-half of one-quarter or one-quarter of one-quarter shall be considered an aliquot part of a section.
9. **Alley.** A public or private way affording secondary means of access to abutting property.
10. **Amusement place.** The use of land or a structure arranged, intended or designed for recreational use, which is not noxious or offensive due to the emission of odors, gas, light or noise; and which is not a menace to public health and safety which will not substantially injure the appropriate use of neighborhood property.
11. **Anchor.** Any device at the mobile home stand designed for the purpose of securing a mobile home to the ground.
12. **Animal feeding operation/lot.** A lot, yard, corral, building or other area where animals are confined, fed and maintained for forty-five (45) days or more in any twelve (12) month period. These include:
 - a. **Open feedlot:** An unroofed or partially roofed animal feeding operation in which no crop, vegetation or forage growth or residue is maintained during the period that animals are confined in the operation.
 - b. **Confinement feeding operation:** A totally roofed animal feeding operation in which wastes are stored or removed as a liquid or semi-liquid.
13. **Announcement sign.** A sign or bulletin board erected on the premises of a charitable, religious, philanthropic or public institution.
14. **Antenna (antenna mounts).** Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave

dishes and omni-directional antennas, such as whips, but not including satellite earth stations.

15. **Antenna height.** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
16. **Apartment.** A room or suite of rooms used or designed for use as a single family residence, located in a building containing two or more such rooms or suites, or located in a building devoted to non-residential uses in part.
17. **Basement/Cellar.** That portion of a building between the floor and ceiling which is partly below, and partly above grade on at least two sides, but so located that the vertical distance from the grade to the floor below is more than the vertical distance from the grade to the ceiling. A basement is counted as a story for the purposes of height regulation.
18. **Bed and Breakfast Home/Hotel.** A private residence which provides lodging and meals for transient guests, in which the host or hostess resides and which has no more than four (4) guest bedrooms. While it may advertise and accept reservations, it does not present itself to the public as a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
19. **Billboard.** Any structure or portion of a building used for the display of advertising of a business or attraction which is not carried on or manufactured in or upon the premises upon which said billboard is located. This includes painted exterior walls with pictures, words or logos.
20. **Board.** The Board of Supervisors of Marshall County, Iowa.
21. **Boarding or Lodging House.** A structure other than a hotel, tourist home or motel where lodging and meals are provided for four (4) or more persons but not exceeding eight (8) persons for compensation, but not for public or transient use.
22. **Buffer Area.** A strip of land established to protect one type of land use from another incompatible use. The strip may be of variable width and includes fences, screen plantings or earthen mounds to buffer the adjoining property from noise, traffic or visual nuisances.
23. **Building.** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs, billboards or fences. When a structure is divided in separate parts by unpierced walls extending from the ground up, each portion so separated shall be deemed a separate building, except for residential dwellings, mini warehousing/storage/rental garages.
24. **Building, height of.** The vertical distance from the average grade at the point where the grade meets the wall of the building, to the highest point of the coping of a flat roof, deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip and gambrel roofs.
25. **Bulk Plant.** That portion of property where flammable liquids, gases or liquefied petroleum products are distributed or stored where the aggregate capacity of all such storage exceeds six thousand (6000) gallons.
26. **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:
 - a. 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
 - b. a church-related instructional program of not more than one day per week
 - c. short-term classes held between school terms
 - d. 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
 - e. a non-profit program operated by volunteers for no charge for not more than two hours during any twenty-four (24) hour period
 - f. 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
 - g. 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

