

CHAPTER 175

ZONING CODE — GENERAL PROVISIONS

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175.01 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of Chapters 175 through 179 (herein referred to as the Zoning Code) shall be held to be minimum requirements. Where the Zoning Code imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of the Zoning Code shall control. In addition, the International Building Code, International Residential Code, International Existing Building Code, the International Fire Code, the National Electrical Code, the International Mechanical Code, and the International Plumbing Code shall apply.

(Ordinance No. 08-210)

175.02 DEFINITIONS. The purpose of this section is to define certain words and terms used within and throughout the Zoning Code. All definitions are constant, unless otherwise specified.

1. **“Abut”** means to physically touch or border upon, or to share a common property line (i.e., adjoining and / or contiguous). See also “adjoining lot or land.”
2. **“Accessory building”** – See “building, accessory.”
3. **“Accessory structure”** means a structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use that is permitted in each particular zoning district. (Listed as “accessory uses.”) See also “building, accessory.”
4. **“Adjacent land”** – See adjoining lot or land.”
5. **“Adjoining lot or land”** means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. See also “abut.”
6. **“Adult Entertainment Business” means and includes any of the following:**
 - A. **“Adult Bookstore”** means an establishment having as a significant portion of its stock in trade, books, films, magazines and other periodicals, which are distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.

B. **“Adult Motel”** means a motel wherein material presented, which is distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.

C. **“Adult Motion Picture Arcade”** means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.

D. **“Adult Motion Picture Theater”** means an enclosed building used to present materials distinguished or characterized by an emphasis on matter depicting or describing sex act(s) or specified anatomical areas.

E. **“Sexual Encounter Center”** means any business, agency, or persons who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in sex act(s) or exposing, specified anatomical areas.

F. **“Sex Act(s)”** means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or a substitute thereof in contact with the genitalia or anus.

G. **“Specified Anatomical Areas”** include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

7. **“Alley”** means a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
8. **“Alter”** or **“Alteration”** means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
9. **“Amusement and recreation services”** means establishments engaged in providing amusement or entertainment for a fee or admission charge and include

such activities as dance halls; studios; theatrical producers; bands; orchestras; and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, rings, racetracks, public golf courses and coin-operated devices; amusement parks; membership sports and recreational clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors and animal shows.

10. **“Amusement park”** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, and buildings for shows and entertainment.
11. **“Annexation”** means the incorporation of a land area into an existing community with a resulting change in the boundaries of that community.
12. **“Apartment unit”** means one or more rooms with private bath and kitchen facilities, comprising an independent self-contained dwelling unit in a building containing more than two dwelling units. See also “dwelling unit.”
13. **“Attached dwelling”** – See “dwelling, attached.”
14. **“Basement”** means a space having one-half or more of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet. See also “cellar.”
15. **“Boarding house”** means a dwelling or part thereof, in which lodging is provided by the owner or operator to more than three borders. See also “family home” and “group quarters.” COMMENT: A boarding home is a dwelling while a motel or hotel is a licensed commercial establishment.
16. **“Board of Adjustment”** means an officially constituted body whose principal duties are to grant variances from the strict application of the Zoning Code and to grant conditional use permits as provided by law.
17. **“Building”** means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. See also “structure.”
18. **“Building, accessory”** means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use. Among other things, the following are considered to be accessory building(s): shed, gazebo, garage, shelter, and greenhouse. See also “accessory structure.”

19. **“Building height”** means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of a building:
- A. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
 - B. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface is more than 10 above the lowest grade.
 - C. The height of a stepped or terraced building is the maximum height of any segment of the building.
20. **“Bulk stations”** means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
21. **“Bulk storage”** means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.
22. **“Carport”** means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.
23. **“Cellar”** means a space with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with floor-to-ceiling height of less than 6½ feet. A cellar is not included in computing the number of stories for the purpose of height measurement. See also “basement.”
24. **“Child”** means a person under eighteen years of age.
25. **“Child care center”** means a facility providing child daycare for seven or more children except when the facility is registered as a group daycare home.
26. **“Child daycare”** means the care, supervision, or guidance of a child by a person other than the parent, guardian, relative or custodian for periods of two hours or more and 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 have:

