

## CHAPTER II: DEFINITIONS

**2.1 RULES OF INTERPRETATION.** For the purpose of interpretation of this ordinance, the following rules of language shall apply:

- A. the particular controls the general;
- B. in case of difference of meaning or implication between the text of the Code and the captions for each section, the text shall control;
- C. the word "shall" is always mandatory. The word "may" is permissive and is at the discretion of the Board of Supervisors, Planning & Zoning Commission, Board of Adjustment or the Administrator, as the context may require;
- D. words used in the present tense include the future; words in the singular include the plural; and words of one gender include all other genders, unless the context clearly indicates the contrary; and
- E. all words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

## 2.2 DEFINITIONS.

**Accessory Use or Structure.** A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of the land. (See exhibit 2.2.1)

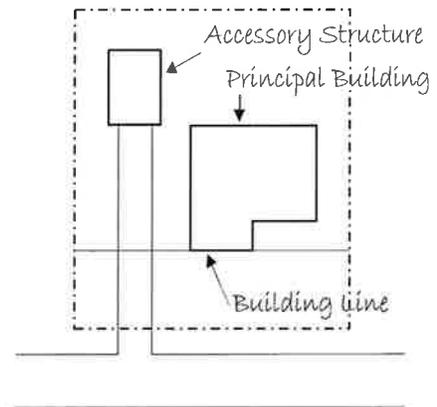
**Area, Gross.** The total area within a parcel or within contiguous acres under common ownership.

**Area, Net.** The area of a lot or parcel remaining after deducting the following land: street right-of-way, access easements, floodways, wetlands, ponds, areas with slopes of 30% or greater, and 50% of the 100 year floodplain. Net acres must be contiguous.

**Adjacent.** Abutting to or within 500 feet of property boundaries, exclusive of public rights-of-way.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Exhibit 2.2.1: Accessory Use**





**Alley.** A public thoroughfare which affords only a secondary means of access to abutting property.

**Alteration, Structural.** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**Antenna.** Any structure or device used to collect or radiate telecommunications signals.

**Apartment Unit.** One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

**Base Flood -** The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

**Basement -** Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

**Bed and Breakfast Home.** As established in Chapter 137B and 137C, Code of Iowa, a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may be advertised 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.

**Bed and Breakfast Inn.** As established in Chapter 137B and 137C, Code of Iowa, a hotel which has nine or fewer guest rooms.

**Berm.** A strip of mounded topsoil, with a minimum height of 3 feet, which provides a visual screen. (See Exhibit 2.2.2)

**Exhibit 2.2.2: Berm**

**Billboard.** An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located.



**Board.** The Zoning Board of Adjustment of Clinton County, Iowa.

**Boarding (Rooming) House.** A dwelling or part thereof, in which lodging is provided by the owner or operator to more than one boarder.



**Building (Structure).** Anything constructed, erected, or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.

**Bulk Stations.** Distributing stations, commonly known as bulk or tank stations, used for storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

**Campground.** An area which is designed, maintained, or intended for the purpose of supplying a location for accommodation of two or more travel trailers, camping trailers, cabins, group accommodations or tent sites with necessary incidental services, sanitation, and recreation facilities, which is used primarily for recreational purposes and retains an open air or natural character.

**Cellar.** A story having more than one-half (½) its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**Cellular Tower.** See Telecommunications Tower.

**Commission.** The Planning & Zoning Commission of Clinton County, Iowa.

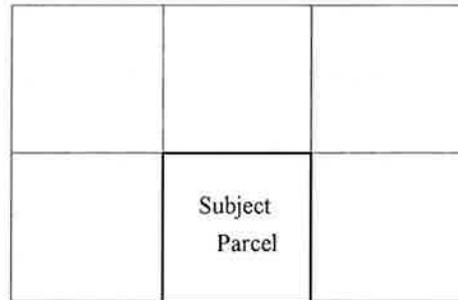
**Conditional Use.** (Amended 1/16/02-Ord 2002.02)

**Condominium, Office.** As established in Chapter 499B, Code of Iowa, an office building (or group of buildings) organized, owned and maintained as a condominium.

