

ARTICLE IV. PURPOSE AND INTENT

Section 1. These regulations have been developed in accordance with the Comprehensive plan for Hardin County and have been designed and are adopted in order to decrease and improve safety from fire, panic, flood, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to protect significant natural and historic resources and fragile ecosystems of Hardin County including forests, wetlands, rivers, streams, lakes and shorelines, aquifers, prairies, and recreational areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations have been made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the County.

ARTICLE V. DEFINITIONS

Section 1. For the purpose of this Ordinance all words shall carry their customary meanings, except where specifically defined herein. The use of the present tense shall include the past and future tenses, and the future the present; the word "shall" is mandatory, while the word "may" is permissive; the singular number shall include the plural and the plural singular; the word building shall include the word structure. Unless otherwise specified, all distances shall be measured horizontally.

1. **ACCESSORY BUILDING.** A use incidental to the principal permitted use of land or a building on a lot and customarily incidental thereto.
2. **ADULT ARCADE.** Means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion pictures machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
3. **ADULT BOOKSTORE.** Means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: 1). Books, magazines, periodicals or other printed matter, or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or 2). Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities."
4. **ADULT CABARET.** Means a commercial establishment that regularly features: 1). Persons who appear in state of semi-nudity; or 2). Live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; 3). Films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or 4). Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
5. **ADULT MOTEL.** Means a hotel, motel or similar commercial establishment that: 1). Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or 2). Offers a sleeping room for rent for a period of time that is less than 24 hours; 3). Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 24 hours.

6. ADULT MOTION PICTURE THEATER. Means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
7. ADULT THEATER. Means a theater, concert hall, auditorium, or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
8. AIRPORT. Means the Iowa Falls and Eldora Municipal Airports.
9. AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet above mean sea level.
10. AIRPORT HAZARD. Any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23, and 77.25, as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
11. AIRPORT PRIMARY SOURCE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
12. AIRSPACE HEIGHT. For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
13. ANIMAL HOSPITAL. A building or portion thereof designed or used for the care, observation, or treatment of domestic animals.
14. ANTENNA. A device, dish or array used to transmit or receive telecommunications signals.
15. AUTOMOBILE SERVICE STATION. A building or premises used for dispensing or offering for sale at retail, any automobile fuels or oils, or having pumps and storage tanks on premises, and where vehicles are not parked for purposes of inspection or sale.
16. BOARDING HOUSE. An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions of the menu.
17. BUILDING HEIGHT. 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.
18. BUILDING LINE. An imaginary line parallel to the front lot line over which no portion of any building may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
19. COMMERCIAL. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

20. 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.
21. CONDITIONAL 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.
22. CONTROL ZONE. Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 miles in radius, with extensions where necessary to include instrument approach and departure paths.
23. CORN SUITABILITY RATING. Means the relative productivity of corn on different soils, taking into account their physical and chemical properties, degree of erosion, location on the landscape, and location in Iowa. CSR is an index, not an indication of actual yield. Numbers range from 5 to 100. Soils rated 100 have high yield potential, can be continuously row cropped, and are in areas of Iowa with most favorable weather conditions. CSR ratings will remain fairly constant in relation to each other but yields can change subject to changes in technology or weather.
24. DEVELOPMENTAL DISABILITY. Means a disability of a person which has continued or can be expected to continue indefinitely and which has 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 mentally retarded persons or requires treatment and services similar to those required for the persons.
 - c. Attributable to dyslexia from a disability described in subparagraph a or b.
 - d. Attributable to a mental or nervous disorder.
25. DWELLING, SINGLE FAMILY, DETACHED. A residential building containing not more than 1 dwelling unit entirely surrounded by open space on the same lot.
26. DWELLING, MULTI-FAMILY. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building, but not including group, row, or townhouses.
27. ELDER FAMILY HOME. A private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self care.
28. ESCORT. Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
29. FAMILY HOME. Means a community based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services; and supervision in a family environment exclusively for not more than 8 developmentally disabled persons and any necessary support personnel. Family home does not mean an individual foster family home licensed under Chapter 237 of the Code of Iowa.

30. FARM. Means the land, buildings, and machinery used in the commercial production of farm products. Farming includes the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming includes but is not limited to the marketing of products 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. A farm shall include those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.
31. FARMSTEAD. The buildings and adjacent service areas of a farm.
32. FEEDLOT/CONFINEMENT. See definition of farm.
33. FLOOR AREA RATIO. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.
34. FRONTAGE. All the property on one side of a street, road or highway between 2 intersecting streets or highways measured along the line of the street or highway, or if the street or highway dead-end, then all of the property abutting one side between an intersecting street or highway and the dead-end of the street or highway.
35. GARAGE, PRIVATE. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.
36. 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.
37. HOME OCCUPATION. An accessory use of a dwelling unit for gainful employment which: a). is clearly incidental and subordinate to the use of the dwelling unit as a residence; b). is carried solely within the main dwelling and does not alter or change the exterior character or appearance of the dwelling; c). that the building or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to exterior appearance or by the discharge of dust, noise, odor, or smoke or any other way; and that there shall be no persons employed at the use other than members of the immediate family residing on the premises.
38. HOTEL. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and in which no provision is made for cooking in any individual room or apartment.
39. IMPERVIOUS SURFACE AREA. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.
40. INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