- A. An instructional program administered by a public or nonpublic school system approved by the Department of Public Instruction or the State Board of Regents;
 - B. A church-related instructional program of not more than one day per week;
 - C. Short-term classes held between school terms.
27. **“Child daycare facility”** means a child care center, group daycare home or registered family daycare home. See also “family daycare home” and “group daycare home.”
 28. **“Cluster”** means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. See Figure A.
 29. **“Cluster subdivision”** means a form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space. See Figure A. See also “planned unit development.”
 30. **“Common open space”** – See “open space, common.”
 31. **“Conditional use”** means a use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Code and authorized by the Board of Adjustment.
 32. **“Conditional use permit”** means a permit issued by the authorized board stating that the conditional use meets all conditions set forth in local ordinances.
 33. **“Condominium”** means 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.
 34. **“Conversion”** means a change in the use of land or a structure.
 35. **“Deck”** means any flat-floored, roofless structure, at or above the finished grade, adjoining or directly adjacent to a building. See also “terrace.” Decks in the front yard may extend from the building a length no greater than 40% of the distance between the front lot line and the closest building façade to the front lot line, up to a maximum of twelve (12) feet. Decks in the side and rear yard shall maintain a five (5) foot setback from the side and rear lot lines.

(Ordinance No. 06-205)

36. **“Developmental disability”** or **“developmentally disabled”** means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:
- A. Attributable to mental retardation, cerebral palsy, epilepsy or autism;
 - B. Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons or required treatment and services similar to those required for the persons;
 - C. Attributable to dyslexia resulting from a disability described in either subparagraph A or B;
 - D. Attributable to a mental or nervous disorder.
37. **“Dish antenna”** means any parabolic, spiracle, or other shaped structure used for, or intended to be used for, reception of satellite transmissions.
38. **“District”** means a geographic area within the City within which certain zoning or development regulations apply. See also “zone.”
39. **“Drive-through businesses, non-restaurants”** means a drive-through business that serves a use not related to a restaurant, fast-food restaurant or formula fast-food restaurant. This use includes the operation of drive-up or drive-through service at a bank or financial institution, food sales (for off-site preparation or consumption only), personal services, and retail sales (e.g., pharmacy).
40. **“Duplex”** – See “dwelling, two-family.”
41. **“Dwelling”** means a structure or portion thereof which is used exclusively for human habitation.
42. **“Dwelling, attached”** means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.
43. **“Dwelling, detached”** means a dwelling which is not attached to any other dwelling by any means. See Figure B. See also “dwelling, single-family detached.”
44. **“Dwelling, multi-family”** means a dwelling containing more than two dwelling units.
45. **“Dwelling, single-family”** means a building containing one dwelling unit.

46. **“ Dwelling, single-family detached ”** means a dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. See also “dwelling, detached.”
47. **“ Dwelling, townhouse ”** means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more walls. See Figure D.
48. **“ Dwelling, triplex ”** means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.
49. **“ Dwelling, two-family (duplex) ”** means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell or hall exterior to both dwelling units. See Figure E.
50. **“ Dwelling unit ”** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. See also “apartment unit.”
51. **“ Easement ”** means a grant of one or more of the property rights by the owner to and/or for the use of the public, a corporation or another person or entity.
52. **“ Family ”** means one or more individuals occupying a dwelling unit and living as a single household unit.
53. **“ Family daycare home ”** means a facility which provides child daycare to less than seven children. See also “child daycare facility” and “group daycare home.”
54. **“ Family home ”** means a community-based residential home which is licensed as a residential care facility or as a child foster care facility to provide room and board, personal care, habitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and not meaning an individual foster family home licensed. See also “boarding house” and “group quarters.”
55. **“ Fences ”** means artificially constructed barriers of any material or combination of materials erected to enclose or screen areas of land.
56. **“ Finished grade ”** – See “grade, finished.”

57. **“Fish farm”** means an area devoted to the cultivation of fish and other seafood for commercial sale.
58. **“Flag lot”** means a lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
59. **“Frontage”** means that side of a lot abutting on a street; the front lot line.
60. **“Garage”** means a deck, fully enclosed building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.
61. **“Garage, private residential”** means a structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public.
62. **“Garage, public”** means a building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.
63. **“Garage, repair”** means any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.
64. **“Gazebo”** means an accessory building or structure having a roof supported by columns with or without opaque and/or translucent materials constructed between said columns and intended for use as a shelter or housing of recreational activities associated with residential uses.

