

ARTICLE XI General Regulations

Article 11: General Regulations

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Section 11.1. INTENT.

The regulations set forth in this Article qualify, supplement and/or modify the zoning district regulations set forth elsewhere in this ordinance. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

Section 11.2. LOT OF RECORD.

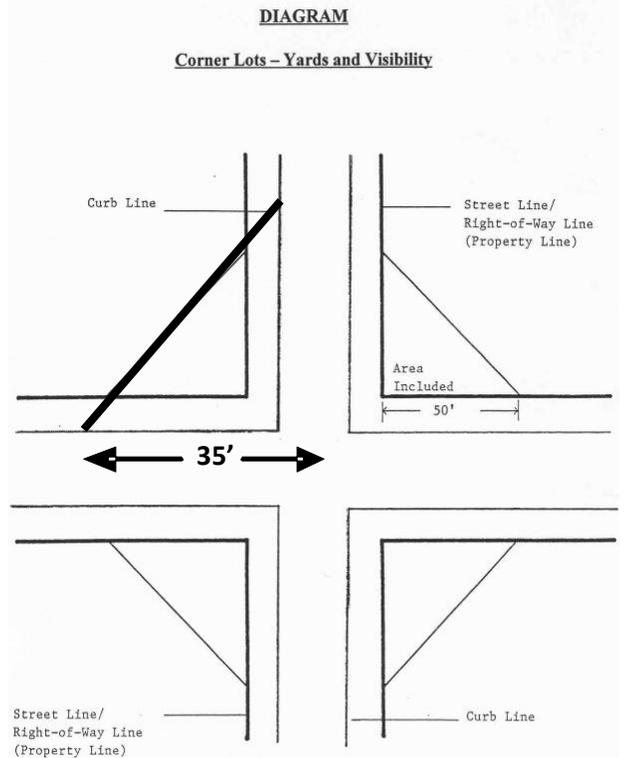
In any residential zoning district, every single family dwelling hereafter erected may be located on a lot of record regardless of the size of the lot provided all other requirements of this ordinance are met. Only one principal building will be permitted on one lot of record, except in a planned unit development. In a planned unit development, before a zoning permit can be granted, an application for a zoning compliance permit shall be submitted for approval. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards on each side of the dwelling. However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into one zoning lot and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

Section 11.3. YARD REGULATIONS.

1. *Projecting Overhangs on Structures.* The ordinary horizontal projections from buildings including eaves, sills, fascia, cornices or other similar architectural and ornamental features, excluding gutters, shall not project or encroach into any required yard setback.

2. *Other Exceptions to Yard Requirements.* Every part of a required yard shall be open from the ground to the sky, unobstructed with any building or structures. Specifically, along side yards, the first five feet (5') closest to the side property line shall maintain a free and clear space unobstructed from the ground to the sky. Egress windows and window wells are permitted within the five feet (5') free and clear area so long as the exposed area is covered with a non-collapsible cover. Outside of the five feet (5') free and clear space along side yards, typical ancillary equipment such as air conditioning systems may encroach into yard areas. Utility connections attached to a building or structure such as electricity, cable, communications or other utilities are permitted within the 5' free and clear side yard area.
3. *Double Frontage Lots (Through Lots).* Buildings on double frontage lots extending through from street to street shall be permitted ingress-egress from only one of the streets. Buildings on double frontage lots (or through lots), extending from street to street, shall provide the required front yard on both streets.
4. *Corner Lots.* On any corner lot, the depth of a front yard or side street yard abutting a street shall be measured from the proposed right-of-way lines shown on the official street plan. On corner lots of record and platted corner lots at the time of the effective date of this ordinance, the same regulations for the street side yard shall apply as for the front yard, except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this ordinance, to less than twenty-two feet (22').

5. *Line of Site Visibility (Vision Clearance).* On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede or obstruct vision between a height of two and one-half feet (2½') and ten feet (10') above the ground within a triangular area formed, by connecting a point at the center of the curb radius with two points that are thirty-five feet (35') from the center of the curb or road surface radius as measured along the curb or road surface. (see diagram to the right)



Section 11.4. STEPS, DECKS AND PATIOS.