27. **Commercial Feedlot/ Confinement Operation.** The feeding, farrowing and raising of feeder and dairy cattle, swine, sheep and poultry in a confined area where grazing is not possible, and where at least half of the livestock and poultry feed is not grown on the premises. To be defined as "commercial", such operation must be owned or controlled by a partnership or corporation not living on the site. This definition is not meant to include family farms which have incorporated for business purposes.
28. **Commercial WECS.** A WECS of equal to or greater than 50 kW in total name plate generating capacity.
29. **Communication Tower/Facility.** A tower or antenna, whether guyed or of monopole or lattice-type design, or equipment and associated facilities constructed to transmit or receive signals for the purpose of providing communication services for commercial use. This definition includes, but is not limited to radio, television, cellular, PCS, telephone and microwave towers.
30. **Commission.** The Marshall County Zoning Commission.
31. **Corn Suitability Rating (CSR) .** An index for ranking the productivity of soils and their suitability for row-crop production in Iowa. The CSR system rates soils from five (5) to one hundred (100), with one hundred (100) reserved for those soils a) located in areas of most favorable weather conditions in Iowa, b) that have high yield potential, and c) that can be continuously row-cropped. (A detailed description of the CSR system, including methodology and CSR estimates for various soil types, may be found in Special Report Number 66, "Productivity Levels of Some Iowa Soils", April, 1971, published by the Agricultural and Home Economics Experiment Station and Cooperative Extension Service, Iowa State University.)
32. **Day Nursery, Nursery School, or Day Care (Public).** Any agency, institution , establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for seven (7) or more children of pre-school age for compensation.
33. **Development.** Any man-made change to alter the existing land use of a parcel of land including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
34. **District.** A section or sections of the unincorporated area or any portion thereof of Marshall County, Iowa for which the district regulations governing the use of buildings, land or lot area and height of buildings are uniform.
35. **District Zone Maps.** The official maps upon which are designated the boundaries of the various zone districts as enumerated in this Ordinance. There are only two official district zone maps. One shall be displayed in the Marshall County Recorder's office, and the other shall be displayed in the Marshall County Zoning Administrator's office.
36. **Driveway.** A private road providing access for vehicles and pedestrians to the principal building or use on a lot.
37. **Dwelling.** A building, or portion thereof, designed or used exclusively for residential occupancy, but not including a summer cottage.
38. **Dwelling, Single Family.** A dwelling arranged, designed or intended for occupancy by one family.
39. **Dwelling, Two Family.** A dwelling arranged, designed or intended for occupancy by two families, living independently of each other.
40. **Dwelling, Multiple Family.** A dwelling arranged, designed or intended for occupancy by more than two families, living independently of each other.
41. **Earthen Berm.** An embankment of earth created by adding the material to the location. The berm is then graded and landscaped to act as a natural area which is visually pleasing. Usually associated with a buffer area.
42. **Easement.** A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation or another person or entity.
43. **Elder Family Home.** A private household as defined by Chapter 335.31, Code of Iowa, 1995, owned by a responsible party offering a social living arrangement for at least two but not more than five (5) persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care. An Elder Family Home shall be registered in accordance with Chapter 231A, Code of Iowa, 1995, and any amendments thereto.
44. **Elder Group Home.** A single-family residence that is a residence of a person who is providing room, board, and personal care to three (3) through five (5) elders who are not

- related to the person providing the service within the third degree of consanguinity or affinity. An Elder Group Home shall be registered in accordance with Chapter 231B, Code of Iowa, 1995, and any amendments thereto.
45. **Factory-built Home.** Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly purpose and installation, on a building site. For the purpose of this Ordinance, factory built homes include mobile homes, manufactured homes and modular homes as well as "recreational vehicles" which are placed on a site for greater than 180 consecutive days and is not fully licensed and ready for highway use.
 46. **Factory-built Home Park.** A parcel or contiguous parcels of land divided into two (2) or more factory-built home lots for sale or lease.
 47. **Fall Zone.** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
 48. **Family.** One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, motel, tourist house, boarding house or bed and breakfast, herein defined.
 49. **Family Home.** Any community-based residential home which is licensed as a residential care facility under Chapter 135C, Code of Iowa, 1995, or as a child foster care facility under Chapter 237, Code of Iowa, 1995 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 IC. A family home also means an Elder Family Home. A family home shall not be located within one-fourth of a mile from another family home.
 50. **Farm and Farming (Agriculture).** The building(s) and use of land for growing agricultural or farm produce or products, including but not limited to the following: grains, hay, vegetables, fruits and trees, grazing, dairying and raising of livestock and poultry; and the storing and treating and feeding of the farm produce or products.
 51. **Farmstead.** A combination of structures, with one dwelling, yards, windbreaks, well and other improvements which are held and operated in conjunction with agricultural crop and/or livestock production.
 52. **Feeder Line.** Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the WECS.
 53. **Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
 54. **Flood Boundary and Floodway Map.** The official map prepared by the Federal Emergency Management Agency (FEMA) as a part of the flood insurance study of a community, delineating the boundaries of the floodway and the floodway fringe and showing associated 100 year flood level and delineating the boundaries of the general flood plains for one hundred (100) year floods. In Marshall County only the portion north of state highway 30 and east of county road S75 (Marsh Avenue) is currently included in these maps.
 55. **Flood Elevation, Base or 100-Year.** The elevation flood waters would reach at a particular site during the occurrence of a specific flood. A 100-year flood elevation is that elevation that flood waters would reach in a 100-year flood. There is a one in one hundred (1 in 100) chance each year for such a flood.
 56. **Flood Hazard Boundary Map.** The official map(s) prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, community Panel No.s 190890 0001 A and 190890 0002 A, which delineates the flood hazard areas applicable to the community.
 57. **Flood Plain.** Any land area susceptible to being inundated by water as a result of a flood. Also referred to as Special Flood Hazard Area (SFHA).
 58. **Flood Plain Management.** The operation of an overall program of correction and preventive measures for reducing flood damage and promoting the wise use of flood plains, including but not limited to: emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

