

CHAPTER 3 DEFINITIONS

In the interpretation of this Ordinance, unless the context clearly indicates otherwise, certain words and combination of words are to be construed as hereinafter defined. Words used in present tense shall include the future; the singular shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. **Accessory Building**: A subordinate building the use of which is incidental to that of the dominant use of the main building or land.
2. **Accessory Use**: A use which is incidental to the main use of the premises.
3. **Adult Entertainment Business**: Those places of commerce commonly called "adult book stores", i.e., a commercial establishment having as a substantial or significant portion of its stock in trade books, films, video cassettes, magazines and other material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas". It also includes establishments which features live performances that are characterized by the exposure of "specified anatomical areas", commercial establishments commonly called "adult" or "triple X" theaters or movie arcades, i.e., places used for presentation, for a price, of motion picture films, video cassettes, cable television, or any similar visual media distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.
4. **Alley**: A way which affords only a secondary means of access to property abutting thereon.
5. **Amusement and Recreation Services**: Uses considered in this category include, but not limited to the following: Dance studios, schools, and halls; Theatrical producers (except motion picture) and miscellaneous theatrical services; Bands, orchestras, actors, and other entertainers and entertainment groups; Bowling centers; Professional sports clubs and promoters; Racing, including track operation; Physical fitness facilities; Public Golf courses; Coin-operated amusement devices; Amusement parks; Membership sports and recreation clubs; Amusement and recreation services.
6. **Antenna**: A microwave or television device, dish or array used to transmit or receive telecommunications signals
7. **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 of the antenna site shall be used in calculating the antenna height.
8. **Antenna Support Structure**: Any antenna or any other structure that supports an antenna or portion thereof.
9. **Apparel and Accessory Stores**: Uses considered in this category include, but not limited to the following: Men's and boy's clothing and accessory stores; Women's clothing stores; Women's accessory and specialty stores; Furriers and fur shops; Other women's accessory and specialty stores; Children's and infant's wear stores; Family clothing stores; Men's shoe stores; Women's shoe stores; Children's and juveniles' shoe stores; Family shoe stores; Athletic footwear stores.

10. **Apartment:** A dwelling unit contained in a larger building or designed for use as a residence by a single family.
11. **Apartment, efficiency:** A dwelling unit consisting of one principal room, in addition to a bathroom, hallway, closets, which serves as the occupant's living room, bedroom, and, in some instances, the kitchen.
12. **Apartment Hotel/Motel:** A building designed for or containing both apartments or individual guest rooms or suites of rooms and catering to permanent tenants.
13. **Apartment House or Building:** See Dwelling, Multiple-family.
14. **Automotive Dealers and Gasoline Service Stations:** Uses considered in this category include, but not limited to the following: New and used car dealers; Used car dealers; Auto and home supply stores; Auto parts, tires, and accessories stores; Home and auto supply stores; Gasoline service stations; Gasoline/convenience stores; Other gasoline service stations and truck stops; Boat dealers; Recreational vehicle dealers; Motorcycle dealers; Automotive, dealers, not elsewhere classified.
15. **Automotive Repair, Services, and Parking:** Uses considered in this category include, but not limited to the following:; Truck rental and leasing, without drivers; Passenger car rental; Passenger car leasing; Utility trailer and recreational vehicle rental; Automobile parking; Top, body, and upholstery repair shops and paint shops; Automotive exhaust system repair shops; Tire re-treading and repair shops; Automotive glass replacement shops; Automotive transmission repair shops; Automotive repair shops; Car washes; Automotive services, except repair and car washes.
16. **Basement:** That portion of a building between floor and ceiling having a part but not more than one-half (1/2) of its height above grade. A basement shall not be counted as a story.
17. **Bed and Breakfast operation:** A private residence which provides lodging and meals for guests and in which the host or hostess resides, and while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, and serves food only to overnight guests.
18. **Boarding House:** A building other than a hotel in which the owner is the primary resident and, for compensation and by pre-arrangement, lodging is, or boarding and lodging are, provided for three (3) or more persons not related by blood, marriage, or adoption to the owner.
19. **Buffer:** A strip of land established to protect or partially obstruct the view between two adjacent zones or one type of land use from another land use that is incompatible. The area is landscaped and kept in open space use.
20. **Building:** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
21. **Building, Height of:** The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.
22. **Building Materials and Garden Supplies Stores:** Uses considered in this category include, but not limited to the following: Lumber and other building materials dealers; Paint, glass, and wallpaper stores; Hardware stores; Retail nurseries, lawn and garden supply stores; Manufactured (Mobil) home dealers.

