

ARTICLE II

Definition of Terms

Article 2: Definitions

Section 2.1. General Zoning Definitions

Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL ZONING DEFINITIONS:

For the purpose of understanding this ordinance certain words, terms and expressions shall be interpreted as follows.

- Words used in the present tense shall include the future tense;
 - Singular shall include the plural and the plural includes the singular;
 - The word “may” is discretionary and the word “shall” is always mandatory;
 - The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
 - The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied;
 - The word “lot” includes the words plot or parcel and all other words or phrases used to denote an individual building site that complies with the minimum provisions of this ordinance.
 - The word “includes” means including but is not limited to.
1. **ACCESSORY USE (OR STRUCTURE):** A structure or use which:
 - is subordinate to and serves a principal building on the lot or land use;
 - is subordinate in area, extent, or purpose to the principal building or use served;
 - is classified as an accessory lakeshore storage building
 - contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
 - is located on the same zoning lot as the principal building or use, or directly across the street from lakeshore properties.
 2. **ADDITION:** Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
 3. **ADMINISTRATOR:** See ZONING ADMINISTRATOR
 4. **ALLEY:** A public way, other than a street, twenty-six feet (26’) or less in width, which affords only a secondary means of access to abutting property. An alley shall not be considered a public thoroughfare.
 5. **ALTERATION (STRUCTURAL):** Any replacement or change, beyond ordinary repairs and maintenance, in the shape or size of any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joist or roof trusses.
 6. **ATTACHED:** Having one or more walls in common with a principal building, or joined to a principal building by a covered porch or passageway.
 7. **AWNING:** A roof like structure entirely supported by and extending from a building for the purpose of protecting openings therein from the elements.
 8. **BASEMENT:** That portion of a building that is either partly or completely below grade.
(Building Officials and Code Administrators (BOCA) Basic/National Building Code)

9. **BETTER SITE DESIGN:** Site design that minimizes the impacts of urbanization on water resources through the use of twenty-two model development principals divided into three main categories: residential streets and parking lots, lot development, and conservation of natural areas. The twenty-two principals address design concepts such as street widths, parking lot ratios, and parking lot design, setbacks and frontage requirements and grading, aquatic buffers, etc. per SUDAS manual, Iowa Stormwater Management Manual, or any other nationally recognized publication.
10. **BILLBOARD:** As used in this ordinance, billboards include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or billboards are located.
11. **BIO-RETENTION CELL:** A bio-retention cell is designed with a flat bottom with the goal of infiltrating runoff. Bio-retention cell has an engineered subgrade, which features a manufactured soil matrix and a drain tile, due to altered and compacted soils that don't have adequate percolation rates.
12. **BIOSWALE:** Bioswales are open channels possessing a dense cover of grasses and other herbaceous plants through which runoff is directed during storm events. Bioswales typically have an engineered subsection designed to facilitate infiltration of low flow events or the first flush of large events. Bioswales have the capacity to safely convey runoff from larger flows, while providing filtration and increasing travel time of runoff from point of generation to junction with receiving waters.
13. **BLOCK:** That property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, railroad right-of-way, waterways, golf course, campus, parks or other definite boundaries.
14. **BUILDABLE AREA:** The buildable footprint established by the setback distances from the front, side and rear property lines as provided in this ordinance.
15. **BUILDING:** Any structure having a roof and supported by posts, columns, supports, walls or other structure and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind. When separated by fire rated division walls from the ground up without openings, each portion of such structure is deemed a separate building. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with a roof shall make them one building.
16. **BUILDING HEIGHT:** The vertical distance from the lowest point on the footprint or perimeter of the building to the highest projection of the roof line, excluding chimneys. A building's footprint is defined as the perimeter of the building or associated structure.
17. **BUILDING LINE:** The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a building located on said lot and the nearest street right-of-way line. The high water line in the case of a lakeshore lot or a straight line struck on the lakeshore to establish a point from which to measure in determining an average set-back.

18. **BUILDING, PRINCIPAL:** The building in which the primary use of the lot or parcel, on which it is located, is conducted.
19. **BUILDING WALL:** The wall of the principal building forming a part of the main structure.
20. **BULK REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
21. **BUSINESS (or COMMERCIAL) USE:** Any use operated for profits or compensation.
22. **CANOPY:** 1.) Building Canopy: A rigid multi-faced structure covered with fabric, wood, metal, brick, cement, plastic or other similar material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. May be illuminated by external or internal sources. 2.) Freestanding Canopy: A rigid multi-faced structure covered with fabric, wood, metal, brick, cement, plastic or other similar material and supported by columns or posts embedded in the ground. May be illuminated by external or internal sources. Canopies shall be considered a part of the structure and must meet all applicable setback requirements.
23. **CARPORY:** Space for the parking, housing or storage of vehicles of which is enclosed on not more than two sides by affixed or semi-permanent walls. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building, and shall be of similar appearance or materials to the principal building. Freestanding carports are considered an accessory building.
24. **CENTERLINE, PUBLIC THOROUGHFARE:** A line running parallel with the thoroughfare right-of-way, which is half the distance between the extreme edges of the official right-of-way width.
25. **CERTIFIED SURVEY:** A sketch, plan, map or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed and certified to by a Registered Land Surveyor as defined by the Registration Act of the State of Iowa.
26. **CITY:** The City of Okoboji, Iowa.
27. **COMMISSION (OR PLANNING COMMISSION):** The City of Okoboji Planning and Zoning Commission.
28. **CONDITIONAL USE PERMIT:** A permit issued in view of specified conditions, limitations or restrictions, and which is subject to review or cancellation by the Board of Adjustment.
29. **COUNCIL:** The City Council of the City of Okoboji, Iowa.
30. **COURT (OR COURTYARD):** An open, unoccupied, unobstructed space, except for trees, shrubs, statuary or other articles normally considered accessory to landscaping, which is bounded on two or more sides by a building on the same lot.
31. **CURB LEVEL:** The established curb grade adjacent to a lot.
32. **DECK:** An elevated structure made up of cement, asphalt, or wood that exceeds the height limitations of a patio shall be considered a deck and will be considered part of the principal

dwelling. A deck therefore will be required to fall within all setback requirements and will require a building permit.