(Ordinance No. 08-211)

65. **“General public”** means any and all individuals, without any prior qualifications.
66. **“Grade”** means the degree of rise or descent of a sloping surface. See Figure F.
67. **“Grade, finished”** means the final elevation of the ground surface after development.
68. **“Grade, natural”** means the elevation of the ground surface in its natural state, before man-made alterations.
69. **“Grading”** means any stripping, cutting, filling, stockpiling of earth or land, including the land in its cut or filled condition.

70. **“Greenbelt”** means an open area which may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.
71. **“Greenhouse”** means a building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

(Ordinance No. 08-211)

72. **“Group daycare home”** means a facility providing child daycare for more than six but less than twelve children, with no more than six children at one time being less than six years of age. See also “child daycare home” and family daycare home.”
73. **“Group living quarters”** – See “group quarters.”
74. **“Group quarters”** means a dwelling that houses unrelated individuals. “Group quarters” includes fraternities, sororities, army barracks, dormitories and the like. See also “boarding house” and “family home.”
75. **“Home occupation”** means any activity carried out for gain by a resident, conducted in the resident’s dwelling unit.
76. **“Hospital”** means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring chronic or convalescent care.
77. **“Hotel”** means a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities. See also “motel.”
78. **“Industrial park”** means a large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
79. **“Inn”** means a commercial facility for the housing and/or feeding of transients. See also “lodging house” and “motel.”

80. **“Intermediate care facility”** means any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours’ accommodation, board, and nursing services, the need for which is certified by a physician to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse. See also “residential care facility.”
81. **“Junk”** means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.
82. **“Junk yard”** means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery of two or more unregistered, inoperable motor vehicles or other type of junk.
83. **“Living space”** means that part of the building which is enclosed and supported upon the main foundation system of the structure excluding garages and cellars.
84. **“Lodging house”** means a facility in which rental sleeping accommodations are provided and meals also may be supplied as part of the fee. See also “inn” and “group quarters.”
85. **“Lot”** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.
86. **“Lot area”** means the total area within the lot lines of a lot, excluding any streets rights-of-way.
87. **“Lot, corner”** means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees. See Figure G.
88. **“Lot coverage”** means that portion of the lot that is covered by buildings and structures.
89. **“Lot depth”** means the distance measured from the front lot line to the rear lot line. See Figure G.
90. **“Lot, double frontage”** – See “lot, through.”

91. **“Lot, flag”** means a lot not fronting on or abutting a public road and where access to the public road is by narrow, private right-of-way. See Figure G.
92. **“Lot frontage”** means the length of the front lot line measured at the street right-of-way.
93. **“Lot, interior”** means a lot other than a corner lot. See Figure G.
94. **“Lot line”** means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. See Figure G.
95. **“Lot, reverse frontage”** means a through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.
96. **“Lot, through”** means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. See Figure G.
97. **“Lot width”** means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See Figure G.
98. **“Manufactured home”** means 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, but which is not constructed or equipped with a permanent hitch or other device allowing it 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 wheel or axles. See also “modular home.”
99. **“Mobile home”** means any vehicle without 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.
100. **“Mobile home park”** means a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.
101. **“Modular home”** means a factory-built structure which is manufactured or constructed 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 attached or towed behind a motor vehicle, and which does not have permanently attached to its body or frame any wheels or axles. See also “mobile home.”

102. **“Motel”** means an establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. See also “hotel” and “lodging house.”
103. **“Noise”** means any undesired audible sound.
104. **“Noise pollution”** means continuous or episodic excessive noise in the human environment. Noise pollution is defined in terms of a maximum decibel level by frequency range.
105. **“Nonconforming”** means a lot, structure, land use or activity that does not conform to the present requirements of the zoning district.
106. **“Nursing home”** means any institution or facility, or part thereof, defined as such for licensing purposes under State law or pursuant to the rules and regulations for nursing homes established by the State Department of Public Health, whether proprietary or nonprofit, including but not limited to, nursing homes owned or administered by the Federal or State government or an agency or political subdivision thereof.
107. **“Open space”** means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.
108. **“Open space, common”** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
109. **“Open space, green”** means an open space area not occupied by any structures or impervious surfaces.
110. **“Ordinance”** means a municipally adopted law or regulation.
111. **“Parapet”** means the extension of the main walls of a building above the roof level.
112. **“Parking area”** means any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

113. **“Parking space”** means a space for the parking of a motor vehicle within a public or private parking area.
114. **“Patio”** – See “terrace.”
115. **“Permanent sales facility”** means a permanent structure used for ongoing, retail sales.