1. Steps shall not encroach or project into any yard setback.
2. Decks of any height, including ground level decks, shall conform to required setbacks and shall not encroach or project into any yard setback.

3. Open patios and other concrete structures, including driveways, sidewalks, and concrete walkways may be permitted, but shall conform to required setbacks shall not encroach or project into any yard setback.

Section 11.5. FENCES AND HEDGES.

In any district, fences and walls not exceeding six feet (6') in height are permitted within the limits of side, rear and front yards, except that no fence or wall shall be permitted within the front yards of the R-3 Lakeshore District (except earth retaining walls). Fences may not extend beyond the front line (lakeshore side) of the principal dwelling in the R-3 Lakeshore District. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

1. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to Board of Adjustment approval. Private swimming pools in any residential district shall be completely surrounded by a fence or wall not less than six feet (6') in height and at least four feet (4') from each side of the pool. Such fence or wall shall be non-climbable and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between the fence posts.
2. In any district where a fence or wall is required by a section of this ordinance, the subdivision regulations ordinance or any other ordinance, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of Paragraph 1 above, shall yield to the requirements of the specific ordinance.
3. Fences shall not be constructed of corrugated tin, metal, or fiberglass; sheet metal or fiberglass, or non-treated wood products. Fences may be constructed from treated wood products; non-decomposing natural wood products such as cedar, redwood, etc.; chain link, molded plastic or wrought iron. The Board of Adjustment may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to a completed and approved zoning permit.
4. Determining the maximum height for fences and walls shall be made by measuring from the natural grade of the lot adjacent to the fence to the top of the finished fence structure. Fences and walls on a corner lot shall comply with the vision clearance requirements of Section 11.3(5).
5. Disputes between two adjacent property owners concerning plantings, trees, bushes or hedges obstructing views, sunlight or air shall be considered a civil matter between parties and shall be resolved in a court of law as a civil proceeding.

Section 11.6. TENNIS COURTS AND RACQUET BALL COURT REGULATIONS.

1. Tennis courts and racquet ball courts in any residential districts must be constructed at least thirty feet (30') from what is customarily considered to be the front lot property line.

2. Tennis court and racquet ball court fencing must be located at least ten (10) feet from the side and rear lot lines.
3. Tennis court and racquet ball court fences may not exceed ten feet (10') in height.
4. Lighting of tennis courts and racquet ball courts shall be directional lighting pointed away from neighboring property owners, and may be permitted upon approval of the Board of Adjustment. Upon written complaint of any adjacent property owner, the lights may not be illuminated after 10:00 p.m.

Section 11.7. STREET FRONTAGE REQUIRED.

