

DIVISION 10: GENERAL PROVISIONS

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10.1 SHORT TITLE

This Zoning Ordinance shall be known and may be cited as the “Louisa County Zoning Ordinance,” and shall be referred to herein as “this Ordinance.”

10.2 PURPOSE AND OBJECTIVES

This Ordinance is written in accordance with the Louisa County Comprehensive Plan and the objectives of Chapter 335 of the *Code of Iowa*. This Ordinance is adopted to preserve and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare of the citizens of Louisa County, Iowa. More specifically, this Ordinance is adopted in order to achieve the following objectives:

- 10.2.1.** To foster a harmonious, convenient, workable relationship among local uses and a wholesome, serviceable, and attractive living environment.
- 10.2.2.** To ensure that public and private lands ultimately are used for the purposes, which are most appropriate and most beneficial from the standpoint of Louisa County.
- 10.2.3.** To promote the beneficial development of those areas, which exhibit conflicting patterns of use.
- 10.2.4.** To protect and promote appropriately located agricultural, commercial, and industrial pursuits, in order to preserve and strengthen the county’s economic base.
- 10.2.5.** To protect and enhance real estate property values.
- 10.2.6.** To conserve the county’s natural assets and to capitalize on the opportunities offered by its terrain, soils, vegetation and waterways.
- 10.2.7.** To coordinate policies and regulations relating to the use of land with such policies and regulations of incorporated municipalities of the county; in order to facilitate transition from county to municipal jurisdiction, that land which is first developed in an unincorporated area and is subsequently annexed to a municipality; and foster the protection of farming operations in areas of planned urban expansion.

10.3 JURISDICTION

The provisions of this Ordinance shall apply to all of the unincorporated territory of Louisa County, Iowa.

10.4 INTERPRETATION OF STANDARDS

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern.

10.5 USE OF PUBLIC RIGHT-OF-WAY

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

10.6 AUTHORIZATIONS

An Ordinance to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for Louisa County, Iowa, and providing for the administration, enforcement, and amendment thereof; in accordance with the provisions of Chapter 335, of the *Code of Iowa*, as amended, to empower Louisa County, to enact a zoning ordinance, and to provide for its administration, enforcement and amendment.

10.7 RULES APPLICABLE TO PARCELS SPLIT BY ZONING DISTRICTS

Where one parcel of property is divided into 2 or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and different ownership.

10.8 APPLICABILITY TO PRIOR AND PENDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this Ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

10.9 COMPLIANCE WITH ZONING CODE

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located.

10.10 PROPOSED USES NOT COVERED IN ORDINANCE

Any proposed use not covered in this Ordinance as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the Ordinance amended as provided in Article 5 before a permit is issued for such proposed use.

10.11 SEVERABILITY CLAUSE

Should any article or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

10.12 REPEALED

All existing Zoning Ordinances and parts of Zoning Ordinances, or other regulations in conflict with this Ordinance are hereby repealed.

10.13 EFFECTIVE DATE

This Ordinance shall be in force and effective after its passage, approval, and publication as provided by law.

Passed by the Board this 13th day of December, 2005, and

effective this 1st day of January, 2006.

DIVISION 20: DEFINITIONS

Sections:

20.1 Construction of Terms
20.2 Words Not Defined Herein

20.3 Definitions

20.1 CONSTRUCTION OF TERMS

For the purpose of this Ordinance, certain terms and words are hereby defined. The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this Ordinance:

20.1.1. TENSE.

Words used in the present tense include the future tense.

20.1.2. NUMBER.

Words used in the singular include the plural, and words used in the plural include the singular.

20.1.3. SHALL and MAY.

The word “shall” is mandatory; the word “may” is permissible.

20.1.4. GENDER.

The masculine shall include the feminine and the neuter.

20.1.5. PERSON.

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

20.1.6. USED or OCCUPIED

The word “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

20.1.7. HEADINGS.

In the event that there is a conflict or inconsistency between the heading of a chapter, section or subsection of this Ordinance and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

20.2 WORDS NOT DEFINED HEREIN

Words or terms not herein defined shall have their ordinary meaning in relation to the context used.