23. **Business Services:** Uses considered in this category include, but not limited to the following: Advertising Agencies; Outdoor advertising services; Radio, television, and publishers' advertising representatives; Advertising; Adjustment and collection services; Credit reporting services; Direct mail advertising services; Photocopying and duplicating services; Commercial photography; Commercial art and graphic design; Secretarial and court reporting services; Disinfecting and pest control services; Building cleaning and maintenance services; Medical equipment rental and leasing; Heavy construction equipment rental and leasing; Equipment rental and leasing; Employment agencies; Help supply services; Computer programming services; Prepackaged software; Computer integrated systems; Computer processing and data preparation and processing services; Informational retrieval services; Computer facilities management services; Computer rental and leasing; Computer maintenance and repair; Computer related services; Detective, guard, and armored car services ; Security systems services; News syndicates; Photo-finishing laboratories; Business services.
24. **Bulk Requirements:** Requirements which relate to density, including height, setback, separation distance, and lot width.
25. **Canopy:** A roof projecting from and entirely supported by a wall of a building.
26. **Car Port:** An addition to a structure supported on one end by the structure and by the ground on the other, used as a storage space for vehicles or other materials, opens to the elements on all sides except the roof and the side which adjoins the structure.
27. **Caretaker Unit:** A residential unit used by businesses in the Heavy Industrial zone for night watch or security purposes, fully employed by said company.
28. **Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
29. **Church:** Any building the primary use of which is to provide a place in which people may worship.
30. **Child Day Care:** The care, supervision, or guidance of a child under eighteen years of age by a person other than the parent, guardian, relative, or custodian for periods of less than twenty-four hours per day, on a regular basis in a place other than the child's home for compensation.
31. **Child Day Care Center:** A facility providing child day care for seven or more children for compensation.
32. **Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.
33. **Communications Tower:** A tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free standing, guyed, or on a building.
34. **Conditional Use:** See Special Use.
35. **Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

36. **Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
37. **Day Care:** A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to children or adults.
38. **Deck:** An open, unroofed porch or platform extending from a dwelling or other building, with a floor that is higher than the ground.
39. **Development:** The division of land into two or more parcels, for the construction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure.
40. **Developmental Disability:** a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
- a) Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - b) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment and services similar to those required for the persons.
 - c) Attributable to dyslexia resulting from a disability described in either subparagraph 'a' or 'b'.
 - d) Attributable to a mental or nervous disorder.
41. **District:** Any section of the City of Marshalltown, Iowa, in which the zoning regulations are uniform for the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use.
42. **Duplex:** See Dwelling, Two-family.
43. **Dwelling:** Any building or portion thereof which is designed or used for residential purposes, but not including a tent, cabin, automobile, mobile home, trailer, recreational vehicle, apartment house, motel or hotel.
44. **Dwelling Unit:** A room or group of adjoining rooms located within a structure and forming a single habitable unit with facilities which are intended to be used for living, sleeping, eating, cooking, and sanitation.
45. **Dwelling, Single-Family:** A building containing one dwelling unit.
46. **Dwelling, Single-Family Attached:** One or more residential buildings containing one dwelling unit and having a common or party wall separating dwelling units.
47. **Dwelling, Two-Family:** A building containing two dwelling units.
48. **Dwelling, Multiple-Family:** A building containing three or more dwelling units.
49. **Easement:** The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.
50. **Eating and Drinking Places:** Uses considered in this category include, but not limited to the following: Restaurants; Cafeterias; Refreshment places; Other eating places; Social caterers; Contract feeding; Ice cream and frozen yogurt shops; Drinking places.