33. DETACHED: Fully separated from any other structure. Not attached.
34. DISTRICT (OR ZONING DISTRICT): Any section or sections of land area, zone or geographic area within the incorporated city limits of Okoboji, Iowa and depicted on the Official Zoning Map, within which zoning or development regulations apply.
35. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).
36. DWELLING: Any building or portion thereof containing one or more dwelling units designed or used exclusively for residential purposes but not including a tent, cabin, trailer, or factory-built home not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory built structures.
37. DWELLING UNIT: One or more rooms in a building arranged, designed or used as living quarters for the occupancy of one (1) family as a home or residence for living or sleeping purposes and containing independent cooking and sanitary facilities.
38. DWELLING, SINGLE-FAMILY: A building arranged, designed for or occupied by only one (1) single family exclusively for residential purposes; having no party wall in common with an adjacent building.
39. DWELLING, TWO-FAMILY: A detached building that is arranged, designed for, or occupied by two (2) families with separate housekeeping and cooking facilities for each.
40. DWELLING, MULTI-FAMILY: A building used by, designed for, or occupied by three (3) or more families living independently of each other.
41. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
42. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way, established yard area or adjacent lands.
43. ENGINEER: A person registered as a professional engineer under the laws of the State of Iowa.
44. ENGINEER, CITY: A duly qualified individual or firm designated by the City Council.
45. EROSION: The detachment, transportation, and deposition of soil particles by water or wind. Sheet erosion, rill erosion, gully erosion, stream bank erosion, streambed erosion, or shoreline erosion are common types of erosion that creates sediment-laden runoff, which moves sediment to a point of deposition down-gradient from its point of origin.
46. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities or governmental agencies of underground or overhead gas, electrical, telecommunication, water or wastewater transmission or distribution 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 conjunction with and necessary for the furnishing of adequate services by such public utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or conditional uses as established by this ordinance.

47. ESTABLISHMENT: A use, building, structure or premises used for business, office or commercial purposes.
48. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
49. FACTORY BUILT-STRUCTURE: Any structure, building, component, assembly or system made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation, on the building site. Factory-built structures may also mean, at the option of the manufacturer, any structure or building made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Factory-built structure also means “factory-built unit”.
50. FAMILY: An individual or group of persons related to the second degree of collateral consanguinity or affinity by blood, marriage, adoption, guardianship, or otherwise duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; and also includes not more than five (5) unrelated persons living together by joint agreement or occupying a dwelling unit on a nonprofit cost sharing basis.
51. FENCE: Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land.
52. 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.
53. FRONTAGE, STREET: All the property on one side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, than all of the property abutting one side between an intersecting street and the dead-end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.
54. GARAGE: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.
55. GRADE: The elevation or level of the existing surface of the ground adjacent to the exterior walls or proposed walls of the building.
56. HOME OCCUPATION: An accessory use, business, occupation or profession conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and which is clearly incidental and secondary to the residential use and does not change the residential character of the site. Home occupations shall comply with the provisions of Section 11.19 of this ordinance.
57. HOUSE TRAILER: See Mobile Home.
58. HOUSEHOLD: A family living together in a dwelling with common access to all living and eating areas and all facilities within the dwelling.
59. HOUSING UNIT: See Dwelling Unit.

60. IOWA STORMWATER MANAGEMENT MANUAL: The Center for Transportation Research and Education (CTRE) at Iowa State University developed the Iowa Stormwater Management Manual to present planning and design guidelines for the management of stormwater quality and quantity in the urban environment.
61. IMPERVIOUS SURFACES: Surfaces. Impervious surfaces are mainly constructed surfaces (e.g. rooftops, sidewalks, roads, and parking lots) covered by impenetrable materials such as asphalt, concrete, brick, and stone. These materials seal surfaces, repel water, prevent precipitation, and melt water from infiltrating soils. Soils compacted by urban development are also highly impervious.
62. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
63. INDUSTRY: Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.
64. INSTITUTION: A building or premises occupied by a nonprofit corporation or establishment for public use.
65. JUNK (OR SALVAGE): Old and dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof; wagons and other kinds of vehicles and parts thereof; scrap or used building material; scrap contractor's equipment; tanks; cask; cans; barrels; boxes; drums; piping; bottles; glass; old iron; machinery; rags; paper; excelsior; hair; mattresses, beds or bedding; old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, batteries, rubber, debris, waste or used lumber, or salvaged wood; dismantled machinery and appliances or parts of such machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware, or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping or trade. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
66. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or other machines providing means of transportation or portions thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Dickinson County, or any other non-operating vehicle or machinery situated within any yard of any lot or parcel and located in open view to the public for a period of more than thirty (30) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety.
67. JUNKYARD (or SALVAGE YARD): The use of a lot or portion thereof for the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof, including scrap metals, rags or other scrap materials. The presence on any lot, parcel or tract of land, of five 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 or any single unlicensed motor vehicle whether in operable or inoperable condition, shall constitute prima facie evidence of a junk yard. Junkyards include but not limited to wrecking yards, abandoned or used lumber yards, auto salvage yards and places utilized or intended for the storage of salvaged materials and equipment; but not including

uses operating entirely within a completely enclosed building. A solid waste transfer station, recycling center or landfill is not considered a junkyard for purposes of this ordinance.

68. KEYHOLING: The use of a water front property (whether riparian or not) as a common open space giving waterfront access to a larger development located away from the waterfront.
69. KITCHEN: Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.
70. LAND USE: A description of how land is occupied or utilized.
71. LANDSCAPED: An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materials.
72. LOADING SPACE: Any off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than twenty-four hours) of a commercial vehicle while loading or unloading merchandise or materials.
73. LOT: A parcel of land or two or more contiguous parcels used as a single unit as established by plat, subdivision or as otherwise permitted by law used as a unit under the provisions of this ordinance, and having its principal frontage upon a dedicated street or on a lakeshore and consisting of one of the following:
 - a. A single lot of record.
 - b. A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record.
 - c. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.
74. LOT LINES: The property lines bounding a lot.
 - b. FRONT LOT LINE: The front property line of a lot other than a lakeshore lot.
 - c. CORNER LOT LINE: The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.
 - d. INTERIOR FRONT LOT LINE: The front property line of an interior lot shall be the line bounding the street frontage.
 - e. THROUGH FRONT LOT LINE: The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Board of Adjustment shall determine the front property line.