59. **Floodproofing.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
60. **Floodway.** The channel of a river, stream or other watercourse and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
61. **Floodway Fringe.** Those portions of the flood plain, other than the floodway, which can be filled, levied or otherwise obstructed without causing substantially higher flood levels or flow velocities.
62. **Fully Enclosed Area Below Lowest Floor.** An enclosed area below the "lowest floor" (not including basements) that is subject to flooding but which is used solely for the parking of vehicles, building access and low damage potential storage and is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a registered professional engineer.
63. **Garage, Private.** A structure with appropriate access to a public or private driveway, road, alley, street or highway. Said structure to be designed, intended or used for the parking of the private motor vehicles of the family or families resident upon the premises; provided that not more than two (2) of the spaces therein may be rented for the private vehicles of persons not resident upon the premises and further provided that no more than one commercial vehicle per family dwelling therein, and that no commercial service or industry connected with motor vehicles shall be carried on therein.
64. **Garage, Public.** A structure (not a private or storage garage) designed, intended or used for equipping, fueling, servicing, parking, repairing, hiring, selling or storing motor vehicles.
65. **Garage, Storage.** Any building or premises, including a mini-storage garage, used for storing motor vehicles (other than commercial vehicles), recreational vehicles and trailers, boats, furniture or other miscellaneous personal property, excluding such things as automobile fuels and oils or other hazardous or volatile substances, pursuant to previous arrangements and in which motor vehicles are not equipped, serviced, repaired, hired or sold.
66. **Gasoline/Service Station.** See Garage, Public.
67. **Grade.** The following are the designated grades for:
- a. Buildings having walls adjoining one (1) street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.
 - b. Buildings having walls adjoining more than one (1) street, the average of the elevation of the regularly established sidewalk grades at the center of all walls adjoining the street.
 - c. Buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as adjoining the street.
68. **Group Housing.** A building or place where lodging or boarding is provided for compensation or not; for five (5) or more individuals, but not open to transient guests as would be found in a hotel/motel. Normally associated with a charitable organization or government financed program to assist unique groups of people.
69. **Guyed Tower.** A communications tower that is supported, in whole or in part, by guy wires and ground anchors.
70. **Health Care Facility.** An establishment for provision of care to persons suffering of illness, injury or disability and includes hospitals, custodial homes, nursing homes, convalescent homes, extended care facilities and similar facilities.
71. **Health Club.** A non-medical service establishment intended to maintain or improve the physical condition of paying customers. Contains exercise and game equipment and facilities, steam baths, saunas, hot tubs or similar equipment or facilities.
72. **Height, Tower.** The distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna, in reference to a tower or other structure.
73. **Historic Structure.** Any structure that is:
- a. Listed individually in the National Register of Historic Places, maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (i) an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in States without approved programs.
74. **Home Occupation.** Any occupation or activity carried on by a member of the immediate family, residing on the premises, provided that any such activity shall not occupy more than fifty (50) percent of the first floor area of one (1) story of the principal building; provided further that not more than one (1) person not a member of the family there residing shall be regularly employed in addition to the proprietor; provided further that there shall be no display of goods, storage of goods, equipment or materials outside, and no exterior advertising on the premises other than a small sign not to exceed two (2) square feet in area carrying only the name and occupation of any occupant of the premises; provided further that the building or premises occupied shall not thus be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odor, gas, dust, smoke, fumes, noise or in any other way, and provided further that no such building shall include features of design not customary in buildings for residential use.
75. **Hospital.** An institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities, training facilities, medical offices and staff residences.
76. **Hotel.** A structure in which lodging or meals and lodging, is provided and offered to the public for compensation and which is open to transient guests, intending to lodge in such structure for less than fourteen (14) days, including motels and tourist houses.
77. **Industry, Heavy.** When used in this Ordinance, term refers to a use engaged in the basic processing and manufacturing of material or products predominantly from extracted or new materials, or a use engaged in the storage of, or manufacturing process using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
78. **Industry, Light.** When used in this Ordinance, term refers to a use engaged in the manufacture, predominantly from previous prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging and a use engaged in warehousing, distribution, wholesale trade and catalogue sales.
79. **Institution.** A building or use occupied or run by a government agency, non-profit organization or institution of higher learning to serve the social, educational, charitable and/or religious needs of the public.
80. **Junk.** Any material as defined in Chapter 567-100.2, Iowa Administrative Code, 1995.
81. **Junkyard.** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled or stored, including but not limited to dismantling of automobiles or other vehicles or machinery, housewrecking yards, used lumber yards and places or yards for storage of structural steel materials. The storage of three (3) or more vehicles which are not drivable and which are not located inside an enclosed structure constitutes a junkyard. Junkyards shall not be permitted in any zoning district without a special use permit from the Zoning Commission and Board of Supervisors.
82. **Kennel, Commercial.** Any establishment where three or more dogs, cats, or other animals normally allowed outdoors, six months or older, not owned by the owner of the premises, are kept for breeding, boarding, grooming, selling or training services in return for compensation.
83. **Kennel, Private.** A non-commercial kennel at a private residence where four or more dogs, cats or both are kept for the hobby of the householder, as opposed to a commercial kennel. The keeper of a hobby kennel may keep adult dogs or cats and may raise and sell not more than fifteen (15) total offspring regardless of species during any calendar year without becoming a commercial kennel.
84. **Land Evaluation and Site Assessment (LESA) System.**