51. **Elevation:**
- a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
 - b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
 - c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
 - d) Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.
52. **Engineering, Accounting, Research, Management, and Related Services:** Uses considered in this category include, but not limited to the following: Engineering services; Architectural services; Surveying services; Accounting, auditing, and bookkeeping services; Commercial physical and biological research; Commercial economic, sociological, and educational research; Noncommercial research organization; Testing laboratories; Management services; Management consulting services; Public relations services; Facilities support management services; Business consulting services.
53. **Family:** An individual; two or more persons related by blood or marriage or by order of law; or a group of not more than four persons (excluding servants) who need not be related by blood or marriage or by order of law, living together in a dwelling unit.
54. **Family Home:** A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or a brain injury and any necessary support personnel. However, family home does not mean an individual foster care family licensed under Chapter 237 of the Iowa Code.
55. **Farm:** Agricultural activity, including forests and forest products; harvest and management; dairy farming; livestock grazing and pasturage; truck gardening; the raising of crops, fruit, and nursery stock; fish farms; the harvesting, processing, packaging, packing, shipping, and selling of products produced on the premises; and incidental farm operations such as machinery, farm equipment, and domestic repair and construction; excluding feedlots.
56. **Feedlot:** Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, poultry, fowl, swine, and other similar animals are maintained in close quarters for the purpose of raising such livestock for final shipment to market.
57. **Fence:** An enclosure or barrier constructed of regionally appropriate materials such as wooden or metal posts, rails, slats or wire mesh used as a boundary or as a means of screening, protection or confinement.
58. **Filling Station:** Any building, structure or land used for the dispensing, sale, or offering for sale at retail any motor vehicle fuels or oils. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.
59. **Frontage:** The length of the front boundary line of a lot measured along the street line.
60. **Funeral Home:** A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted.

61. **Furniture and Home Furnishings Stores:** Uses considered in this category include, but not limited to the following: Furniture stores; Floor covering stores; Drapery, curtain, and upholstery stores; Miscellaneous home furnishings stores; Household appliance stores; Radio, television, and electronics stores; Computer stores; Computer software stores; Record and prerecorded tape stores; Musical instrument stores.
62. **Garage, Private:** An accessory building or portion of a building in which one or more motor vehicles are housed, but in which no business, service or industry is carried on, except the leasing of space as is herein permitted. A carport is a private garage.
63. **Garage, Public:** A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.
64. **Garage, Repair:** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.
65. **Garage, Storage:** A building or portion thereof designed or used exclusively for term storage by pre-arrangement for motor-driven vehicles, at which motor fuels and oils are not sold, nor are motor-driven vehicles equipped, repaired, hired or sold.
66. **General Development Plan:** A preliminary development plan for a tract of land that will be in a single development operation or programmed in a series of development stages.
67. **General Merchandise Stores:** Uses considered in this category include, but not limited to the following: Department stores; Conventional department stores; Discount or mass merchandising department stores; National chain department stores; Miscellaneous general merchandise stores; Warehouse clubs; Catalog Showrooms; Other miscellaneous general merchandise stores; Grocery stores; Supermarket and other general-line grocery stores; Convenience food stores; Convenience food/gasoline stores; Delicatessens; Meat and fish (seafood) markets; Fruit and vegetable markets; Candy, nut, and confectionery stores; Dairy product stores; Retail bakeries, Retail bakeries-baking and selling; Retail bakeries-selling only; Miscellaneous food stores.
68. **Group Home:** A property used for the residential care of tenants who are mentally or physically ill, wards of the state, or any other similar group deemed appropriate by the zoning administrator.
69. **Halfway House:** Also known as an Ex-Offender Rehabilitation facility. A property used to temporarily house ex-offenders in a rehabilitation or transitioning period.
70. a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
- c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- d) Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists, the grade shall be established by the City Engineer.