- f. **REAR LOT LINE:** The rear property line of a lot is that lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to the front property line. If the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.

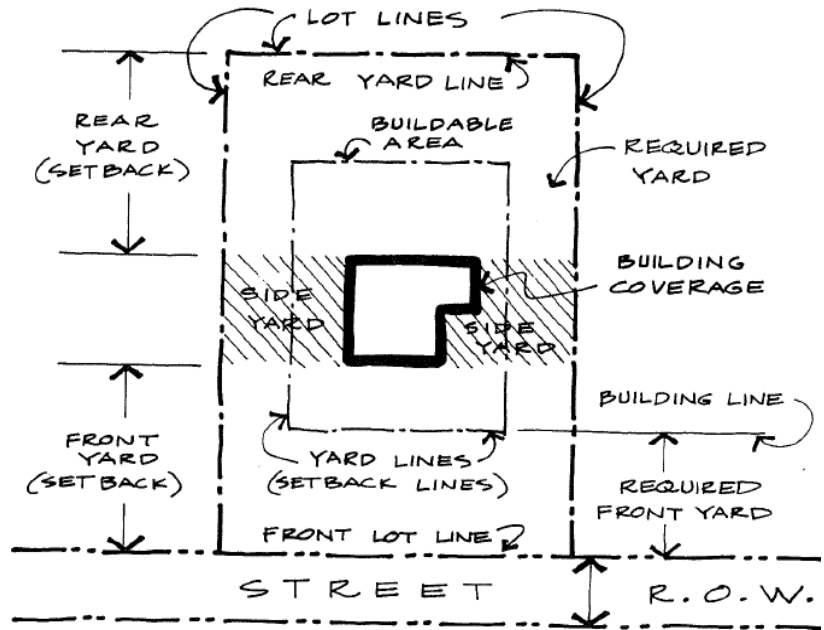


Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

- g. **SIDE LOT LINE:** The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

75. **LOT MEASUREMENTS:**

- a. **LOT AREA.** The gross area exclusive of streets or other public rights-of-way within the boundary lines of a lot.
- b. **LOT DEPTH.** The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-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 lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front 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 setback.

76. **LOT TYPES:**

- a. **CORNER LOT.** A lot located at the intersection of two or more streets. This definition shall not be so interpreted as to include any lot adjacent to the front and/or side of a public access or pedestrian walk way as a corner lot.
- b. **DOUBLE FRONTAGE LOT (THROUGH LOT).** A lot other than a corner lot with frontage on more than one street that does not intersect one another.
- c. **INTERIOR LOT.** A lot other than a corner lot having frontage on one street or public thoroughfare.

- d. FLAG LOT. A lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.
- e. KEY LOT. An interior lot, one side of which is contiguous to the rear line of a corner lot.
- f. LAKESHORE LOT. A parcel of land under one descriptive ownership whether singular, joint or in common, and located in the City of Okoboji, Iowa, and lying adjacent to or within 300 feet of any public lake.

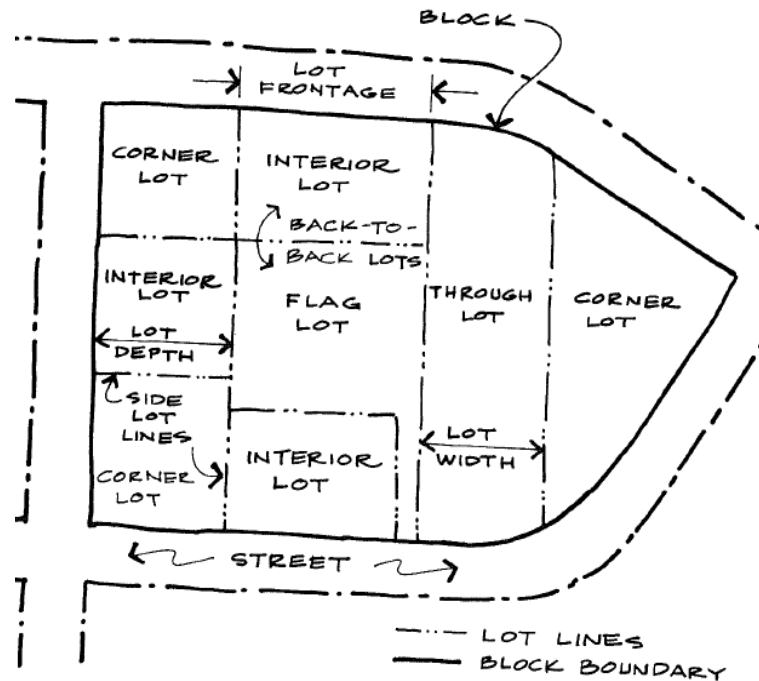


Image Source: *The New Illustrated Book of Development Definitions*, Harvey S. Moskowitz & Carl G. Lindbloom, 1993

77. LOT (or BUILDING) COVERAGE:

The area of a lot covered by roofed areas of buildings or ground level paving.

78. LOT OF RECORD: A lot which is

a part of a legal subdivision of the City of Okoboji, Iowa, the plat of which has been recorded in the office of the County Recorder of Dickinson County, Iowa, or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Dickinson County, Iowa, prior to the effective date of this ordinance.

79. LOW IMPACT DEVELOPMENT (LID): Storm water control strategy that combines resource conservation, a hydrologically functional site design with pollution prevention measures to reduce development impacts to better replicate natural watershed hydrology and water quality. Using several strategies, LID controls runoff discharge, volume, frequency and quality to mimic predevelopment runoff conditions. These development practices relate to lower intensity rains that constitute the vast majority of annual precipitation and the “water quality volume” (WQv) which is defined as the size of storm that will equal or exceed 90% of all rainfall events. The goal is to manage the WQv on-site through infiltration before any runoff is shed. The Statewide Urban Design and Specifications (SUDAS) manual and the Iowa Stormwater Management Manual should be referenced. Examples of low impact development techniques include:

- Rain gardens
- Bio-retention cells
- Bio-swales
- Better site design

80. MARQUEE: See AWNING.

81. MANUFACTURED HOME: A factory-built structure built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, that is required by law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976 certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*)

82. **MANUFACTURED HOME COMMUNITY:** The same as land-leased community defined in Sections 335.30A and 414.28A, Code of Iowa. (*Code of Iowa, Sec. 435.1*) Any site or tract of land upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any building, structures, or enclosure used or intended for use as part of the equipment of such manufactured home community.