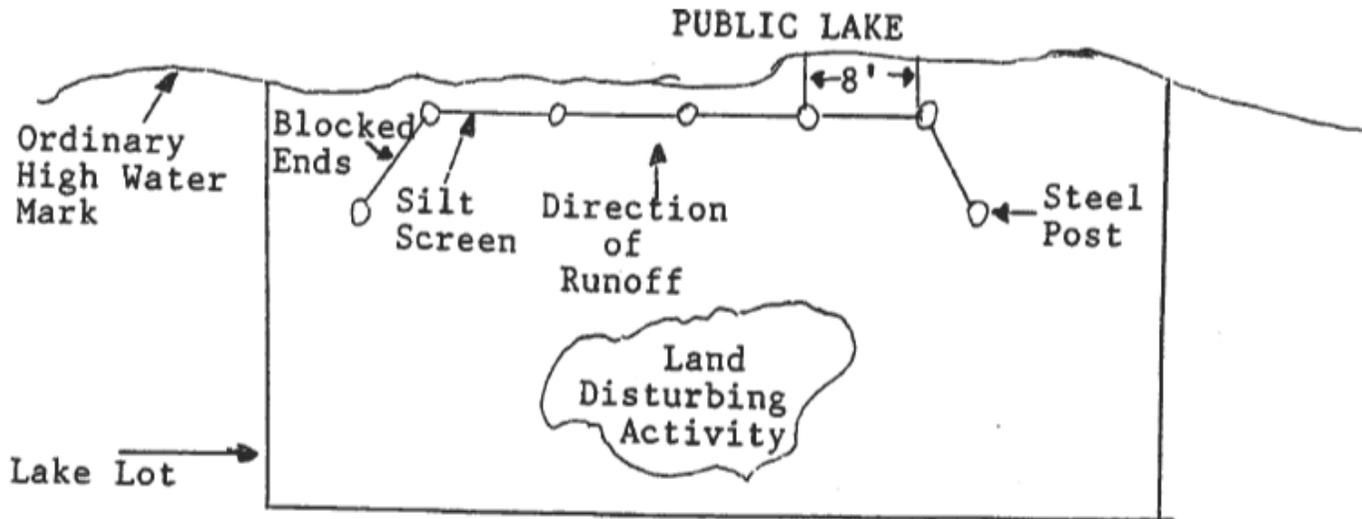
Except for nonconforming lots as permitted in Section 14.3 of this Article, no lot except a lakeshore lot, shall contain any building used in whole or in part for residential purposes unless such lot abuts at least forty feet (40') on at least one street or right-of-way, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty feet (20') wide to a street; and there shall be no more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet (50') wide shall be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings. In all cases, the use of pervious surfaces should be emphasized. The use of impervious surfaces should be mitigated with low impact development designs to assist in storm water management on the property.

Section 11.8. SILT CONTROL AND SILTATION FENCING.

Requirements:

1. The silt screen fence shall be installed below the direction of run-off from the lake lot between the land disturbing activity and the ordinary high water mark of the public lake in a manner suitable to the lake lot so as to be most effective in preventing siltation of lake lot soil into the public lake.
2. The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence in order to protect the public lake from siltation from the entire land disturbing activity area. Silt fence should be spaced so that not more than one-fourth acre of land drains into 100 feet of silt fence run. The bottom edge of a silt fence should equal the top elevation of the next fence downstream, especially when the slope is steep or the flows are concentrated. The spacing of silt fence on a slope should never be more than 100 feet to keep drainage areas to one-fourth acre per 100 foot of run.
3. The silt screen shall have a minimum width of 24" and be installed in such a manner so that the bottom of the screen is tucked into the surface of the lake lot a minimum of 6" by ripping a narrow slit and simultaneously tucking the fabric into the ground and compacting the slit, thus reducing the chance of piping under the fence.
4. The silt screen fence support posts shall be made of steel and be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and adequate support of the silt screen.

5. An alternative solution to erosion control and siltation management may be proposed to the administrator such as the use of compost blankets. Any alternative method must be approved by an authorized environmental engineer. The Statewide Urban Design and Specifications manual (SUDAS) can be used if erosion is kept to acceptable levels and contains sediment on site. In addition, section 402 of the clean water act, which contains the National Pollution Discharge Elimination System (NPDES) regulations should be referenced. With a development of 1 acre or more, it is required to exhibit to the city a copy of the NPDES permit before approval of a plat can be made.



Duration: The silt screen fence or alternative method of erosion control shall remain in place on all lots and be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation exists to prevent any run-off siltation from the lot into the public lake. Before the silt screen fence is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of lake siltation. National Pollution Discharge Elimination System (NPDES) and Statewide Urban Design and Specifications Manual (SUDAS) consider the site stabilized when 70% of the soil surface is vegetated. Erosion and siltation control practices must remain in place until the site is stabilized, as defined by SUDAS.

Section 11.9. STORM WATER MANAGEMENT.

Storm Water Best Management Practices (BMPs) can be used for storm water management. Many specific BMPs are structures or techniques that directly affect run off rates, volume, and quality from developed areas, bringing them closer to their pre-development states. This kind of storm water BMP works by re-creating or reproducing the effects of water-budget elements that have been damaged by urbanization. These elements include:

1. Evaporation and transpiration (where vegetation has been removed),
2. Infiltration (impervious surfaces prevent natural flow of runoff and can be enhanced by bio-processing of pollutants by the use of vegetative plantings adjacent to the impervious surfaces),

3. Filtering (impervious surfaces prevent filtering of sediment,
4. Detention (impervious surfaces erase the effect of methods to slow down the flow of runoff such as the use of ponds, wetlands, and other bio-swale designs. Impervious doesn't erase the effect of detention ponds; it does increase the sizing due to larger volumes of runoff that must be controlled.
5. Detention (dry) ponds traditionally have not been a water quality practice but a flood control practice.
6. Retention ponds (permanent water) do provide water quality benefits, primarily sediment trapping.