**Condominium, Residential.** As established in Chapter 499B, Code of Iowa, a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. A condominium may be for other than residential use.

**Contiguous Parcels.** Abutting or touching at one or more points as shown in Exhibit 2.2.3.

**Exhibit 2.2.3: Contiguous Parcels**



Contiguous Parcels



**Corn Suitability Rating.** The corn suitability rating provides an index for ranking the corn suitability of soil for row-crop production in Iowa. Corn Suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils: a) located in areas of most favorable weather conditions for Iowa, b) that have high yield potential, and c) that can be continuously row-cropped. The corn suitability rating is based on the Soil Survey of Clinton County, Iowa and the Clinton County Soil Survey Report Supplement which lists the corn suitability rating for each soil type listed in the Soil Survey.

**Cottage Industry.** A home-based business that does not meet the definition of a home occupation but is compatible with adjacent uses.

**County.** Clinton County, Iowa.

**Day Care (Child).** 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 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;

- An instrumental program administered by a public or nonpublic school system accredited by the department of education or the state board of regents or a program under section 279.49 or 280.3A of the Iowa Code.
- A church-related instructional program of not more than one day per week.
- Short-term classes held between school terms.
- A nonprofit program operated by volunteers for no charge for not more than two hours during any twenty-four hour period.
- A program provided by the state or a political subdivision, which provides recreational classes for a period of less than two hours per day.
- 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 years of age or older and attending school.
- An instructional program administered by a nonpublic school system which is not accredited by the department of education or the state board of regents.

**Density.** A measure of the number of dwelling units per gross acre of land. Density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross area (in acres). When calculating density, gross area includes the land between the property line and the centerline of any perimeter county road.



**Development** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Drive-In-Restaurant.** Any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat and drink the food, refreshments, or beverages on the premises.

**Dwelling.** Any building or portion thereof which is designed for or used exclusively for residential purposes.

**Dwelling, Multi-Family.** A dwelling containing more than two dwelling units.

**Dwelling, Single-Family.** A building designed for or occupied by one (1) family.

**Dwelling, Seasonal.** A single-family dwelling or manufactured home, including house boats, intended for seasonal or temporary occupancy only, and not permanently occupied as a family residence for more than 180 days during any calendar year.

**Dwelling, Two-Family (Duplex).** A dwelling containing two dwelling units.

**Dwelling Unit.** Any building or portion thereof having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking, eating, and sanitation.

**Educational Facility.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

**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 and installation, on a building site. For the purpose of this ordinance factory-built homes include manufactured homes and modular homes and also includes "recreational vehicles" which are placed on a site for greater than 14 consecutive days and not fully licensed for and ready for highway use.

**Factory-built Home Park** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

**Family.** One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel. A family, as defined herein, shall include not more than four (4) unrelated persons.



**FAR.** FAR (Floor Area Ratio) is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area. (See Exhibit 2.2.4)

**Farm.** An area which is used for the production of the usual farm products such as vegetables, fruits and grains and their storage in the area, as well as for the production of the usual farm poultry and farm animals pursuant to Section 1.3.C. of this ordinance. The term "farming" includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

**Farm Dwelling, Principal.** A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

**Farm Dwelling, Secondary.** A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and land used in conjunction with the farming operation and occupied by the owner or spouse, a full-time employee of the farm operation, or the mother, father, or children of the owner or spouse.

**Feed Lot or Livestock Confinement Operation.** An agricultural operation as defined by Iowa Department of Natural Resource regulations, as may be amended from time to time.

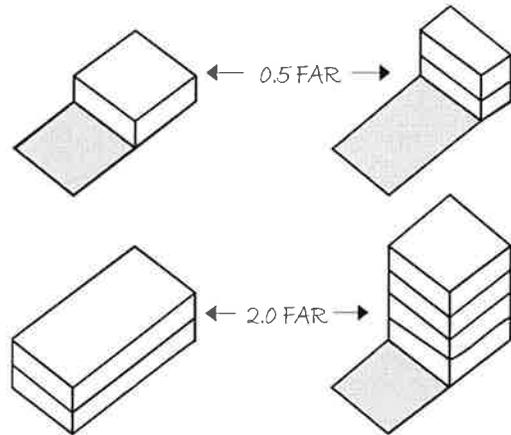
**Floor Area.** The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar which is used for storage or mechanical space.