A manufactured home community or mobile home park shall not be construed to include manufactured or 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 or students. The manufactured home community or a mobile home park must be classified as to whether it is a “residential” or “recreational” manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential Landlord and Tenant Act, Chapter 562B, Code of Iowa, only applies to “residential” manufactured home community or mobile home park. (*Code of Iowa, Sec. 435.1*)

83. **MANUFACTURED HOME CONVERTED TO REAL ESTATE:** An unencumbered manufactured home attached to a permanent foundation on real estate owned by the manufactured home owner, which has had the vehicular frame destroyed, rendering it impossible to reconvert to a mobile manufactured home. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)

84. **MANUFACTURED HOME SUBDIVISION:** A subdivision designed according to the Okoboji Subdivision Regulations, and is designed only for the location of manufactured homes on lots owned by the manufactured home owner.

85. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it 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 also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is defined as not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. (*Code of Iowa, Sec. 435.1*). All mobile homes shall be located in a mobile home park.

86. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer, or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*)

87. **MODULAR HOME:** A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is

placed outside a manufactured housing community or mobile home park, the home shall be considered real property, assessed, and taxed as real estate. (*Code of Iowa, Sec. 435.1*)

88. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES): Section 402 of the Clean Water Act contains the National Pollution Discharge Elimination System (NPDES) regulations. The key aspect of this section is that any land disturbing activity that affects one (1) acre or more is required to get a NPDES permit from DNR. The application process requires that the applicant certify that an adequate Storm Water Pollution Prevention Plan (SWPPP) has been developed for the site. Applicant is responsible for all fees (permit or advertising).
89. NATIVE PLANT COMMUNITIES: Native plants (also called indigenous plants) are plants that have evolved over thousands of years in a particular region. They have adapted to the geography, hydrology, and climate of that region. Native plants occur in communities, that is, they have evolved together with other plants. As a result, a community of native plants provides habitat for a variety of native wildlife species such as songbirds and butterflies. Native plant species in northwest Iowa include the following:
- a. Butterfly Garden: prairie dropseed, foxtsedge, prairie onion, butterfly milkweed, prairie coreopsis, prairie blazing star, Canada anemone, black-eyed Susan.
 - b. Partial Shade Garden: bottle grass, blue grama, prairie phlox, spiderwort, rough blazing star, mountain mint, zig zag goldenrod, butterfly milkweed
 - c. Tall Prairie Garden: side oats grama, Indiangrass, prairie sage, pale purple coneflower, rigid goldenrod, prairie smoke, large-flowered beardtongue, yellow coneflower.
90. NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
91. NONCONFORMING STRUCTURE (OR BUILDING): A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning regulations codified in this chapter, but which fails to conform to present requirements of the zoning district.
92. OCCUPANCY (or OCCUPIED): The residing of an individual or individuals overnight in a dwelling unit; or the storage or use of equipment, merchandise, or machinery in any residential public, commercial, or industrial building.
93. OFFICIAL (ZONING) MAP: An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
94. OPEN SPACE: Any parcel or area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space is not occupied by structures or impervious surfaces.
95. PARKING LOT (PUBLIC): An open area used for the temporary parking of more than four (4) automobiles and is available for public use whether free or for compensation.
96. PARKING SPACE: An area other than a street or alley reserved for the parking of an automobile, such space having a dimension not less than 200 square feet, plus such additional area as is necessary to afford adequate ingress-egress. Driveways may be considered as parking spaces.

Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this ordinance, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space. Use of pervious surfaces, bio-retention, and bio-swales are encouraged to direct runoff through a system that provides on-site infiltration and filtration.

97. PATIO: A structure made up of cement, asphalt, or wood. Despite its height, length or width, a patio is a structure and is subject to all provisions of this ordinance, including yard setback requirements.
98. PERMANENT FOUNDATION (for manufactured housing or mobile homes): A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. (*Code of Iowa, Sec. 103A.10 & 414.28*)
99. PERSON: An individual, partnership, cooperative, association, organization, corporation or any lawful successor, transferee or assignee of said individual, partnership, cooperative, association, organization or corporation.
100. PERVIOUS SURFACES: A ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils. Examples include turf systems and pervious pavers:
 - a. Concrete Pavers-Uni Eco-Stone: Interlocking concrete paving blocks separated by holes (pores) that are filled with soil and gravel. This grid paving system is designed for commercial and residential vehicle load applications. Drainage openings in the paving surface allow storm water to infiltrate.
 - b. Concrete (Open-cell) Pavers-Turfgrid: The Turfgrid paving system offers an open-cell concrete structure with 40 percent open area designed to be planted with turf. The system protects turf roots and soil from compaction due to foot and vehicle traffic.
 - c. Recycled Plastic Pavers-Grasspave: Grasspave is similar to the Turfgrid system (above) which provides for turf planting, but is manufactured with 100% recycled plastic. This paving system offers load bearing strength while protecting vegetation root systems from compaction. Open cells enable root development and storage capacity for rainfall from storm events.
101. PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, specified in this ordinance, developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
102. PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.
103. PREMISES: A lot or tract of land and any structure located thereon.
104. PROHIBITED USE: Any use that is not permitted in a zoning district.