Section 11.10. KEYHOLING.

With respect to any parcel of land contiguous to a body of water (whether riparian or not) and situated in any residential zoned district (R-1, R-2, or R-3), said parcel of land may be dedicated for the purpose of providing access to the body of water (whether by easement, license, dedication, share ownership or declaration to horizontal property regime), the access privilege of which is to be reasonably enjoyed by owners or occupants of other lots, units or holders of share interests, so long as at least 25 lineal feet of water frontage shall be reserved therein for each lot, each unit or each share interest so served; provided no such parcel of land so situated shall have less than 100 feet of water frontage.

Section 11.11. BLOCK FRONTAGE CONTINUITY (IN FRONT YARDS & LAKESHORE YARDS)

In any residential district there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided however that where lots comprising thirty percent (30%) or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard minimum requirements shall be the average setbacks of the existing buildings within 200 feet of either side of the property proposed to be developed. Where there are existing buildings on only one side, then the setback line shall be established by a line projected from the average setbacks of the existing buildings within 200 feet of the one side where existing development exists. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots, shall not be counted. The front yard depth of any lot abutting a street shall be measured from the proposed right-of-way lines shown on the official street plan.

Section 11.12. ACCESSORY BUILDINGS AND USES.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses. Principal uses specified as permitted uses or conditional uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and historically associated with and are appropriate, incidental, and subordinate to such principal or conditional uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations. Accessory buildings and uses historically incidental to that of the principal building or use may be erected, placed,

constructed, moved, or established as permitted; provided they comply with the following limitations:

1. An accessory building, excepting one housing animals or fowl, may be erected within the permissible building area of a lot.
2. An accessory building may be attached to the principal building by breezeway or similar covered walkway, but if so connected shall be considered as part of the principal building and conform to the bulk regulations of the lot. In this instance, attached shall be considered a shared roof line or a shared common wall.
3. Small structures, including storage buildings under 100 square feet and not on a permanent foundation, shall be exempt from the requirement of obtaining a construction permit, provided only one such building or structure shall be permitted per residential dwelling. Small structures such as storage buildings may be permitted and shall not be considered as an accessory building, provided, however, small structures such as storage buildings shall in no event be permitted in a Lakeshore Residential (R-3) District.
4. Accessory buildings (including garages) may be located in rear yards as follows:
 - a. A minimum of ten (10) feet distance from other structures in all zoning districts.
 - b. A minimum of three (3) feet from alley lines and lot lines in all zoning districts.
 - c. A minimum of two (2) feet from street lines in the R-3 Lakeshore Residential District.
5. Accessory buildings (including garages) may be located in side yards no closer than five (5) feet from any principal building, provided minimum side yard requirements are met.
6. Accessory buildings shall be no closer to the front lot line than the front line of the principal building.
7. Accessory buildings (including garages) shall not exceed fifteen feet (15') in height in residential districts and twenty-five feet (25') in height in commercial districts.
8. Accessory buildings and structures constructed above the normal ground surface in any required yard area shall not occupy more than thirty percent (30%) of the yard area in which they are located. However, in the instance of small yard areas, this regulation shall not prohibit the construction of a two car garage which does not exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet, provided all other provisions of this ordinance are complied with. With the addition of this impervious surface to the open space, it is recommended that thirty percent (30%) of the original open space be designed to provide low impact development concepts for the filtration and infiltration of storm water run-off, e.g. rain gardens, etc.
9. Constructing Garages on Bare Lots.
 - a. Garages alone may be permitted on a vacant interior residential lot as accessory to a principal residence on the lakeshore provided both properties are owned by the same person or persons and the interior lot is located directly across the public right-of-way from the lakeshore lot on which the principal dwelling is located.