41. JUNK. Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts of automobiles, or iron, steel, or other old scrap or ferrous or nonferrous material.
42. JUNK YARD. Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled. This definition shall include auto or other vehicle or machinery wrecking or dismantling activities. This definition shall not include the processing of used, discarded or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute prima facie evidence of a junk yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept within a completely enclosed building.
43. KENNEL. A place where 4 or more dogs, cats, or similar animals or pets, over 4 months of age, are boarded, bred, and/or offered for sale.
44. LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including 1 principal building together with its accessory buildings, open spaces and parking and loading spaces required by this Ordinance, and having its principal frontage upon a street.
45. LOT OF RECORD. A lot of whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.
46. LOT, AREA. The total horizontal area within the lot lines of a lot.
47. LOT, CORNER. A platted parcel of land abutting 2 road rights-of-way at their intersection.
48. LOT, DEPTH. The average horizontal distance between the front and rear lot lines.
49. LOT, LINE. Property line bounding a lot.
50. LOT, WIDTH. The horizontal distance between side lot lines, measured at the required front setback line.
51. MANUFACTURED HOME. A factory built structure, which is manufactured or constructed under the authority of 42 U.S.C. Sect. 5403 and is to be used as a place of 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 shall not meet the above definition unless it has been converted to real property.
52. MINIMUM DESCENT ALTITUDE. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
53. MINIMUM ENROUTE ALTITUDE. The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
54. MINIMUM OBSTRUCTION CLEARANCE ALTITUDE. The specified altitude in effect between radio fixes on VOR runways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of VOR.

55. **MOBILE HOME.** Means 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.
56. **MOTEL.** A building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such a building or group of buildings is designed, intended, or used primarily for the accommodation of automobile parking conveniently located on the premises.
57. **NURSING HOME.** A building other than a hotel, motel, or hospital where for compensation, meals, lodging, and physical care are provided for 3 or more persons. This definition shall include rest homes, convalescent, old peoples homes, and similar establishments.
58. **PERMITTEE AND/OR LICENSEE.** Means the person or organization whose name appears on the permit and/or license.
59. **PHYSICAL DISABILITY HOME.** An establishment formed by a non-profit organization to house those with a physical impairment that results in significant functional limitations in one or more areas of major life activity and in the need for specialized care, treatment, or training services of extended duration. Homes shall be limited to eight persons with a physical disability.
60. **PROVISIONAL USE.** A permitted use provided the use meets specified performance standards.
61. **RUNWAY.** A defined area of an airport prepared for landing and takeoff of aircraft along its length.
62. **SEXUAL ENCOUNTER CENTER.** Means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: 1). Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity; 2). Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi nude.
63. **SEXUALLY ORIENTED BUSINESS.** Means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
64. **SINGLE FAMILY DWELLING.** A building designed for occupancy by one family. All new building permits after the enactment of this Ordinance shall meet the following standards:
- a. The principal portion of such building shall have a continuous and complete frost protected perimeter foundation. A manufactured home as defined in this ordinance shall be placed upon piers per the manufacturer's requirements but said home must meet the foundation requirements contained herein, namely it shall also have a complete permanent perimeter foundation with piers.
 - b. The building shall have for the exterior wall covering either:
 - i. Wood or masonry finish, or its appearance, and/or
 - ii. Vertical or horizontal grooved siding or lap siding, or its appearance.
 - iii. Use of flat, formed, or corrugated sheet metal or plastic type materials for the roof covering is prohibited. Architectural sheet metal is permitted.
65. **SPECIFIED ANATOMICAL AREAS.** Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
66. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following: 1). The fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breasts; 2). Sex acts,

normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy; 3). Masturbation, actual or stimulated; or 4). Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

67. STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.
68. STABLE, PUBLIC. A building in which horses are kept for remuneration, hire or sale; therefore a principal building and/or use.
69. 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.
70. 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.
71. TOWNHOUSE. Single family attached dwelling with one dwelling unit from ground to roof, having individual outside access.
72. USE. The purpose or activity, for which the land, building or structure thereon is designed, arranged or intended, or for which it is occupied or maintained.
73. USE, ACCESSORY. A subordinate use, such as a private garage, which is clearly and customarily incidental to the principal use of a building or premises; which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.
74. USE, PRINCIPAL. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
75. USE, NON-CONFORMING. Any use of a building, structure, or premises which on the effective date of this Ordinance does not, even though lawfully established, comply with all of the applicable use regulations of the zoning district in which such building, structure or premises shall be located.
76. VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
77. YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. The measurements of a yard shall be construed as a minimum horizontal distance between the lot line and the exterior wall of a building or structure.
78. YARD, FRONT. A yard extending across the full width of the lot and measured between the front line of the lot and the nearest point of the building. On a corner lot, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
79. YARD, REAR. A yard extending across the full width of the lot line and measured between the rear line of the lot and nearest point of the principal building.
79. YARD, SIDE. A yard between the nearest point of the building and the sideline of the lot and extending from the front yard to the rear yard.

80. ZONING LOT. 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.