105. **PROPERTY:** A lot, parcel, or tract of land together with the buildings and structures located thereon.
106. **PUBLIC ACCESS:** A tract of land of any dimension adjacent to and fronting on a body of water that has been dedicated to the use of the general public and is by matter of record owned and under the control of the City of Okoboji.
107. **PUBLIC LAKE:** All lakes bordering the City of Okoboji, Iowa under the ownership and control of the State of Iowa or any subdivision thereof.
108. **PUBLIC NOTICE:** The publication of the time and place of any public hearing for zoning purposes being not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city. However, a zoning amendment may not be made except at a regular session of the City Council.
109. **RAIN GARDENS:** Rain gardens are vegetated depression used to promote infiltration of storm water runoff. Depth varies between 6 and 18 inches. Vegetation is vital to the proper function of a rain garden. The plants in the rain garden help to infiltrate the water and trap pollutants for a very low cost. Rain gardens can be incorporated into many different areas, such as: front and backyards of residential areas, parkway planting strips, road shoulder rights-of-way, parking lot planter islands and under roof downspouts.
110. **RECREATION:** Any activity that diverts or stimulates. Recreation includes activities that refresh and recreates; activity that renews your health and spirits by enjoyment and relaxation.
111. **RECREATIONAL PURPOSE OR USE:** Any public or private recreational building, structure, or use, whether the principal or accessory use of a property. Recreational purpose or use may include, but is not limited to, public and private golf courses, Iowa Great Lakes trail, recreational trails, leisure or sporting buildings and uses.
112. **RESIDENTIAL PURPOSES:** The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons, on a permanent or semi-permanent basis of an intended tenure of one (1) month or more. It is the intent of this definition to prohibit rental of residential property for an incidental term of 30 consecutive days or less.
113. **ROAD OR STREET LINE:** The dividing line between a lot, tract, or parcel of land and the right-of-way line of a contiguous road, street, or alley.
114. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products or other goods.
115. **SEDIMENT:** Detached particles of soil that move via an erosion process.
116. **SIGN:** An identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, persons, institution or business.
117. **SETBACK:** See also **BUILDING LINE**.
118. **SILT SCREEN:** A fencing screen material manufactured for the purpose of capturing and maintaining soil, silt and sediment from water and gravity runoff from a land slope. Silt screen

supported by posts to form a continuous soil, silt or sediment barrier is called a silt screen fence.

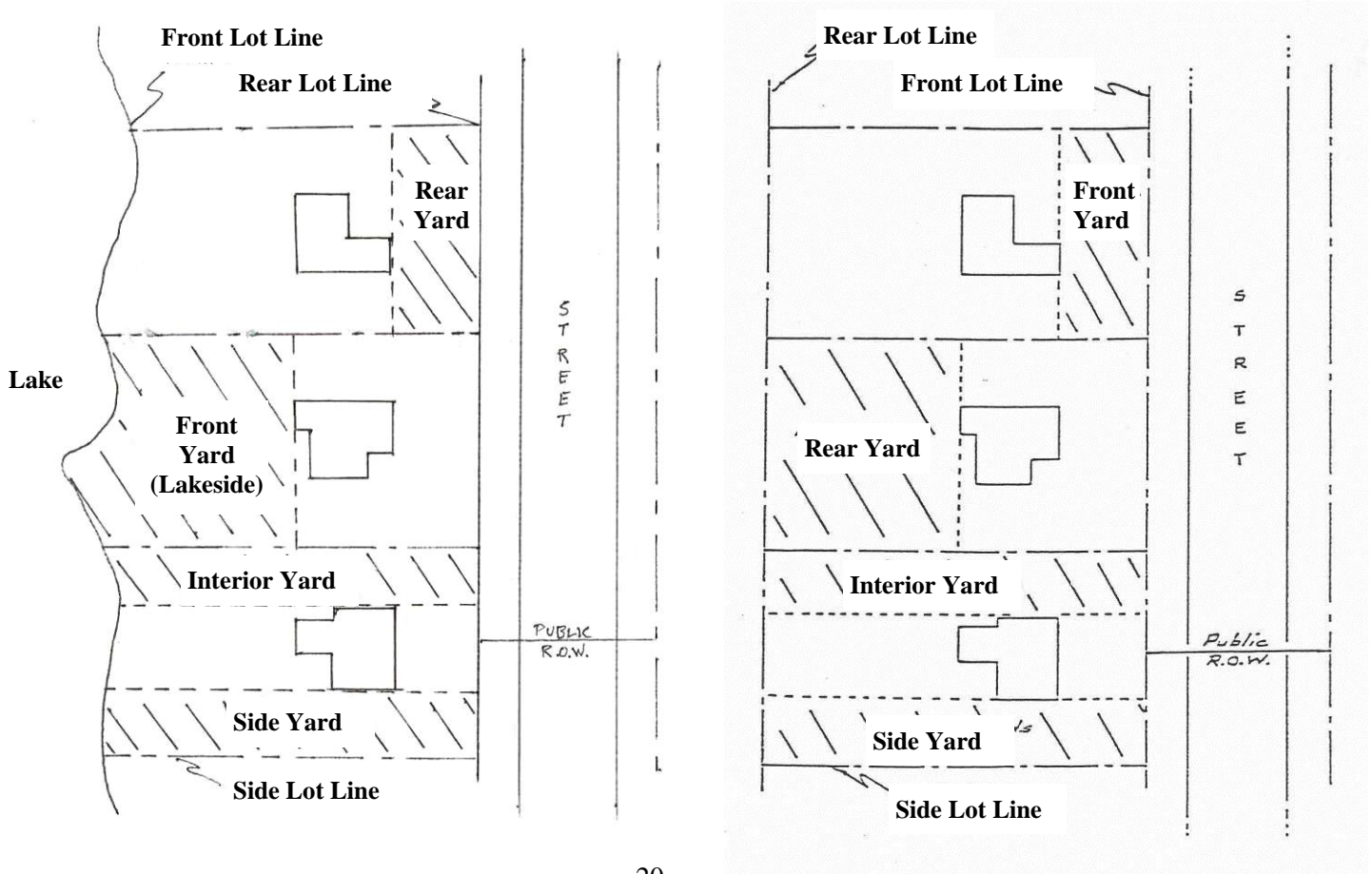
119. SILTATION: The deposition of sediment moving via the erosion process. Deposition is usually considered to occur off-site from where the erosion that is generating the sediment is occurring.
120. SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land.
121. SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
122. SPRAWL (or URBAN SPRAWL): Uncontrolled growth, usually low-density in nature, in previously rural areas and some distance from existing development and infrastructure.
123. STORM WATER TREATMENT TRAIN: Storm water treatment designed to mimic the hydrologic behavior of the native ecosystems of the tall grass prairie region, which absorbed and infiltrated most rainfall. Storm water is conveyed via a vegetated swale rather than a storm sewer. Where possible, storm water should be delivered to a vegetative site for filtering and infiltration. Excess runoff should be directed to a wetland where possible for further filtration. Pollutants such as sediment, phosphorus, nitrogen, metals and hydrocarbons are significantly reduced by the treatment train before runoff enters the receiving water bodies.
124. STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.
125. STREET, PUBLIC: A public thoroughfare affording the principal means of access to abutting properties.
126. STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street. (See FRONT LOT LINE)
127. STRUCTURE: Anything that is built, constructed, moved, located or erected with a fixed location on the ground, or attached to something having a permanent location on the ground. Among other things structures include buildings, mobile homes, manufactured home, decks, carports, walls, fences, signs, light standards, towers, tanks, billboards, and uncovered steps.
128. SUBDIVISION: A division of a lot, tract or parcel of land into two or more lots, plats, sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided. If a new street is involved, any division of a parcel of land or the division into two or more parts of any residential lot shall also be deemed a subdivision.
129. STATEWIDE URBAN DESIGN AND SPECIFICATIONS MANUAL (SUDAS): www.iowasudas.org: The Center for Transportation Research and Education at Iowa State University has developed Iowa's SUDAS manuals for public improvements. The manuals include design and construction details that are unique to specific jurisdictions across the state. They also address conditions, like materials availability and soil conditions that may vary among the six state Iowa DOT districts.