**Flood Elevation** - The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

**Flood Insurance Rate Map (Firm)** - The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

**Flood Plain** - Any land area susceptible to being inundated by water as a result of a flood.

**Exhibit 2.2.4: Floor Area Ratio**





**Frontage.** The side of a property abutting a right-of-way, access easement or public or private street, regardless of whether the abutting side is a front, rear or side yard.

**Garage, Private.** An accessory building designed or used for the storage of not more than four (4) motor-driven vehicles with not more than two (2) ton capacity owned and used by the occupants of the building to which it is accessory.

**Garage, Public.** Any building or premises used for equipping, repairing, hiring, selling or storing motor-driven vehicles.

**Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

**Group Home.** A facility licensed by the State for developmentally disabled residents requiring custodial care.

**Group Quarters.** A building or structure used as a place of residence by five (5) or more persons who are not related by blood or marriage and share the living accommodations and do not occupy separate dwelling units. Group quarters are found in institutions, dormitories, rooming and boarding houses, lodges, sorority and fraternity houses, and similar establishments. For the purpose of determining lot area requirements for group quarters, sleeping capacity for six (6) individuals shall be treated as one dwelling unit.

**Health Care Facility.** A facility or institute, whether public or private, principally engaged in providing services for health maintenance, diagnoses or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, outpatient clinic, dispensary, home health care agency, and bioanalytical laboratory or central services facility serving one or more institutions but excluding institutions that provide healing solely by prayer.

**Height.** The vertical distance measured from the base of the structure to the highest point of the structure.

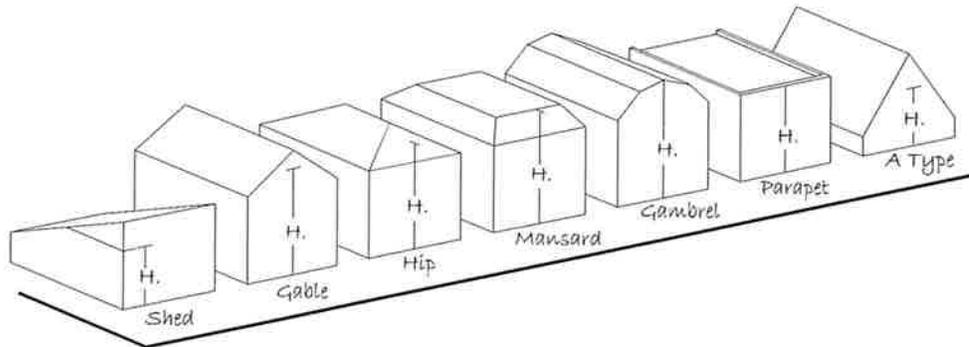
**Height of a Building.** The vertical distance between the average natural grade (measured as the mean of the lowest and highest grades along the foundation and:

- a) the average height level between the eaves and ridge line of a gable or hip roof;
- b) the highest point of a mansard, flat or gambrel roof; or



- c)  $\frac{2}{3}$  the distance from grade to ridge for A-frame or any roof with a pitch of 12:12 or steeper. (See Exhibit 2.2.5 and Section 3.8.4.)

### Exhibit 2.2.5: Building Height



#### **Historic Structure** - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of 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.

**Home Occupation.** An occupation or a profession which is accessory to the residential use of the property. (See Section 4.2.2 for limitations.)



**Junk.** Dismantled and inoperable vehicles, machinery, and appliances or parts of such vehicles, machinery or appliances. An inoperable vehicle shall mean any motor vehicle which lacks a current registration or a registered vehicle which lacks two or more wheels or any other component parts, the absence of which renders the vehicle illegal for use on the highway. (Amended 11/22/2000-Ord 2000-05)

**Junk or Salvage Yard.** Any place not fully enclosed in a building and which encompasses an area of 1,000 square feet or more and/or exceeds 5,000 cubic feet, where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled, including house wrecking yards, auto wrecking activities, used lumber yards and places or yards for storage of salvaged building materials and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building.