20.3 DEFINITIONS

1. **ACCESSORY USE OR STRUCTURE:** A subordinate structure or use, which customarily is incidental to that of the principal or conditional use of the premises. Customary residential accessory uses include but not limited to, tennis courts, swimming pools, detached garages, air conditioners, garden houses, children’s play houses, barbecue ovens, fire places, patios and residential storage sheds; but under

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- no circumstances include incomplete or inoperable motor vehicles. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.
2. *ADULT*: as used in this section, refers to persons who have attained the age of at least twenty-one (21) years.
 3. *ADULT BOOKSTORE*: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other media which are distinguished or characterized by their emphasis on matter depicting or describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, (as defined below).
 4. *ADULT MOTION PICTURE THEATER*: An enclosed building with “fixed” seating for fifty (50) or more persons used predominately for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting describing, or relating to “Specified Sexual Activities” or Specified Anatomical Areas”, (as defined below) for observation by persons compensating the business therein.
 5. *ADULT MINI-MOTION PICTURE THEATER*: An enclosed building with “fixed “ seating for less than fifty (50) persons used for presenting motion pictures, slides, or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, (as described below) for observation by persons compensating the business therein.
 6. *AGRICULTURE*: The use of land for agriculture purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal used for agricultural purposes. If the tract of land is less than 35 acres, it shall be presumed that the tract is not primarily used for agricultural purposes.
 7. *AIRPORT*: Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-ways, together with all airport buildings and facilities located thereon.
 8. *ALLEY*: A dedicated public right-of-way, other than a street less than 21 feet in width, which provides only a secondary means of access to abutting property.
 9. *ALTERATION, STRUCTURAL*: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
 10. *ANTENNA*: Any structure or device used to collect or radiate telecommunication signals.

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11. *AUTOMOBILE REPAIR-MAJOR*: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.
12. *AUTOMOBILE REPAIR-MINOR*: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 ½ tons capacity, but not including any operation specified under “Automobile Repair-Major.”
13. *AUTOMOBILE WRECKING YARD*: Any area of land where 2 or more motor vehicles not in running condition, or that are not currently licensed and insured, or parts thereof, are stored in the open and are not being restored to operation; or any land used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition. More than 1 motor vehicle not in running condition, or parts thereof, can be allowed if they are within a building or structure, to be away from public view. Also, see “inoperable motor vehicle”.
14. *BASEMENT*: That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane when the finished surface of the floor above the basement is:
 - a. More than six (6) feet above grade plane.
 - b. More than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter; or
 - c. More than twelve (12) feet above the finished ground level at any point.Also, see “cellar”
15. *BED AND BREAKFAST HOME*: 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 advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.
16. *BILLBOARD*: An advertising sign for a business, commodity, or service located or offered elsewhere than upon the premises, which such sign or billboard, is located.
17. *BOARD*: The Zoning Board of Adjustment of Louisa County, Iowa.
18. *BUILDING*: Any structure designed or intended for support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
19. *BUILDING HEIGHT*: The vertical distance from grade plane to the average height of the highest roof surface.
20. *BUILDING LINE*:: The line of the outside wall of the building or any enclosed projection thereof nearest the street.
21. *CAMPGROUND, COMMERCIAL AND RECREATIONAL VEHICLE PARK*: Any premises where two or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two or more camping units for camping purposes; which include any buildings,

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structures, vehicles, or enclosure used or intended wholly or in part for the accommodation of transient campers.