71. **Health Services:** Uses considered in this category include, but not limited to the following: Offices and clinics of doctors of medicine; Offices and clinics of dentists; Offices and clinics of doctors of osteopathy; Offices and clinics of doctors of chiropractors; Offices and clinics of optometrists; Offices and clinics of podiatrists; Offices and clinics of health practitioners; Skilled nursing care facilities; Intermediate care facilities; Nursing and personal care facilities; General medical and surgical hospitals; Psychiatric hospitals; Specialty hospitals, except psychiatric; Medical laboratories; Dental laboratories; Home health care services; Kidney dialysis centers; Specialty outpatient facilities; Health and allied services.
72. **Home-based business:** Any business, profession, occupation or trade where the business or activity is not conducted at the place of residence, but where record keeping, bookkeeping and similar activities are permissible at the place of residence. Home-based businesses shall not change the residential character of the residence, nor shall there be any display that will indicate from the exterior that the premises is being utilized in part for any purpose other than that of a dwelling.
73. **Home Occupation:** Any business, profession, occupation or trade conducted on-site for gain or support which is clearly secondary to the main use of the premises as a dwelling, and does not change the character thereof, or that in connection with which there is no display that will indicate from the exterior that the premises is being utilized in part for any purpose other than that of a dwelling.
74. **Home School:** Any educational service instructed by private teachers for only related persons, licensed and operating under current State of Iowa home-school education requirements.
75. **Hotel:** A building in which lodging is, or boarding and lodging are, provided and offered to the public for compensation, wherein is maintained an inside lobby or office supervised by a person in charge at all hours, and through which all tenants must pass to gain access to all rooms.
76. **Industry, Heavy:** A use engaged in the basic processing and manufacturing of materials or products predominately for extracted or raw materials, or a use engaged in storage or, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
77. **Industry, Light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
78. **Institution:** A non-profit organization of a public character, or a building occupied by such organization.
79. **Junk:** Old dilapidated, scrap or abandoned metal, paper, packaging materials, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof.
80. **Junk Yard:** An area of any lot two hundred (200) square feet or more in size which is used for the storage, abandonment, or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, automobile or other vehicles or parts thereof.
81. **Laundromat:** A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.
82. **Legal Services:** (SIC Major Group 81)

83. **Loading Space:** A surfaced area, enclosed within the building, or unenclosed, having minimum dimensions of ten (10) feet by twenty-five (25) feet, or ten (10) feet by the width of the building should this width of the building be less than twenty-five (25) feet, for the loading or unloading of trucks, and connected to a street or alley by a surfaced driveway which affords satisfactory ingress and egress for trucks.
84. **Lodging or Rooming House:** See Boarding House.
85. **Lot:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance and having its principal frontage on a street.
86. **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.
87. **Lot, Double Frontage:** A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.
88. **Lot, Zoning:** A single tract of contiguous land to be used or developed as one unit under single unified ownership or control, and which meets all minimum requirements and provisions of the Zoning Ordinance.
89. **Lot of Record:** A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County recorder of Marshall County, Iowa, or a parcel of land, the deed of which is recorded in the Office of the County Recorder of Marshall County, Iowa.
90. **Low Income Elderly Housing Structure:** A building the residents of which meet the income standards and age qualifications set forth by the Federal Government.
91. **Manufactured Home:** A factory-built single-family structure, which is manufactured or constructed after June 15, 1976 under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, 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 body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purposes of these regulations, manufactured homes shall be considered the same as a single-family, detached dwelling.
92. **Miscellaneous Repair Services:** Uses considered in this category include, but not limited to the following: Radio and television repair shops; Refrigeration and air-conditioning service and repair shops; Electrical and electronic repair shops; Watch, clock, and jewelry repair; Re-upholstery and furniture repair; Welding repair; Armature rewinding shops; Repair shops and related services.
93. **Miscellaneous Retail Stores:** Uses considered in this category include, but not limited to the following: Drug stores; Proprietary stores; Liquor stores; Used merchandise stores; General-line sporting goods stores; Specialty-line sporting goods stores; Book stores; Stationary stores; Jewelry stores; Hobby, toy, and games shops; Camera and photographic supply stores; Gift, novelty, and souvenir shops; Luggage and leather goods stores; Sewing, needlework, and piece goods stores; Catalog and mail-order houses; Mail-order houses, department store merchandise; Mail-order houses, other general merchandise; Mail-order houses, specialized; Automatic merchandising machine operators; Direct selling establishments; Direct selling, furniture, home furnishings, and equipment; Direct selling, mobile food service; Direct selling, books and stationary; Direct selling, other; Fuel oil dealers; Liquefied petroleum gas (bottled gas) dealers; Fuel dealers, not elsewhere classified; Florists; Tobacco stores and stands; News dealers and newsstands; Optical goods stores; Miscellaneous retail stores, not elsewhere classifies; Pet shops; Art dealers.