Firewood for home heating shall be exempted from the area/space limitation imposed for salvage material.

The presence on any lot, parcel, or tract of land, of three or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, or from which parts have been removed, shall constitute prima facie evidence of a junk yard.

**Kennel.** An establishment where 4 or more dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

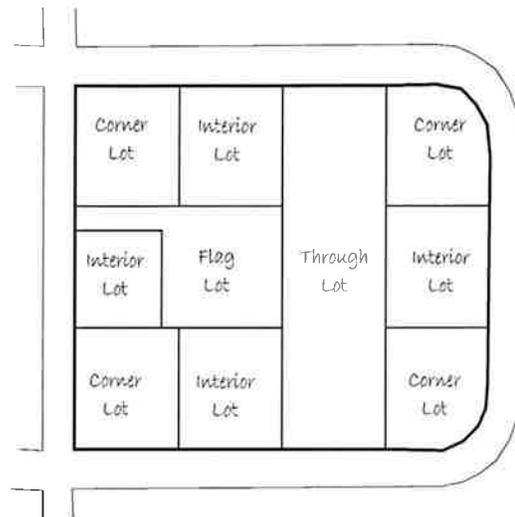
**Loading Space.** A space within the main building or on the same lot provided for the standing, loading, or unloading of trucks.

**Lot.** A legally platted parcel of land occupied or intended for occupancy by one or more main buildings together with accessory buildings. The boundaries of the lot shall be determined by its lot lines.

**Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection. (See Exhibit 2.2.6).

**Lots, Depth, of.** The mean horizontal distance between the front and rear lot lines.

**Exhibit 2.2.6: Lots**





**Lot, Flag.** A lot having no frontage or access to a street or place except by a narrow strip of land. (See Exhibit 2.2.7.).

**Lot, Interior.** a lot other than a corner lot (See Exhibit 2.2.6.).

**Lot Line.** Property line bounding a lot or the boundaries of access easements or rights-of-way where the property line extends into an easement or right-of-way.

**Lot, Through or Double Frontage.** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot. (See Exhibit 2.2.6).

**Lot Width.** The width of a lot measured at the required front building setback and at right angles to its depth.

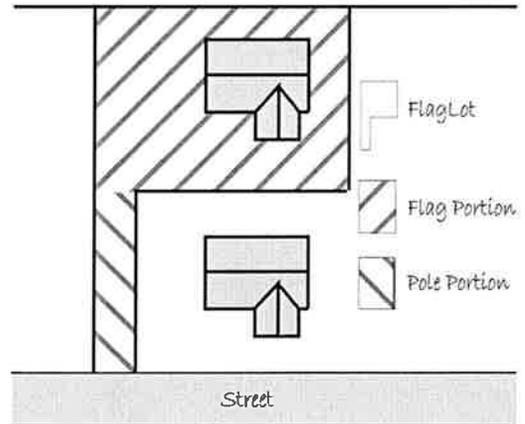
**Lowest Floor** - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section IV.D.1 of 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 (e.g., 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 section.

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.

**Manufactured Home.** A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C., Sec. 5403 and is to be used as a place for human habitation as a dwelling unit, 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.

**Exhibit 2.2.7: Flag Lot**





**Manufactured Home Park.** Any site, lot, or tract of land upon which two (2) or more occupied manufactured homes are harbored, either free of charge, or for revenue purpose and as regulated by Chapter 435, Code of Iowa.

**Modular Home.** A manufactured home or other factory built dwelling that is intended for on-site assembly as a permanent residence.

**Mobile Home.** Any factory-built dwelling that is not constructed in accordance with 42 U.S.C. Sec. 5403 and is not a recreational vehicle or travel trailer.

**Non-Conforming Use.** Any use lawfully established prior to 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 regulations of the district in which it is situated.

**Normal Farm Operations.** A condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock, the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of product at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

**One Hundred (100) Year Flood -** A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

**Parcel.** A tract of land under single ownership which has not been divided by deed or subdivision.

**Parking Space.** A surfaced area, enclosed in the main building or in any accessory building, or un-enclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway.

**Paved Road.** A road constructed with six (6) inches of Portland cement concrete or a three (3) inch minimum asphaltic concrete surface over a six (6) inch rolled stone base.