22. *CAMPER TRAILER*: Any vehicle with motive power used or so manufactured or construed as to permit it 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. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation.
23. *CAMPING UNIT*: Any recreational vehicle or other vehicle, tent, or other movable shelter used for camping purposes.
24. *CELLAR*: That portion of a building that is partly or completely below grade plane. A basement shall be considered as a story above grade plane when the finished surface of the floor above the basement is:
 - a. More than six (6) feet above grade plane.
 - b. More than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter; or
 - c. More than twelve (12) feet above the finished ground level at any point.Also, see "basement"
25. *COMMISSION*: The Planning and Zoning Commission of Louisa County, Iowa.
26. *CONFINEMENT OPERATION*: The feeding, raising, or breeding of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages, ponds, or buildings when not in conjunction with a farming operation.
27. *COUNTY*: The unincorporated portions of Louisa County, Iowa.
28. *COUNTY BOARD*: The Board of Supervisors of Louisa County, Iowa.
29. *COUNTY INFRACTION*: A civil offense punishable by a civil penalty and issued by means of a citation.
30. *COURT YARD*: An open, unobstructed and unoccupied space other than a yard; which is bounded on three or more sides by a building on the same lot.
31. *DAY CARE NURSERY OR NURSERY SCHOOL*: Any public or private agency, institution, establishment, or place which provides supplement parental care and/or educational work, other than lodging overnight, for three (3) or more unrelated children of preschool age, for compensation.
 - a. *DAY CARE HOME*: A building or portion of a building (generally located within a dwelling unit) in which more than three (3) but not more than twelve (12) unrelated preschool children receive care, maintenance and supervision by other than their relatives or legal guardians for less than twenty-four (24) hours a day.

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32. *DISTRICT*: A part or parts of the unincorporated area of Louisa County; in which regulations governing the use of buildings or premises or the height and location of buildings are uniform.
33. *DISTRICT, OVERLAY*: A district that acts in conjunction with underlying zoning district.
34. *DWELLING*: Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent.
35. *DWELLING, MULTIPLE FAMILY*: A building or portion thereof designed for or occupied by three or more families.
36. *DWELLING UNIT*: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner-occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms, or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
37. *EASEMENT*: A grant by the property owner to the public, a corporation, or persons of the use of a tract of land for a specific purpose(s).
38. *ESSENTIAL SERVICES*: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply of disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or general welfare, ~~but not including buildings.~~* Essential services shall include all buildings and/pr structures owned or operated by the governments of the United States, the State of Iowa, or Louisa County, Iowa.
39. *FAMILY*: One or more persons occupying a dwelling 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 unrelated persons.
40. *FAMILY HOME*: Community based residential home licensed as a residential care facility to provide a family environment for not more than eight developmentally disabled persons and any necessary support personnel.
41. *FARM*: An area land comprising 35 acres of land or more used for the growing of usual farm products such as vegetables, fruits and grain and their storage in the area, as well as for the raising thereon of the usual farm poultry and farm animals.
42. *FARM ANIMAL*: Any of the following undomesticated fowl or animals, or others

* Amendment September 26, 2006. See Appendix A.

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typically and commonly found associated with agricultural operations in the State of Iowa, including: chickens, ducks, geese, swans, emus, guineas, pigeons, turkeys, pheasants, swine, goats, cattle, sheep, horses, donkeys, llamas, buffalos, elk, and rabbits.

43. *FARM DWELLING, PRINCIPAL*: A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.
44. *FARM DWELLING, SECONDARY*: A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and lands used in conjunction with the farming operation and occupied by a person or family employed thereon, or by a retired owner of the farm or his family. Secondary farm dwelling shall include mobile homes and mobile homes converted to real estate as herein defined.
45. *FENCE, SIGHT-OBSCURING*: A fence or planting arranged in such a way as to obstruct vision.
46. *FLOOD PLAIN*: The contiguous areas adjacent to a river, stream or other drainage course that are low-lying, difficult to drain, which have been inundated by flood water or where inundation by flood waters can be expected to occur at a frequency of at least once in one hundred years.
47. *FLOODWAY*: The channel of a river, stream, or watercourse and those portions of the flood plain adjoining in the channel which are reasonably required to carry and discharge the flood water.
48. *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 incidental use.
49. *FRONTAGE*: All the property on one side of a street/road between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
50. *GARAGE, PRIVATE*: A detached accessory building or portion of a principal building used for the storage of self-propelling passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1 ½ tons.
51. *GARAGE, PUBLIC*: Any building or premises other than a private garage, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.
52. *GRADE*: The average level of the finished surface of the ground adjacent to the exterior walls of the building.
53. *GRAIN ELEVATOR*: A structure or group of structures whose purpose is limited to the receiving, processing, storage, drying and transporting of bulk grain.