(Ordinance No. 17-214)

116. **“Permitted use”** means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
117. **“Planned unit development” or “PUD”** means an area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified. See also “cluster development.”
118. **“Porch”** means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. COMMENT. A porch becomes a room when the space enclosed is heated or air conditioned and, if glazed, when the percentage of window area to wall area is less than 50 percent.
119. **“Preschool”** means a child daycare facility which provides to children ages three through five for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, social skills and motor skills and to extend their interest and understanding of the world about them.
120. **“Principal building”** means a building in which is conducted the principal use of the lot on which it is located.
121. **“Principal use”** means the primary or predominant use of any lot.
122. **“Recreation facility”** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
123. **“Relative”** means a person who by marriage, blood or adoption is a parent, grandparent, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin or guardian.
124. **“Residence”** means a home, abode or place where an individual is actually living at a specific point in time.

125. **“Residential”** means regularly used by its occupants as a permanent place of abode, which is made one’s home as opposed to one’s place of business and which has housekeeping and cooking facilities for its occupants only.
126. **“Residential care facility”** means any institution, place, or building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof, within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis. See also “intermediate care facility.”
127. **“Resort”** means a facility for transient guests where the primary attraction is general recreational features or activities.
128. **“Retail sales establishment”** means places of business primarily engaged in retail sale or rental primarily of non-food, non-alcohol and non-tobacco related products and services. However, no more than 40 percent of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine, beer or tobacco products.

(Ordinance No. 17-214)

129. **“Restaurant”** means an establishment that prepares and serves food and beverages to persons for immediate consumption.
- A. **“Dine-in restaurant”** means a restaurant where the patron consumes foods and beverages while seated at tables or counters located on premises.
- B. **“Drive-in restaurant”** means a restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises.
- C. **“Carry-out restaurant”** means a restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer there is no consumption of food or beverages on the premises by patrons.
- D. **“Convenience-food restaurant”** means an establishment whose business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-eat state for immediate consumption either on or off the premises, whose design or principal method of operation includes both of the following characteristics:

- (1) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

(2) The customer is not served food at his/her table by an employee but receives it at a counter, window or similar facility for carrying to another location on or off the premises for consumption.

- 128. “Right-of-way”** means (a) a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, trail or sidewalk, railroad, electric transmission lines, gas or oil pipeline, water line, sanitary storm sewer and other similar uses; or (b) generally, the right of one to pass over the property of another.
- 129. “Right-of-way lines”** means the lines that form the boundaries of a right-of-way. See Figure H.
- 130. “Row houses”** – See “dwelling, townhouse.”
- 131. “Screening”** to lessen the transmission from one lot to another of noise, dust and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from; and/or establishing a sense of privacy from visual or physical intrusion. Typical screening methods include fences, berms, and/or a living screen of deciduous or coniferous type vegetation.
- 132. “Setback”** means the distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps or decks. See Figure H. COMMENT: Where the setback is narrow, as in an urban area, even steps may be required to be behind the setback.
- 133. “Solar access”** means a property owner’s right to have the sunlight shine on his land.
- 134. “Solar energy system”** means a complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.
- 135. “Solar skyspace”** means the space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
- 136. “Story”** means that portion of a building included between the surface of any floor and the surface of the floor next above it or if there is no floor above it then the space between the floor and the ceiling next above it and including those basements used for the principal use.
- 137. “Story half”** means a space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level, and in

which space the possible floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.