- a. A point system which evaluates a site's suitability for agricultural use in relation to soil productivity and locational, economic and governmental factors. The LESA System consists of two (2) parts:
 1. **Land Evaluation:** The land evaluation part rates soil productivity. Soils are rated and placed into groups according to their suitability for a stated agricultural use (i.e. cropland). Relative point values, established by the State Natural Resources Conservation Service, are assigned to each group.
 2. **Site Assessment:** The site assessment part identifies locational and other factors, other than soil productivity, that contribute to the suitability of a site for agricultural use. Each factor is weighted and assigned a range of values, established by the Marshall County Land Use Plan Committee, Zoning Commission and Board of Supervisors, according to local needs and objectives.
- b. The result of the LESA evaluation is a numerical score for a given site ranging from 0-300 points, with higher scores indicating a higher suitability for agricultural use.
85. **Lattice Tower.** A self-supporting tower with three or four sides, open, steel frame structure used to support communications equipment.
86. **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 horses or cattle shall be considered one (1) animal unit. Each head of swine, sheep, goats, llamas, ostrich or emus shall be considered one half (1/2) an animal unit. A mother and offspring shall be considered one head until weaned.
87. **Lot.** A tract of land represented and identified by number or letter designation on an official plat or a designated aliquot part, government lot, parcel or tract established as permitted by law, to be separately owned, used, developed or built upon. A lot shall contain no more than one principal building and its attendant accessory buildings.
88. **Lot Area.** Total horizontal area within lot lines, excluding that portion devoted to a road or street or easement therefore.
89. **Lot, Corner.** Lots conforming to the following specified conditions shall be considered as corner lots for the purposes of this Ordinance:
 - a. A lot fronting on two (2) intersecting streets, which form an interior angle of one hundred thirty-five (135) degrees or less, and which lot has a frontage of not less than twenty-five (25) feet on each of such streets.
 - b. A lot located at the angle in a street where the interior angle formed by the intersection of the street lines is one hundred thirty-five (135) degrees or less, and which lot has frontage of not less than twenty-five (25) feet on each leg of such angle.
90. **Lot, Depth of.** The mean horizontal distance between the front and rear lot lines. In a triangular lot the rear lot line shall be the angle point of the triangle opposite the front lot line.
91. **Lot, Flag.** A lot whose area is situated behind another lot(s) with a narrow frontage extended to a street or road. The term flag lot refers to the shape of the lot.
92. **Lot, Interior.** A lot other than a corner lot.
93. **Lot Lines.** Property line bounding a lot.
94. **Lot Line, Flag.** On a flag lot, the lot line essentially parallel to, and between, the front and rear lot lines. Any line varying by more than forty-five (45) degrees from a side lot line, that is not a front or rear lot line.
95. **Lot Line, Front.** The lot line separating a lot from a street/road right-of-way or road easement.
96. **Lot Line, Rear.** The line opposite and most distant from the front lot line.
97. **Lot Line, Side.** Any lot line other than a front, rear or flag lot line.
98. **Lot of Record.** A lot or parcel of land that the contract or deed to which has been recorded in the office of the Recorder of Marshall County, Iowa prior to the effective date of this Ordinance. As applied to the Subdivision Ordinance, the effective date is the effective date of that Ordinance.
99. **Lot, Through.** A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
100. **Lot Width.** The mean horizontal distance between the side lot lines.
101. **Lowest Floor.** The floor of the lowest enclosed area in a building including a basement except when all following criteria are met:
 - a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the requirements for a "fully enclosed area below