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54. *HEIGHT*: In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.
55. *HIGHWAY OR PRIMARY THOROUGHFARE*: An officially designated state or federal numbered highway or other major street or road designated by the county as a thoroughfare.
56. *HOME BUSINESS*: A home business conducted entirely within the home.
57. *HOME INDUSTRY*: A home business conducted entirely within the home and/or accessory building.
58. *INOPERABLE MOTOR VEHICLE*: Shall mean any motor vehicle which lacks, a current registration, or current insurance coverage or current license, or two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use on highways.
59. *JUNK*: Shall mean all old or scrap copper, brass, lead, or other nonferrous metal; old rope, rags, batteries, paper, trash, rubber debris, water, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron steel or other old or scrap ferrous materials; old discarded glass, tin ware, plastic, or old discarded household goods or hardware.
60. *JUNKYARD*: Shall mean any place not fully enclosed in a building, used in whole or in part for the storage, salvage or deposit of junk, used lumber, salvaged wood, auto parts whether in connection with a business or not; where more than one inoperable motor vehicle, or used parts and materials thereof when taken together equal the bulk of two motor vehicles, are stored and deposited. For the purposes of this Ordinance, junkyard shall include automobile wrecking yard, used lumberyard and places for storage of salvaged wood.
61. *KENNEL, COMMERCIAL*: The term “commercial kennel” shall apply to any person who keeps or maintains more than five (5) dogs and/or any person who shall raise, sell, trade, or transfer more than fifteen offspring, with a total value in excess of one hundred dollars, during any calendar year. The term shall also include any kennel for dogs and/or cats which performs one or more of the following activities:
- Boarding of such animals not owned by the proprietors;
 - Breeding of such animals for sale, whether or not such animals are raised, trained, groomed, or boarded by proprietors;
 - Grooming and training services of such animals.
62. *KENNEL, PRIVATE*: A noncommercial kennel at, in or adjoining a private residence where dogs are kept for hobby of the householder, in using them for hunting or practice training or for exhibiting them in shows of field or obedience trails or for guarding or protecting the householder’s property and from which offspring with a total value in excess of one hundred dollars are sold, traded, or exchanged during a

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- calendar year. The keeper of the private kennel may keep or maintain from three to five dogs, six months old or older of either sex per year and may raise or sell not more than fifteen offspring during any calendar year without changing the status of the kennel. If the keeper of a private kennel sells, trades, or transfers more than fifteen offspring during any calendar year, he shall be subject to the regulations of a commercial kennel.
63. *LESA LAND SYSTEM*: The land evaluation site assessment (LESA) system is quantitative land use and development suitability analysis used to determine what land areas are appropriate to be further developed for higher population density or residential uses. LESA, as first defined in the 1981 Farmland Protection Policy Act, and developed by the USDA Soil Conservation Service and the Natural Resources Conservation Service, is used as the base quantitative land use analysis to designate areas suitable for additional development.
64. *LOADING SPACE, OFF STREET*: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be used as off-street parking in computation of required off-street parking spaces.
65. *LOT*: A parcel of land, abutting a public highway, road or street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, and its accessory buildings, is sufficient to provide the yards and courts required by the regulations. Such lot shall have frontage on an improved public street or on a improved private street approved prior to the effective date of this Ordinance and may consist of:
- A single lot of record;
 - A portion of a lot of record;
 - A combination of complete lots of record; and
 - A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance. In no case shall a parcel of land conveyed under a lease be construed as a lot, unless said lot has been platted as a lot in an approved subdivision.
66. *LOT FRONTAGE*: That portion of a lot or parcel of land, which abuts a street. Each side of a lot so abutting a public street shall be considered as a separate lot frontage. The frontage of a lot or lots shall be measured along the street line.
67. *LOT LINES*: The property lines bounding a lot.
- A. *FRONT LOT LINE*: The lot line separating the front of the lot from the street. However, for purposes of determining lot requirements in cases where the front lot line is located within a street or highway right-of-way or easement, the street line shall be used.
- B. *REAR LOT LINE*: The lot line, which is opposite and most distant from the front lot line. In the case of an irregular, triangular or odd shaped lot, it shall mean a straight line ten feet in length; which is parallel to the front lot line or its chord and intersects the two other lots lines at points most distant from the front lot line.