94. **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 or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
95. **Mobile Home Park:** Any site, lot, field or tract of land upon which two or more occupied mobile home trailers are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or other enclosure used or intended for use as a part of the equipment of such mobile home park.
96. **Modular Home:** Any single-family dwelling unit manufactured, in whole or in components, at a place other than the location where it is placed; which is assembled, whole or in components, at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home or mobile home.
97. **Motel:** A building other than a hotel where lodging is provided and offered to the public for compensation, and intended primarily for automobile transients and having a parking space conveniently located to each lodging unit.
98. **Motion Pictures:** Uses considered in this category include, but not limited to the following: Motion picture and video tape production; Services allied to motion picture production; Motion picture and video tape distribution; Services allied to motion picture distribution; Motion picture theaters, except drive-in; Drive-in motion picture theaters; Video tape rental.
99. **Museums, Art Galleries, and Botanical and Zoological Gardens:** Uses considered in this category include, but not limited to the following: Museums and art galleries; Arboreta and botanical or zoological gardens.
100. **Nonconforming Use:** The use of land or a building or a portion thereof which use does not conform to the use regulation of the district in which it is situated.
101. **Nursery Home:** Any institution, building, or agency in which any accommodation is primarily maintained, furnished or offered for compensation for the care of three (3) or more pre-school aged children.
102. **Nursing Home:** Any institution, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding 24 hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care, and shall include sanitariums, rest homes or related institutions.
103. **Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.
104. **Open Space:** An area that is intended to provide light and air, and is designed for either environmental environmental, scenic, or recreational purposes. Open space may include, but is not limited to lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