lowest floor" as defined in this Ordinance, and

- b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage and
- c. Machinery and service facilities (i.e. hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d. The enclosed area is not a "basement" as defined in this Ordinance.

In cases where the lowest enclosed area satisfies criteria A,B,C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

- 102. **Lumber Yard.** A premises on which new lumber and related new building materials are sold.
- 103. **Manufactured Home.** A factory built structure, which is manufactured or constructed under the authority of 42 United States Code, Sec. 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its frame or body any wheels or axles. A mobile home is not a manufactured home, except as hereinafter provided.
- 104. **Meteorological Tower.** For the purposes of this Ordinance, meteorological towers are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting WECS.
- 105. **Mini-Warehousing/Storage/Rental Garages.** A building or group of buildings containing individual, compartmentalized, controlled access units for the inside storage of goods and wares.
- 106. **Mobile Home.** Any structure used for living, sleeping, business or storage purposes, having no foundation, prior to placement, other than wheels, blocks, skids, jacks, horses or skirtings, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. Any mobile home placed in Marshall County must be placed on a permanent foundation, have the hitch removed and the wheels removed. The term "mobile home" shall include camp cars, house cars, and any travel trailer/RV that is located, for living purposes, on any lot for more than forty-five (45) consecutive days.
- 107. **Mobile Home Park.** Any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored for use as single family detached one-story residences, either free of charge or for revenue purposes, and shall include any building, structure or enclosure used or intended for use as part of such mobile home park.
- 108. **Monopole Tower (Self-support Tower).** A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- 109. **Motel/Tourist Home.** See Hotel.
- 110. **Non-Conforming Use.** The lawful use of any building or land that was established prior to or at the time of passage of this Ordinance, or amendments thereto, which does not conform after the passage of this Ordinance, or amendments thereto, with the use regulation of the district in which it is situated.
- 111. **Non-Commercial WECS.** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a total name plate generating capacity of not more than 50 kW and which is intended to primarily reduce on-site consumption of utility power.
- 112. **Nursing Home.** A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food, or shelter and care for compensation.
- 113. **One Hundred (100) Year Flood.** A flood which has the magnitude of occurring once every one hundred (100) years. There is a one in one hundred (1 in 100) chance each year for such a flood.
- 114. **Ordinance.** Wherever the word "Ordinance" is used in this Ordinance it shall refer to the Zoning Ordinance of Marshall County, Iowa.
- 115. **Overlay District.** A district which acts in conjunction with the underlying Zoning District or Districts. Development within the overlay district must conform to the requirements of both zones or the more restrictive of the two.
- 116. **Parcel.** A part or tract of land.
- 117. **Parking Lot.** A parcel of land devoted to enclosed or unenclosed spaces for the public parking of more than one motor vehicle.