**Permanent Foundation.** A site-built or site-assembled system of stabilizing devices. It shall be capable of transferring design dead loads and live loads required by Federal regulations, and other design loads unique to local home sites, wind, seismic, soil, and water site conditions that may be imposed on the structure. The foundation shall be to a depth of not less than forty-two (42) inches below grade and constructed of materials approved by Sections 25, 26 or 29 of the Uniform Building Code, as adopted by the County.

**Premises.** The land together with any buildings or structures located thereon.

**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.

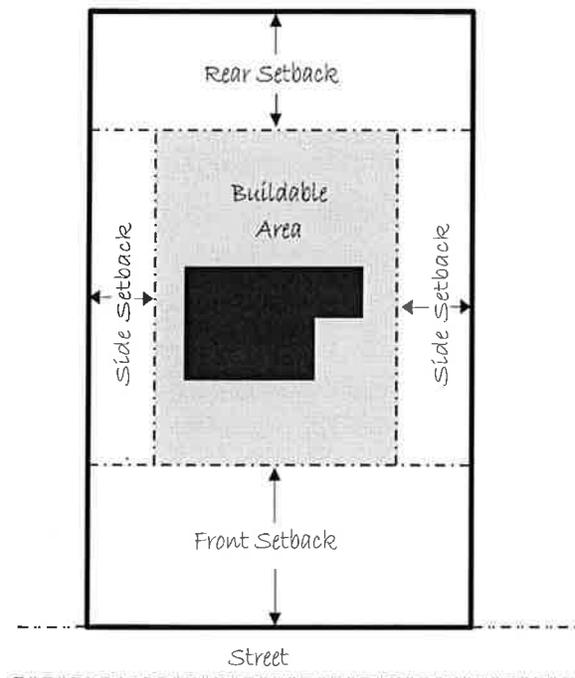
**Recreational Vehicle Park.** A lot or parcel upon which two or more spaces are established for the occupancy of a recreational vehicle as a temporary residence.

**Sanitary Landfill.** A site authorized by the County and State for the disposal of solid waste.

**Setback.** The minimum required distance from the property line to any portion of a structure. (See Exhibit 2.2.8 and Chapter III).

**Sewer System, Community.** A public or private sewerage collection system with treatment and disposal facilities providing secondary treatment meeting applicable County and State effluent standards. A community sewer system as herein defined shall not include on-site wastewater

**Exhibit 2.2.8: Setback**





treatment and disposal systems serving two (2) or fewer residences or parcels.

**Signs.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. (See Exhibit 2.2.9 and Chapter VIII)

**Sign, Awning.** A sign that is mounted or painted on, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

**Sign, Facade.** See Sign, Wall.

**Sign, Ground.** Any sign other than a pole sign, placed upon or supported by the ground independent of any other structure. Also called a berm sign.

**Sign, Pole.** A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign is six feet or more above ground.

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

**Sign, Projecting.** A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

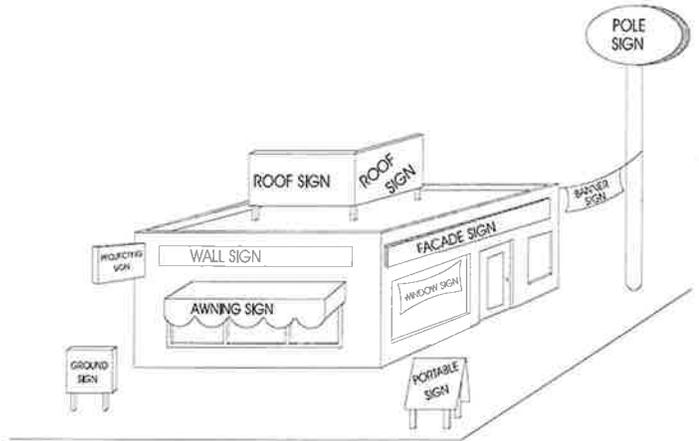
**Sign, Roof.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

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

**Sign, Window.** A sign that is applied or attached to the exterior or interior of a window or located in such a manner within a building that it can be seen from the exterior of the structure through a window.