138. **“Street”** means any vehicular way which (a) is an existing State, County or municipal roadway, or (b) is shown upon a plat approved pursuant to law, or (c) is approved by other official action, or (d) is shown on a plat duly filed and recorded in the office of the County Recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats and includes the land between the street lines, whether improved or unimproved.
139. **“Street line”** – See “right-of-way lines.”
140. **“Structural alterations”** means any change in either the supporting members of a building such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.
141. **“Structure”** means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water. See also “building.” COMMENT. By this definition, all buildings are structures, however, not all structures are buildings.
142. **“Swimming pool”** (above and below ground) means a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above, surface pool having a depth of more than twenty-four (24) inches designed, used and maintained for swimming and bathing.
143. **“Temporary sales facility”** means a structure, including trailers, that is erected for retail sales for a period of no more than forty (40) calendar days.

(Ordinance No. 17-214)

144. **“Terrace”** means a level, landscaped and/or surfaced area directly adjacent to a building at or within three (3) feet of the finished grade and not covered by a permanent roof. See also “deck.”
145. **“Tourist home”** means an establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee. See also “lodging house.”
146. **“Townhouse”** – See “dwelling, townhouse.”
147. **“TV dish”** – See “dish antenna.”

148. **“Wall”** means (a) the vertical exterior surface of a building; or (b) vertical interior surfaces which divide a building space into rooms.
149. **“Wind (Generator) Energy Conversion System (WECS)”** means any device that converts wind power to another form of energy, such as electricity or heat, including wind chargers, wind turbines, and windmills.
150. **“Yard”** means an open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code. See Figure I.
151. **“Yard depth”** means the shortest distance between a lot line and a yard line.
152. **“Yard, front”** means a space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.
153. **“Yard line”** means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard. See Figure I.
154. **“Yard, rear”** means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.
155. **“Yard required”** means the open space between a lot line and the buildable area within which no structure shall be located except as provided in the Zoning Code.
156. **“Yard, side”** means a space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such side yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Zoning Code. See Figure I.
157. **“Zero lot line”** means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line. See Figure I.
158. **“Zone”** means a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings. See also “district.”

159. **“Zoning”** means the dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

160. **“Zoning district”** – See “zone.”

161. **“Zoning map”** means the map or maps, which are a part of the Zoning Code, and delineate the boundaries of zone districts.

175.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP. For the purpose of the Zoning Code, the following fourteen classes of districts are hereby established within the City as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Code:

- U-1 Conservancy District
- A-1 Agricultural District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- R-4 Mobile Home Park Residential District
- R-5 Planned Unit Development
- C-1 Residential-Commercial District
- C-2 General Commercial District
- C-3 Planned Commercial District
- C-4 Central Business District
- C-5 Office Park
- M-1 Limited Industrial District
- M-2 General Industrial District

The Official Zoning Map shall bear the signature of the Mayor, attested by the Clerk, under the certification that it is the Official Zoning Map. If, in accordance with the provisions of the Zoning Code and Chapter 414, of the Code of Iowa, changes are made

in district boundaries or other matters portrayed on the Official Zoning Map promptly after the amendment has been approved by the Council. The Council may, from time to time, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map, in the event that the Official Zoning Map becomes damaged or destroyed; or for purposes of clarity due to a number of boundary changes, or to correct drafting errors or omissions; provided, however, any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The Official Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

175.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining location of said boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shore lines, shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Where district boundaries as shown on the Official Zoning Map split a parcel or do not follow a parcel boundary, the Planning and Zoning Commission

shall interpret the district boundaries based on the general interpretation of the official zoning map.

175.05 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Zoning Code within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, throughout each district, but the regulations in one district may differ from those in other districts. In addition:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this Zoning Code, or cause the same to be done without first obtaining a separate permit for each building or structure from the administrative official.

2. No building or other structure shall hereafter be erected or altered:

A. To exceed the height;

B. To accommodate or house a greater number of families;

C. To occupy a greater percentage of lot area; or

D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any other manner contrary to the provisions of this Zoning Code.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Code shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of the ordinance codified herein, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by said Zoning Code.

5. Where a proposed land use does not clearly fit under a use identified in the relevant zoning district as a principal permitted use, permitted conditional use, or permitted accessory use such use shall be prohibited. The determination as to if a proposed use fits in a particular district shall be made by the Zoning Administrator. Any appeals to such decision shall be considered by the Board of Adjustment.