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- C. *SIDE LOT LINE*: Any lot line other than a front or rear lot line. A side lot line separating a lot from a front or rear lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

68. *LOT MEASUREMENTS*:

- A. *LOT AREA*: The gross horizontal area within the lot lines of a lot, exclusive of any area contained within a street or highway right-of-way or easement.
- B. *LOT DEPTH*: The mean horizontal distance between the front and rear lot lines. In the case of an irregular, triangular or odd shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
- C. *LOT WIDTH*: The horizontal distance between the side lot line as measured perpendicular to the line comprising the lot depth at this point of intersection with the required minimum front yard setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear yard setback.

69. *LOT OF RECORD*: A lot or parcel of ground, the deed or plat of which has been recorded in the office of the County Recorder of Louisa County, Iowa, prior to May 24, 1971, and shall include a lot, which is a part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes, and bounds, the description of which has been so recorded.

70. *LOT TYPES*:

- A. *CORNER LOT*: A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.
- B. *DOUBLE FRONTAGE LOT*: A lot, other than a corner lot, having frontage on two or more non-intersecting streets.
- C. *INTERIOR LOT*: A lot, other than a corner lot, having frontage on only one street.

71. *MANUFACTURED HOME*: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards and displays seal from U.S. Department of Housing and Urban Development and was constructed on or after June 15, 1976, 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. For the purpose of these regulations, a manufactured home shall be considered the same as any site built single-family-detached dwelling.

72. *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

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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. Any vehicle not built to a mandatory building code, contains no state and federal seals and was built before June 15, 1976.

- A. This definition shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle.
- B. This shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation.

73. *MEDIA*: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, DVDs, other magnetic media and undeveloped pictures.

74. *MINI-WAREHOUSE*: A building or group of buildings not more than one story or twenty (20) feet in height and not having any dimension greater than 150 feet per building, containing varying sizes of individualized, compartmentalized, and controlled access stalls or lockers for the dead storage of customer's goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors' quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

75. *MOBILE HOME PARK*: Shall mean any site, lot, field or tract of land upon which two or more mobile homes, or manufactured homes, or a combination of homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

- A. Shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor and students.
- B. Must also be classified as whether it is a residential mobile home park or a recreational park.

76. *MODULAR HOME*: A factory-built structure which is manufactured to be used as a place of human habitation; is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner. May be placed either in a mobile home park or on residential property.

77. *MOTEL OR MOTOR HOTEL*: A building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with parking facilities conveniently located to each such unit, and may include such accessory facilities such as swimming pools, restaurant, meeting room, and etc.

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78. *MOTOR FUEL STATION*: A place where minor automobile repair is conducted and where gasoline, diesel oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling and the sale of automobile accessories on the premises.
79. *NOISE DISTURBANCE*: Any sound which:
- Endangers or injures the safety or health of humans or animals, or
 - Annoys or disturbs a reasonable person of normal sensitivities, or
 - Endangers or injures personal or real property.
80. *NON-CONFORMING STRUCTURE*: Any structure or building lawfully constructed prior to May 24, 1971 (or amendment thereto); which does not conform with the bulk regulations of the district in which it is located.
81. *NON-CONFORMING USE*: The lawful use of any structure or land that was established prior to May 24, 1971 (or amendment thereto); which does not conform to the regulations of the district in which it is located.
82. *NUISANCE*: Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property.
83. *OBJECTIONABLE ODOR*: An odor that is of such frequency, duration, quality, and intensity as to be harmful or injurious to human health and welfare, or so as to unreasonably interfere with the comfortable use and enjoyment of life and property of individuals or the public.
84. *PARKING AREA, ACCESSORY*: An area of one or more parking spaces located on the same property as the building, structure, or premises it is intended to serve, or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
85. *PARKING SPACE, OFF-STREET*: An area, which includes the parking plus the maneuvering space, required for the parking of motor vehicles. Space for maneuvering incidental to parking or unpacking, shall not encroach upon any public right-of-way. For purposes of rough computation, an off-street parking space and necessary access and maneuvering may be estimated at 200 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of Louisa County, Iowa.
86. *PERMANENT FOUNDATION*: An assembly of material constructed at and not intended to be removed from its installation site, which is designed to support the structure and engineered to resist the imposition of external nature forces; which complies with existing state and local building codes; and which is compatible with foundations on conventional dwellings in the area. A permanent foundation shall not under any circumstances be construed as a conventional mobile home skirting.