105. **On-Site Living Quarters:** A living space used in conjunction with security purposes in selected commercial zoning districts, subject to a Special Use Permit.
106. **Parking Lot:** A surfaced area used for parking of vehicles, whether public or private, which is connected via ingress and egress to the public street system or other use appropriate for vehicular use.
107. **Parking, Row:** A row of vehicles in a parking lot utilizing the same lane for parking and backing-up, generally facing the same direction.
108. **Parking Space:** A surfaced area, other than a street or alley, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet, with a minimum width of 9 feet and a minimum length of 18 feet, exclusive of driveways (except in single-family and two-family dwelling units), permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
109. **Patio:** A roofless space adjacent to a structure that is constructed at or above ground level out of brick, concrete, and other decorative materials for the purpose of recreation or aesthetics.
110. **Personal Service Establishments:** An establishment engaged in providing services generally involving the care of the person or person's apparel. Such establishments include but are not limited to, the following: laundry, cleaning and garment services; photographic studios; beauty shops; barbershops; shoe repair shops, shoeshine parlors; and other establishments engaged in providing personal services, such as steambaths, reducing salons and health clubs, clothing rental, locker rental and porter services.
111. **Personal Services:** Uses considered in this category include, but not limited to the following: Power laundries, family and commercial; Garment pressing, and agents for laundries and dry-cleaners; Linen supply; Coin-operated laundries and dry-cleaning; Dry-cleaning plants, except rug cleaning; Carpet and upholstery cleaning; Industrial laundries; Laundry and garment services; Photographic studios, portrait; Beauty shops; Barber shops; Shoe repair shops and shoe shine parlors; Funeral service and crematories; and Tax return preparation services.
112. **Plant Nursery:** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.
113. **Porte Cochere:** A roof over a driveway also referred to as a car port.
114. **Principal Building:** A building in which the primary use of the lot on which the building is located or conducted.
115. **Redevelopment:** Structurally altering the building, changing the facade exterior finish or appearance, with the exception of routine maintenance work. Routine maintenance work includes painting, replacing windows, tuck pointing, patching, and other similar activities.
116. **Restaurant:** A business where the principal business is the dispensing and consumption of edible foodstuff and/or beverage at indoor tables, including a cafe, cafeteria, coffee shop, delicatessen, lunch room, tearoom, dining room, bar cocktail lounge or tavern.
117. **Restaurant, drive-in/carry-out:** A pedestrian or auto-oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in automobiles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. The total seating area, if provided, is less than 50% of the floor area.

118. **Restaurant, fast food:** An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.
119. **Right of Way:** An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.
120. **Row House:** See Dwelling, Single-Family, Attached.
121. **RV:** Also known as Recreational Vehicle. Any vehicle, camper, trailer, or motor home, temporarily used for living and/or sleeping purposes.
122. **Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.
123. **Selected Educational Services:** Uses considered in this category include, but not limited to the following: Libraries; Data Processing schools; Business and secretarial schools; Vocational schools; Schools and educational services.
124. **Selected Membership Organizations:** Uses considered in this category include, but not limited to the following: Business associations; Professional membership organizations; Civic, social and fraternal associations.
125. **Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, and minor repairs are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.
126. **Setback:** The required minimum horizontal distance between the building line and the related front, side, or rear property line.
127. **Signs:** See Chapter 29, Signs, for definitions related to signage
128. **Site Plan:** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, parking, sidewalks, and principal site development features proposed for a specific parcel of land.
129. **Small Hospitality Operation:** A single family detached dwelling, or portion thereof, where food and beverages may be served for personal or organizational events. The operator of the operation shall live on the premises. There shall be no display or architectural style elements that indicate that the building is being utilized in any part for any purpose other than that of a dwelling. Appropriate parking, hours, odors, litter, and other controls shall be placed upon the permit to protect the residential character of the neighborhood.
130. **Small Wind Energy System (SWES):** Any structure designed to harness, use, or store energy from wind power designed and built for on-site use under twenty feet in height attached or supported by a primary or accessory building. This definition shall not include decorative windmills that are incapable of producing or storing energy.

131. **Social Service:** Uses considered in this category include, but not limited to the following: Individual and family social services; Job training and vocational rehabilitation services; Child day care services; Residential care; Social services.
132. **Special Use:** A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Adjustment, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.
133. **Specified Anatomical Areas:**
- a) Less than completely and opaquely covered (1) human genitals, pubic region; (2) buttock; and (3) female breast below a point immediately above the top of the areola; and;
 - b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
134. **Specified Sexual Activities:**
- a) Human genitals in a state of sexual stimulation or arousal.
 - b) Acts of human masturbation, sexual intercourse or sodomy.
 - c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
135. **Stable, Private:** An accessory building in which horses are kept for private use and not for remuneration, hire, or sale.
136. **Stable, Public:** An accessory building in which horses are kept for commercial use including boarding, hire, and sale.
137. **Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
138. **Story, Half:** A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.
139. **Street:** A public or private thoroughfare which affords the principal means of access to abutting property.
140. **Street Line:** A dividing line between a lot or parcel of land and a contiguous street.
141. **Structure:** Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.
142. **Structural Alterations:** Any substantial change in the foundation, roof, or exterior walls, excepting such repairs or replacements as may be required for the safety of the building.
143. **Surface, Parking Driveway and Entrance:** The composition of such surfaces shall be constructed of concrete, blacktop, asphalt, bricks, gravel, or crushed rock, constructed and maintained in quality, quantity, and size to prevent the creation of ruts in, or deterioration or damage to, the driveway or soil beneath from the operation or parking of motor vehicles and/or vehicles thereon.
144. **Tall Structure:** Any structure the top of which is more than 50 feet above grade.
145. **Tandem Parking:** Parking of vehicles end-to-end rather than side-to-side.