130. **SUBSTANDARD LOT (or NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record prior to the enactment of this ordinance.
131. **SWIMMING POOL:** Any permanent or seasonally permanent structure capable of holding water of a minimum depth of eighteen (18) inches or more in a natural, artificial or semi-artificial receptacle designed or used for swimming, wading or bathing. Swimming Pools shall be considered a structure for the purpose of this ordinance and shall be required to meet the required yard setbacks. Rain gardens used for storm water management should not be considered as a “swimming pool” under the definition herein stated.
132. **TEMPORARY STRUCTURE:** A structure without any foundation or footings, or that is not permanently attached to the ground, and is removed when the designated time period, activity or use has ceased.
133. **TENT:** Any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas or any light material, either attached to a building or structure or unattached.
134. **TRAVEL TRAILER (OR RECREATIONAL VEHICLE):** A vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade (or use as a selling or advertising device), and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks. Such vehicle shall be customarily or ordinarily used for, but is not limited to vacation, recreation purposes, pickup campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and snowmobiles. Recreational vehicles are not intended as a place of permanent human habitation.
135. **TRAVEL TRAILER (OR RECREATIONAL VEHICLE) PARK:** Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied mobile homes, travel trailers, pickup campers, converted buses, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes.
136. **TRELLIS/ARBOR:** A frame not exceeding nine (9) feet in height or four (4) feet in width supporting open lattice work used for training vines and other climbing plants. When two or more are grouped as a common facility with the intent to screen or enclose, it shall then fall within the definition of a fence.
137. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
 - a. Principal Use: Any use which is the primary function of a lot or structure.
 - b. Permitted Use: Any use permitted as a matter of right when conducted in accordance with the regulations established by this chapter; of which fulfills the primary function of a household, establishment, institution, or other entity.
 - c. Conditional Use: A use allowable solely on a discretionary and conditional basis subject to a conditional use permit, and to all other regulations established by this chapter.

- d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building on the same site.
- 138. **UTILITY**: A utility owned and operated by any governmental body or franchised by any governmental body.
- 139. **VACANCY**: Any unoccupied land, structure, or part thereof available or suitable for occupancy.
- 140. **VALUATION**: The one hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.
- 141. **VARIANCE**: A relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the result of the actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts.
- 142. **YARD**: An open space, other than a court, on the same lot, unoccupied and unobstructed from the ground upward, except for landscaping and other such uses and structures as may be permitted in this ordinance. A yard shall be measured exclusive of any public right-of-way.

Lakeshore yard areas

All other yard areas



- a. Front Yard: The yard area extending across the full width of the lot and measured between the front lot line and the building. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has been addressed.
 - b. Interior Yard: The yard area, not adjacent to a street, which is determined on the basis of an interior lot line.
 - c. Rear Yard: The yard area extending across the full width of a lot and measured between the rear lot line and the building or other supporting element, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.
 - d. Side Yard: The yard area lying between the front and rear yards and measured between the side lot line and the nearest principal building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.
143. **ZERO LOT LINE**: A development concept wherein a side wall of the building is located directly on or immediately adjacent to the property line of the real property.
144. **ZONING**: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
148. **ZONING ADMINISTRATOR**: The individual appointed by the Okoboji City Council to administer and enforce compliance with this ordinance; and to issue zoning permits.
149. **ZONING PERMIT**: A permit issued and enforced by the Zoning Administrator, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, conditional use or authorized variance.
150. **ZONING DISTRICT**: A designated land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this zoning ordinance.
151. **ZONING LOT**: A tract of land, parcel or multiple contiguous parcels of land under single ownership large enough to meet the minimum zoning requirements of the zoning district; and can provide the required yard areas and other required open spaces.

Section 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of land use definitions is to provide a consistent set of terms encompassing and defining those land uses permitted by right or conditional use in the zoning districts, and to provide a procedure for determination of the applicable land use definition of any activity not clearly within any defined land use definition. In event of any question as to the appropriate land use definition of any existing or proposed use or activity, the Zoning Administrator shall have the authority to determine the definition, subject to the right of appeal pursuant to Section 17.3. In making such determinations, the Zoning Administrator shall consider the characteristics of the land use in question, and consider any functional, product, service, or physical requirements common with similar uses cited as examples of land use definitions.

2.2.1. AGRICULTURE & CONSERVATION LAND USE DEFINITIONS:

Agricultural use types include the on-site production of plant and animal products. Conservation use types include environmentally sensitive areas that may be or eligible to be designated or protected from other developments.

1. *Agriculture*: The use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities.
2. *Animal Husbandry*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats or other similar animals. Such uses conducted in confined animal feeding operations are not permitted within the city limits of Okoboji. Agricultural animals (not including usual domesticated pets) shall only be allowed within the city limits of Okoboji under conditional use of the Board of Adjustment.
3. *Agricultural Storage Buildings*: Buildings or structures used and intended for the housing, storage and maintenance of machinery, equipment, supplies, products, and vehicles used for agricultural purposes. This does not include the use of buildings for rent or profit, or any commercial purposes for non-agricultural related vehicles including recreational vehicles.
4. *Conservation Areas*: Environmentally sensitive and valuable lands protected from intense land use that may alter the ecological integrity, balance or character, except in overriding public interest, including but not limited to wetlands, floodways, floodplains, drainage ways, river or stream banks, and areas of significant biological uniqueness.
5. *Crop Production*: The raising, harvesting, handling, storage, packaging, processing and transportation of tree crops, row crops, field crops or any other agricultural commodity.
6. *Critical Area*: A natural feature in need of preservation from encroaching land uses. Such areas may include, but not limited to sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service (NRCS), areas of excessive slope, natural marshes, sloughs, fens, woodlands, and floodplains as defined by FEMA.
7. *Farm*: An area under single ownership used for agriculture that produces usual farm products and commodities such as vegetables, fruits, seed crops, crops and grains for commercial purposes. Farming does not include commercial feeding of animals or poultry, or confined animal operations.