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87. *PORCH, ENCLOSED*: A roofed projection, which has no more than 50% of each outside wall area enclosed by a building or siding material other than meshed screens.
88. *PRINCIPAL USE*: A principal use is the main use of the premises permitted outright in a particular zoning district as distinguished from a conditional use.
89. *PUBLIC NUISANCE*: A nuisance, which affects rights to which every citizen is entitled. (Examples: Any junkyard, which does not conform to the requirements of this ordinance or the *Code of Iowa*, is a public nuisance. The depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by dealers or collectors in such articles, unless in a building of fireproof construction, is a public nuisance.)
90. *QUARTER-QUARTER SECTION*: The northeast, northwest, southeast or southwest quarter of a quarter section delineated by the United States Government system of land survey and which is approximately 40 acres in size.
91. *RECREATIONAL VEHICLE*: A vehicular type camping unit primarily designed as temporary living quarters for recreational, camping, or travel use; which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping or tent trailer, truck camper, and motor home or coach.
92. *RECREATIONAL VEHICLE SITE*: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.
93. *REPEAT OFFENSE*: A recurring violation of the same section of the Louisa County, Iowa, Zoning Ordinance.
94. *RIGHT-OF-WAY*: The land area measured between property lines, the right to possession of which is secured or reserved for public purposes.
95. *ROADSIDE STAND*: A temporary structure, unenclosed, and designed and construed that the structure is easily portable or can readily be moved and which is adjacent to a road and used seasonally for the sale of neighborhood agricultural products or other products grown or produced on the premises.
96. *ROOF LINE*: The juncture of the roof and the perimeter wall of the structure.
97. *RUNNING CONDITION*: Any vehicle that contains all of the necessary parts in working condition that allows it to be driven safely and legally (current license and proof of insurance) on a public roadway.
98. *SANITARY LANDFILL*: The process of disposal of garbage, dead animals, refuse and industrial waste of all kinds, by burying in ground without treatment or burning and then covering with soil immediately, to prevent oxidation, undesirable odors, and generally undesirable conditions, and possible contamination of water supplies, both on surface and underground.
99. *SERVICE STATION*: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products

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- as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of service and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs, major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or rethreading of tires. A service station is not a commercial garage or a body or fender shop.
100. *SETBACK*: The required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively for a particular zoning district. Setback may also be referred to as required yard.
101. *SEXUAL ACTIVITY ESTABLISHMENT (ADULT RELAXATION CENTER)*: An establishment used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas. Provided that the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment.
102. *SIGNS*: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
- A. Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - B. Flags and insignia of any government except when displayed in connection with commercial promotion.
 - C. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
 - D. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter.
 - E. Warning signs, no trespassing, no hunting and similar signs not to exceed four square feet in area located on the premises.
 - F. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
103. *SIGN, AREA*: The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area.
104. *SIGN, FREESTANDING*: A sign, which is supported by structures or supports in or upon the ground and independent of support from any building or wall.