146. **Tavern:** An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises.
147. **Telecommunications:** The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
148. **Temporary RV Park:** A parcel of industrial land that is temporarily used as an RV Park, unrelated to the R6 Mobile Home District and/or any other RV campground.
149. **Temporary Structure:** Anything constructed or erected, which will be used in conjunction with a temporary use, including but not limited to, buildings, tents, and canopies.
150. **Temporary Use:** Temporary Use: Any activity in a commercial or industrial district including but not limited to the retail sales of goods and services.
151. **Temporary Use, Long-term:** A temporary use with duration of more than seven (7) consecutive days or more than seven (7) days within any month, not to exceed 180 days per calendar year.
152. **Temporary Use, Short-term:** A temporary use with a maximum duration of seven (7) consecutive days or less.
153. **Thrown Ice:** Ice or other related material discarded or "thrown" from a wind turbine blade, whether moving or still.
154. **Townhouse:** See dwelling, single-family, attached.
155. **Tourist Home:** A building other than a hotel with which there is used only one sign not more than two (2) square feet in area, where lodging is offered and provided to the public for compensation for not more than twenty (20) individuals and intended primarily for automobile transients.
156. **Truck Garden:** A farm devoted to the growing of fruits or vegetables for marketing.
157. **Unit:** When referring to a dwelling, see Dwelling Unit.
158. **Use:** The purpose for which land or a building thereon is designed, arranged, or intended, for which it is occupied or maintained, let or leased.
159. **Variance:** A relaxation by the Board of Adjustment of the dimensional regulations of the code where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in unnecessary and undue hardship.
160. **Wall:** An upright structure constructed of wood, concrete, masonry or similar materials, whose vertical surface is intended to prevent the passage of light, and which is used as a boundary or as a means of screening, protection, confinement or support. In this context, this term shall not apply to supporting structures on the main or accessory buildings nor shall nor shall it apply to retaining walls.
161. **Warehouse:** A building used primarily for the storage of goods and materials.

162. **Wind Turbine:** Any structure over fifteen feet that is supported, wholly or in part, by the ground, designed to harness, use, or store energy from wind power.
163. **Wind Turbine Height:** The vertical distance measured from the base of the structure to the top of the tallest blade when the blade is parallel and extending over the base structure.
164. **Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
165. **Yard, Front:** A yard extending across the front of the lot between the side lot lines and being in depth the minimum horizontal distance between the street line and the main building or any projection thereof other than the projections of the usual steps, terraces, balconies or porches covered only by a covering attached to and supported entirely by or from the front wall of such main building. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
166. **Yard, Rear:** A yard extending across the rear of a lot and being in depth the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.
167. **Yard, required:** The minimum open space required between a lot line and the buildable area of a lot, unoccupied and un-obstructed from ground to sky, except as otherwise specified in this Ordinance.
168. **Yard, Side:** A yard between the main building and the side lot line and extending from the required front yard to the required rear yard, and being in width the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof other than the projection of uncovered steps, unenclosed balconies or unenclosed porches.
169. **Zero lot line:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.
170. **Zone:** See District.