118. **Parking Space.** A parcel of land devoted to enclosed or unenclosed space for the parking of one motor vehicle.
119. **Permanent Foundation.** A site-built or site-assembled system of stabilizing devices when running gear assembly is removed. It must be capable of transferring design dead loads and live loads unique to local home sites, wind, seismic, soil and water side conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two inches (42") below grade and constructed of materials approved by the Uniform Building Code.
120. **Principal Building.** A building in which is conducted the principal use of the lot on which it is located.
121. **Principal Use.** The main use of land or structure as distinguished from an accessory use.
122. **Public Water and Public Sanitary Sewer System.** Whenever the words "Public Water System" or "Public Sanitary Sewer System" are used herein, they shall refer to one that is owned and maintained by a government agency for the use of the general public or a privately owned and maintained system for the general use of a specific area, which shall have been approved by the County Board of Health and County Sanitarian.
123. **Public Use Area.** Parks, playgrounds and other recreational areas and open spaces; scenic and historic sites; schools and other buildings and structures; stadiums, gymnasiums or comparable facilities; and other places where the public is directly or indirectly invited to visit or permitted to congregate.
124. **Rear Line of the Principal Building.** A line extending to either side lot line, from the rear-most part of the principal building. The rear of any principal building shall be the side of the principal building facing the rear lot line.
125. **Recreational Vehicle.** A vehicle which is:
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.
126. **Recycling Center/Facility.** A site where commercial, domestic and yard wastes are sorted, packed, baled, composted and/or processed for re-use.
127. **Right-of-Way.** The land area secured or reserved by a governmental agency giving it or the public the right to travel on, over and under the area.
128. **Road or Street.** All property, other than an alley, dedicated or intended for public or private road, street, highway, freeway or other roadway purposes, or to the public easement thereof.
129. **Road or Street Line.** The dividing line between a lot, tract or parcel of land and a continuous road, street or alley and any public easement thereof.
130. **Roadside Stand.** A temporary structure so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used only for sale of farm products produced or grown on the premises.
131. **Rotor diameter.** The diameter of the circle described by the moving rotor blades.
132. **Sanitary Landfill.** A site where solid wastes are disposed of by utilizing the principles of engineering to confine the solid waste to the smallest practical volume and to cover it with a layer of earth so that no nuisance or hazard to the public health is created. The only sanitary landfill in Marshall County is the Marshall County Sanitary Landfill in Section 6, T 83 N, R 18 W.
133. **Set Back.** The required minimum distance between any structure and any lot line(s).
134. **Sign.** Any word(s), lettering, figures, emblems, pictures, trade names or trade marks used by an individual, firm or association, a corporation, a profession, a business, a service, a community, a church or a school and visible from any public street or right-of-way and designed to attract attention for commercial or non-profit purposes. This is not to be construed to include directional signs erected or required by governmental bodies, legal notices, signs bearing only property numbers or names of occupants on premises.
135. **Sod Farm.** An agricultural use of land and buildings where the primary purpose of the land is growing, harvesting and selling of sod on the wholesale market.
136. **Special Flood Hazard Area.** The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Hazard Boundary Map.
137. **Stable, Private.** A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