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105. *SIGN, PORTABLE*: A freestanding sign, which is not permanently anchored secure to the ground.
106. *SIGN, PROJECTING*: A sign, other than a wall sign, which is supported or attached to any building or wall and which extends more than one foot out from the building or wall.
107. *SIGN, ROOF*: A sign that is erected upon or above the roof or parapet of any building.
108. *SIGN, TEMPORARY*: A sign that is intended only for a limited period of display.
109. *SIGN, WALL*: A sign which is painted on or attached to and erected parallel to the face of the outside wall of any building and supported by such building or wall and which displays only one advertising surface.
110. *SPECIAL EXCEPTION*: 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. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this Ordinance.
111. *SPECIFIED SEXUAL ACTIVITIES*: As used in this Section, defined as:
- (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, buttocks, or female breasts.
112. *SPECIFIED ANATOMIC AREAS*: As used in this Section, defined as:
- (a) Less that completely and opaquely covered
 - (1) Human genitals, pubic region;
 - (2) Buttocks;
 - (3) Female breasts below a point immediately above the top of the areola; and
 - (b) Human male genitals in a discernible erected state, even if completely and opaquely covered.
113. *STABLE, COMMERCIAL AND RIDING ACADEMY*: A building or structure used or intended to be used for the housing of horses which are let, hired, used or boarded on a commercial basis and for compensation. Riding instruction may be given in connection with a commercial stable or riding academy.
114. *STABLE, PRIVATE*: An accessory building or structure used or intended to be used for the housing of horses owned by the occupant of the property or temporary guests of the occupant on a noncommercial basis and not for compensation.
115. *STABLE, RIDING CLUB*: A building or structure used or intended to be used for the housing of horses owned by a group of persons on a noncommercial basis.

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116. *STORY*: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and for the top most story, from the top of the floor finish to the top of the ceiling joists or where there is not a ceiling, to the top of the roof rafters.
117. *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; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his/her family, shall be deemed a full story.
118. *STREET, ROAD*: Any public way set aside as a permanent right-of-way for vehicular or pedestrian access 21 feet or more in width if it existed at the time of the enactment of the regulations; and any such public way created after enactment of the regulations, provided it is 66 feet or more in width.
119. *STREET, HARD SURFACE*: A street which has a full-depth surfacing consisting of concrete, or asphalt with a structural capacity equivalency of concrete, constructed in accordance with appropriate local, county or state regulations.
120. *STREET LINE*: A dividing line between a lot, tract or parcel of land and the contiguous street. The boundary line of a street.
121. *STRUCTURE*: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures including buildings, mobile homes, billboards, signs, towers, sheds, storage bins, and gas and liquid storage tanks, but excluding driveways, parking areas, patios, and public items such as utility poles, street light fixtures, street signs, sidewalks and paving on streets.
122. *STRUCTURE, ALTERATION*: Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
123. *SUBTERRANEAN HOME*: A dwelling that has all but one wall completely covered and landscaped with earth including the roof.
124. *TAVERN*: An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments commonly known as key clubs, which are open and in which alcoholic beverages are served only to members and their guests.
125. *TELECOMMUNICATION*: The transmission between or among points specified by the user or information of the user's choosing, without change in the form or content of the information as sent and received.
126. *TELECOMMUNICATION TOWER*: Any guyed, monopole, or self-supporting tower, constructed as a freestanding structure or in association with a building or other permanent structure, containing one or more telecommunication antennas.

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127. *TRAVEL TRAILER*: A vehicle without motive power used or so manufactured or construed 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. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and not used as a place of permanent habitation.
128. *VARIANCE*: A variance is a relaxation of the terms of the zoning ordinance where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action 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 structures or size of yards and open spaces; establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity's in the zoning district or uses in an adjoining zoning district or because of conditions created by the landowner.
129. *YARD*: An open space unoccupied and unobstructed by any portion of a structure from 2 ½ feet above the general ground level of the graded lot upward; provided however, that fences, walls, yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights, statuary and similar decorative items, and other customary yard accessories may be permitted in any yard subject to height limitations and requirements limiting obstruction or visibility. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and principal building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.
- A. *FRONT YARD*: An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards. The least depth of a front yard is the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front line.
- B. *REAR YARD*: An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. The least depth of a rear yard is the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to and a maximum distance from the front lot line shall be considered the rear lot line.
- C. *SIDE YARD*: An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. The least width of a side yard is the shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.