8. *Farm Dwelling, Principal*: A dwelling located on a farm and occupied by the owner or operator of the farm or renter.
9. *Farm Dwelling, Support Housing*: The occupancy of living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the performance of agricultural labor on the same property as the support housing.
10. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream, river, lake or other body of water that has historically or may potentially be covered by flood waters.
11. *Horticulture*: The growing of horticultural and floricultural, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
12. *Stable (Private)*: A detached accessory building or structure used or intended for the keeping of horses belonging to the owner of the property and not kept for remuneration, hire or sale.
13. *Stable (Public or Riding)*: A building or structure used or intended to be used for the housing, riding or exhibiting of horses. Riding instructions may be given in connection with a public stable or riding academy.
14. *Stable (Riding Club)*: A building or structure used or intended to be used for the housing, riding, or exhibiting of horses by a group of persons for noncommercial purposes.
15. *Undeveloped or Unimproved Land*: Land in its natural state before development.
16. *Wetland*: An area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
17. *Wildlife Management Area/Preserve*: Areas designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected.
18. *Viticulture or Viniculture*: The cultivation of grapes often for the use in production of wine products. Grapes are grown for fresh fruit, dried fruit or for grape juice, which can be used (amongst others) to produce wine. Note: wine-making or production facilities and associated retail or commercial wineries are not considered an agricultural use.
19. *Water Control Structures, Irrigation or Retention Basins*: Fabricated structures intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from developments or agricultural land.
20. *Winery*: A building(s) in which wine and associated alcoholic beverages are produced and sold on the premises; and associated with viticulture on the same or adjoining tracts. A winery may include, but not limited to, associated food and beverage services, wine tastings, conference or entertainment space, and retail or gift shop sales.

2.2.2. RESIDENTIAL LAND USE DEFINITIONS:

Residential use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as prisons or detention centers.

1. *Apartment*: A room or set of rooms, occupied as a dwelling unit, which is part of a multi-family structure containing cooking and housekeeping facilities for each dwelling unit.
2. *Condominium*: A multiple dwelling with three (3) or more dwelling units whereby the title to each unit is held in separate ownership and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
3. *Cooperative Housing*: A form of ownership whereby the owner of stock in a cooperative apartment or housing corporation pays a proportionate share of the interest and real estate taxes paid by the corporation. Once the prospective tenant has bought the requisite number of shares for the unit, the corporation issues the tenant a long-term lease on the unit, called a proprietary lease.
4. *Cottage (or Tourist Cottage)*: A single-family dwelling used as one of the units of a tourist park or a small single unit structure used for vacation or vacationers occupancy, and not used as a residence for the entire year.
5. *Elder Family Home*: Shall mean 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, which is registered as an elder family home with the state department of elder affairs in accordance with Iowa Code§ 231A.2.
6. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
7. *Kennel, Private*: (as an accessory to residential uses) A building or structure designed or arranged for the keeping and care of no more than two (2) dogs, cats or other domesticated animals over the age of 6 months belonging to the owner of the principal use, or for purposes of show or hunting.
8. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks or subdivisions and manufactured housing communities.
9. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units, within one or more buildings.
10. *Personal Recreational Facilities*: (as an accessory use to residential uses) Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to permanent swimming pools or tennis courts.
11. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Okoboji, or an

existing residential structure relocated from another location from within the community to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a zoning permit prior to moving a building or structure in Okoboji.

12. *Residential Convenience Service*: A use or activity of a commercial nature conducted as an accessory use to multiple family residential, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof. Typical uses may be permitted by conditional use within the above mentioned districts and include but not limited to eatery, café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board of Adjustment.
13. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
 - a. *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - b. *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
 - c. *Nursing or Convalescent Home*: A building or structure containing sleeping rooms where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons; and where patients are kept and provided with food and shelter for compensation. This shall not include insane, mental, inebriate or contagious cases.
14. *Residential Renting*: See Definition No. 112 Residential Purposes in Section 2.1.
15. *Single Family Residential*: The use of a site for only one (1) dwelling unit.
16. *Townhouse Residential*: The use of a site for three (3) or more dwelling units constructed with common or adjacent walls, and each located on a separate ground parcel.
17. *Two Family Residential (duplex or twin home)*: The use of a site for two (2) dwelling units on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS:

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for executive, management, or administrative services. Typical uses include but not limited to administrative offices, real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.

2. *Agricultural Sales and Services*: Establishments or businesses engaged in sale of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include agricultural nurseries, hay, feed and grain stores, and tree service firms.
3. *Automotive Repair Services*: A structure or site in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care and minor servicing is an accessory use.
4. *Automotive Sales or Rental*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats; including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, boat, trailer and recreational vehicle dealerships.
5. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to car washes or truck washes. Does not include large truck cleanouts or wash outs.
6. *Automobile Wrecking Yard*: Any lot, or any portion of a lot, for the dismantling or wrecking of automobiles, farm machinery, or motor vehicles; or for storage or sale of parts and equipment resulting from such dismantling or wrecking. (See also: Junkyard)
7. *Bar*: Any establishment or place of business whose principal business is serving alcoholic beverages for consumption on the premises; and where music, entertainment, or both may be provided to patrons of the establishment. Food may also be served as an incidental service. Adult entertainment dancing or specified sexual activities shall be prohibited from any bar not classified as an adult entertainment business.
8. *Business Support Services*: Establishments primarily engaged in the provision of maintenance and custodial services to other businesses, along with businesses engaged in the sale, rental or repair of equipment and supplies used by professional establishments. Typical uses include but not limited to janitorial, maintenance and cleaning services, office equipment supply, business machine repair, or hotel equipment and supply firms.
9. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
10. *Community Center*: A place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
11. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry or other animals are offered for sale for profit to persons who bid in competition with each other.
12. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.

13. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - a. *Indoor Entertainment and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, ice and roller skating rinks, arcades, motion picture theatres, meeting halls, dance halls.
 - b. *Outdoor Entertainment and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to sporting arena, swimming pools, tennis courts, racquetball courts, racing facilities, go-kart track, amusement part, drive-in theater, or driving range.
14. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
15. *Condominium or Business Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single or business ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium or business storage must be designed in a way that each unit maintains a separate entrance.
16. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
17. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
18. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
19. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage or servicing of vehicles shall be prohibited.
20. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.

21. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, farm implement dealerships and mobile home sales establishments.
22. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
23. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial, arranging, and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
24. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; automotive parts and accessories; grocery stores; delicatessens; meat markets; retail bakeries and candy shops.
25. *Golf Course*: Land area and buildings containing golf course, club house, restaurant and lounge, swimming pool and tennis courts, and other services or buildings typically associated with the operation of a golf course or country club.
26. *Health Club or Health Recreation*: Privately owned for-profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments that may include exercise equipment, locker rooms, whirlpool spa or sauna and pro shop.
27. *Hospital Services*: An institution for the diagnosis, care or treatment of two or more unrelated persons suffering from illness or injury, or for the rendering of obstetrical or other professional medical care or emergency. (For purposes of this definition, nursing care shall not be construed to be professional medical care.)
28. *Kennel, Commercial*: A commercial establishment in which 1) dogs, cats or other domesticated household pets, regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, animal beauty parlor or pet shop, as permitted by law; or 2) the keeping of three or more dogs, cats or other domesticated household pets, six months or older, on premises for residential purposes; or 3) the keeping of more than one dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel.
29. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.

30. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
31. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.
32. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
33. *Nursery*: The use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.
34. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
35. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundromat or apparel cleaning services.
36. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
37. *Professional Office*: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering and other occupations customarily considered a profession.
38. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
39. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. Typical uses include but not limited to restaurants, eateries, bar & grills, and other similar establishments with incidental alcoholic service.
40. *Service Station*: A retail place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed directly into the motor vehicle. Sales and installation of auto

accessories, washing, polishing, inspections and cleaning may be carried on incidental to the sale of such fuel and lubricants.

41. *Shopping Center*: A grouping of retail business and/or service uses on a single site with common parking facilities.
42. *Tattoo parlor or Tanning salon*: Any business or establishment incorporating the use of tattooing, permanent ink, body piercing, tanning booths, tanning beds or other similar uses.
43. *Vehicle Storage*: Long term storage of operating or non-operating vehicles, including but not limited to automobiles, trucks, heavy equipment, motorcycles, boats or recreation vehicles. Typical uses include but not limited to parking lots, paid long term storage or sales lots, tow-aways or impound yards, excluding dismantling or salvage.
44. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
45. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - a. *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - b. *Hotel-Motel*: A building or group of buildings occupied as the temporary residence of individuals who are lodged, with or without meals, and in which there are six or more sleeping rooms or suites of rooms. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
 - c. *Apartment Hotel*: A building designed for or containing both individual guest rooms or suites or rooms and rooms or suites of rooms for dwelling units.
 - d. *Bed & Breakfast*: A private, owner-occupied housing unit, or portion thereof, providing up to six (6) sleeping rooms for rent to the general public. In any residential district, meals shall only be served to those taking lodging in the facility and the owners and employees of the operation. Individual units designed to be rented shall contain no cooking facilities.
 - e. *Boarding House*: A building, other than a hotel or motel, where for compensation, meals and lodging are provided for more than three (3) persons not defined as a family.
 - f. *Resort Enterprise*: Any building or group of buildings containing guest rooms offered for rent primarily for temporary occupancy (less than 31 days or one month). Such buildings may include quarters for the boarding of employees.
 - g. *Commercial Cottage*: A single family dwelling unit rented to the general public for a fee for periods not exceeding one calendar month or 31 days.
 - h. *Timeshare*: The ownership of any structure by three (3) or more unrelated persons in which occupancy by shared owners occurs at varying times throughout the year.
46. *Wind Energy Device*: Any device such as a wind charger, windmill, wind generator or wind energy conversion system (WECS) which converts wind energy to a form of useable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS:

Industrial use types include the on-site extraction or production of goods, and storage and distribution of products.

1. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
2. *Custom Manufacturing*: Establishments engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making, glass blowing or custom jewelry.
3. *Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for sale. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.
4. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or manufacturing which involves hazardous or commonly recognized offensive conditions.
5. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing.
6. *Recycling Plant*: A facility, other than a junkyard, where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
7. *Research Laboratory and Production Services*: A building or group of buildings engaged in scientific research, investigation, testing, or experimentation, including animal or human products testing; and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory. Typical uses include but not limited to animal/human research labs, research and development or pharmaceutical research labs.
8. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel excavation operations, oil and gas extraction, and mining operations. This shall not include the cut and fill process to level or terrace an agricultural property, pits owned and/or operated by the county and state and a construction site.
9. *Sanitary Landfill (or Dump)*: A place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
10. *Scrap and Salvage Services*: Businesses primarily engaged in storage, sale, dismantling or other processing of used or waste materials not intended for reuse. Typical uses include but not limited to scarp or storage yards, junkyards or salvage yards.

11. *Truck Repair*: The repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses
12. *Warehousing and Distribution*: A use, establishment or place of business engaged in storage, wholesale, and distribution and handling of manufactured products, supplies, and equipment, other than live animals and plants.

2.2.5. CIVIC & PUBLIC LAND USE DEFINITIONS:

Civic use types include utility, educational, recreational, cultural, medical, safety, governmental, and other uses strongly vested with public or social importance.

1. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
2. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
3. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.
4. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation or exhibition of objects of permanent interest in the arts and sciences.
5. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as specified by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
6. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
7. *Education Facilities*: A public, private or parochial school, nonprofit institution or facility which conducts regular academic instruction at elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, nonprofit research institutions and religious institutions.
8. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
9. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
10. *Major Utility Facilities*: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
11. *Park and Recreation Services*: Publicly or privately owned parks, playgrounds, open spaces, and swimming pools.

12. *Pre-Kindergarten, Preschool, or Nursery School*: Any private agency, institution, establishment or place that provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of pre-school age.
13. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
14. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
15. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
16. *Treatment Services*: A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.