138. **Stable, Public and Riding Academy.** A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
139. **Start of Construction.** Includes substantial improvement(s) and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles or piers, the construction of columns or any work beyond the stage of excavation, or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or any other structural part of the building, whether or not that alteration affects the external dimensions of the building.
140. **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
141. **Story, Half.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than sixty (60) percent of the floor area is finished off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.
142. **Structural Alterations.** Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, girders or change in the roof line, beyond ordinary repairs and maintenance.
143. **Structure.** Anything constructed or erected with a fixed location on the ground, attached to the ground or which is attached to something having a permanent location on the ground, including, but not limited to buildings, factory-built homes, sheds, cabins, factories, billboards or poster panels, storage tanks or similar uses.
144. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
145. **Substantial Improvement.** Any improvement to a structure which satisfies either of the following criteria:
- a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the "start of construction" of the improvement, (2) if the structure has been "substantially damaged," and is being restored, before the damage occurred.. The term does not, however, include any project for improvement of a structure to comply with existing federal, state or local health, sanitary, access or safety code specifications which are solely necessary to assure access and safe conditions for the existing use. The term also does not include any alteration of an "historic structure" provided the alteration will not preclude the structure's designation as an "historic structure".
 - b. Any addition which increases the original floor area of a building by twenty- five (25) percent or more.
146. **Summer Cottage.** A single family dwelling, intended for seasonal or temporary occupancy only, and not as a family residence for more than seven (7) months during any entire year.
147. **Tract.** An aliquot part of a section, a lot within an official plat, or a government lot.
148. **Travel Trailer.** A recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and thirty-two (32) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.
149. **Travel Trailer Park/Commercial Campground.**
- a. Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied travel trailers, pickup campers, converted buses, motor homes tent trailers, tents or similar devices used

- for temporary portable housing. Such use shall be permitted during the months of May, June, July, August and September. During the months of October through April, the use shall not exceed thirty (30) days duration and shall be solely for living and/or sleeping purposes.
- b. Unoccupied mobile homes, travel trailers, campers, converted buses, motor homes, tent trailers or similar devices may be located in travel trailer parks for storage purposes under the following conditions:
 1. A specific area must be designated as a storage area and all vehicles shall be located in this area during such time as the use is for storage.
 2. A site plan shall be submitted identifying the sites for occupied use and sites for storage.
 3. Nothing in this Article shall be construed to permit the repair, maintenance, sales or servicing of vehicles located in a travel trailer park.
150. **Total Height (WECS).** The highest point, above ground level, reached by a rotor tip or any other part of the WECS.
 151. **Tower.** Any structure than is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television towers, microwave towers, common-carrier towers, cellular telephone towers and all communication towers, alternative tower structures, and the like.
 152. **Tower (WECS).** Towers include vertical structures that support the electrical generator, rotor blades, or meteorological equipment.
 153. **Tower height (WECS).** The total height of the WECS exclusive of the rotor blades.
 154. **Transmission Line.** Those electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
 155. **Urban Development.** All forms of non-farm development including structures and land uses of a residential, commercial, industrial and recreational nature.
 156. **Wind Energy Conversion System (WECS).** An electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and metrological towers that operate by converting the kinetic energy of wind into electrical energy. The energy maybe used on-site or distributed into the electrical grid.
 157. **Wind Turbine.** A wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy
 158. **Yard.** an open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance. In measuring the width, length or depth, the least distance between the lot line or right-of-way and the nearest building shall be used.
 159. **Yard, Front.** A yard extending across the full width of the lot and measured between the front lot line, right-of-way or street line, whichever shall be the nearest, and the nearest wall of the building or any projection thereof, other than the projection of unenclosed porches or decks, steps or balconies not exceeding eight (8) feet in depth.
 160. **Yard, Rear.** A yard extending across the full width of the lot and measured between the rear lot line and the nearest building wall or any projection thereof, other than the projection of unenclosed porches or decks, steps or balconies, not exceeding eight (8) feet in depth. On interior lots, the rear yard is opposite the front yard. On corner lots, the rear yard is considered as opposite the road upon which the lot has its least dimension.
 161. **Yard, Side.** A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building wall or any projection thereof, other than the projection of unenclosed porches or decks, steps or balconies, not exceeding eight (8) feet in depth.
 162. **Zoning Administrator.** The individual appointed by the Board of Supervisors in accordance with Chapter 335, Code of Iowa, 1995, with the sole responsibility to administer the Marshall County, Iowa Revised Zoning Ordinance in accordance with Chapter 335, Code of Iowa, 1995. This person may delegate some zoning enforcement responsibilities to other county employees within the Zoning Department with approval of the Board.
 163. **Zoning Permit.** A lawful permit issued by the Zoning Administrator of Marshall County, Iowa, for the erection, reconstruction or alteration of a building, structure or use of land.