**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 Insurance Rate Map.

**Exhibit 2.2.9: Sign Types**





**Special Exception Use.** A use or structure that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. (See Section 9.3.4).

**Start of Construction.** Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 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 pouring of a slab or footings, the installation of pile, 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 other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Storage Units.** An enclosed structure containing separate storage spaces of varying sizes leased or rented on an individual basis with no exterior storage.

**Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, the area between floor and ceiling.

**Story, Half.** A partial story under a gable, hip or gambrel roof, the exterior building walls (excluding gables) of which do not extend more than three feet above the top of the walls of the lower floor.

**Street (Road).** A public or private thoroughfare which affords the principal means of access to abutting property.

**Street (Arterial).** A thoroughfare that links communities and urban centers and that carries high volumes of traffic at relatively high speeds. See adopted Master Plan.

**Street (Local).** A minor road or thoroughfare that provides access to individual lots and that carries low volumes of traffic at low speed. See adopted Master Plan.



**Street (Major Collector).** A thoroughfare that links important uses within the County to each other, carries moderate volumes of traffic at low speeds and collects the traffic from local streets. See adopted Master Plan.

**Street (Minor Collector).** A thoroughfare that links local roads, carries low volumes of traffic at low speeds and collects traffic from local streets. See adopted Master Plan.

**Street Line.** The right-of-way line of a street.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantive change in the roof or in the exterior walls beyond ordinary repairs and maintenance.

**Structure.** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses. (Amended 11/22/2000-Ord 2000-05)

**Subdivision.** The division of a lot, parcel or tract into two or more lots parcels or tracts for sale, lease or development.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any improvement to a structure which satisfies either of the following criteria:

1. 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 (i) before the "start of construction" of the improvement, or (ii) 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 state or local health, sanitary, or safety code specifications which are solely necessary to assure 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".
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after September 1, 1990 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.



**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.

**Telecommunications Tower.** Any guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building or other permanent structure, containing one or more telecommunications antennas, any part of which exceeds 100 feet in height.

**Travel Trailer or Camping Trailer.** A vehicle with or without motive power used or so constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to 8 feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight of the vehicle fully equipped, or any weight provided its overall length does not exceed 28 feet.

**Variance.** A variance is a relaxing of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**Violation.** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

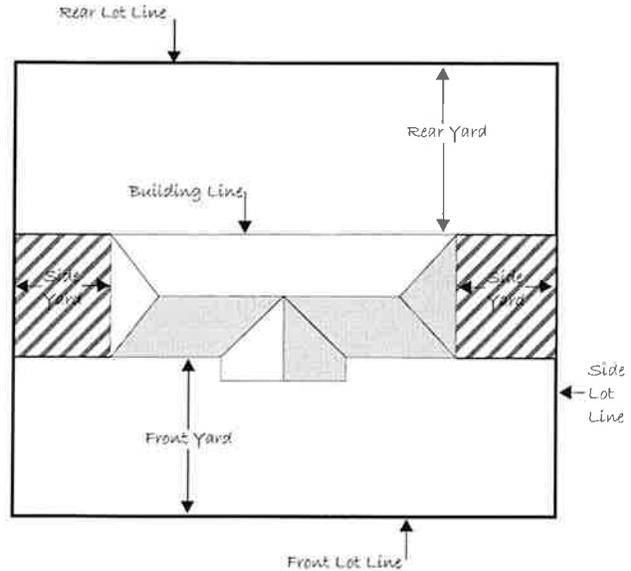
**Water System, Community.** A public or private water distribution system having a common source of supply and necessary treatment facilities.

**Yard.** An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from two and one half (2½) feet above the ground upward except as otherwise provided herein. (See Exhibit 2.2.10).



**Yard, Front.** The area extending across the front of a lot and being the area between the street line and the main building or any projection hereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension. On double frontage lots, the front yard shall be the street from which the lot is accessed.

**Exhibit 2.2.10: Yard**



**Yard, Rear.** The area 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.

**Yard, Side.** The area between the main building and the side line of the lot and extending from the front yard to the rear yard, except on the street side of a corner lot, the side yard shall extend from the front yard to the rear lot line.