- b. Garages alone may be permitted on a vacant residential lot as accessory to a principal residence provided said vacant lot is immediately adjacent on either side of the lot on which the principal dwelling is located and that both properties are owned by the same person or persons.
 - c. Vacant properties on which garages alone may be permitted as described in paragraphs (a) and (b) above must not have less than 7,500 square feet of lot area and must meet all set-back requirements for that of a principal dwelling in the district in which it is located.
10. Accessory buildings shall not be used for dwelling purposes.
 11. Any accessory building, constructed on property where there is no principal building but is accessory to a principal use shall have similar siding or exterior finish as does the principal building on adjacent properties.
 12. Accessory buildings shall not be erected, placed, located or constructed on any required, permanent, temporary or utility easement.
 13. Accessory buildings, including siding and roofing materials, shall not be constructed from galvanized corrugated or sheet metal. This is not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles or siding.
 14. Gasoline service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. Gasoline dispensing pumps shall not be considered accessory structures.

Section 11.13. REGULATIONS PROHIBITING CONSTRUCTION OF LAKESHORE ACCESSORY STORAGE BUILDINGS AND OTHER STRUCTURES.

1. To provide consistency and continuity in the enforcement of the “Lakeshore Landscaping Ordinance”, the construction of any structure on lakeshore banks, except stairways and landings providing access to lake docks, is prohibited.
2. Stairways permitting access to lake docks may be constructed providing the stairways do not exceed four (4) feet in width and further providing the most direct route from the origin of the bank to the dock is made. Only one stairway or access to the lake-dock, per dwelling, is permitted.
3. Rest landings constructed in conjunction with stairways are permitted and are also limited in width to four (4) feet.
4. Stairways and landings may be constructed of wood frame materials, ties, concrete or rock. Stairways and landings that are excavated into the bank shall provide for adequate drainage or plant growth to prevent erosion from occurring on either side. A sediment control plan should be designed and installed prior to the start of any land disturbing activities in the event erosion occurs.
5. Permits for the construction of stairways and landings may be applied for through city offices in the same manner as other construction permits and the same fee schedules shall apply.

- a. All permit applications for dock steps shall be accompanied by a plan indicating appropriate erosion control methods taken to control erosion of the area under and at the sides of steps.
 - b. A permit shall be required for the repair of any structure now existing on lakeshore banks including but not limited to steps, buildings, patios, decks, retaining walls etc. The permit application shall be filed with the Zoning Administrator and must include a plan indicating the nature and extent of the repair work and shall incorporate adequate erosion and sediment control plans to prevent erosion or off-site delivery of sediment during and after the repair work has been completed.
6. The Zoning Administrator for the City of Okoboji, with respect to the requirements of this ordinance, is authorized to modify or waive any requirement(s), on a case-by-case basis.

Section 11.14. CANOPIES.

1. Freestanding Canopy. A freestanding canopy shall not exceed a maximum height limit of seventeen feet six inches (17'6") with a minimum of fourteen feet six inches (14'6") clearance at the underneath side of said canopy. Illumination shall be allowed either externally or internally, but in no event will signage be allowed of any kind on the fascia or mansard of said canopy and shall be considered a separate structure and shall meet all setback requirements as set forth in this zoning ordinance.
2. Building Canopy. A building canopy shall be considered a part of a principal structure to which it is attached. This shall not be construed to limit the height of said canopy, but in no event shall the said canopy exceed the thirty-five (35) foot height limit in a commercially zoned district. A building canopy shall meet the minimum height requirement of fourteen feet six inches (14'6") at the underneath side of said canopy. A building canopy may be illuminated externally or internally, but in no event will signage be allowed of any kind on the fascia or mansard of said building canopy.

Section 11.15. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

“Storage Structure” shall mean one of the following definitions:

1. Membrane storage structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.
2. On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located

adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.

In all residential zoned districts, temporary membrane storage structures are not permitted on any residential properties. A permanent membrane storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure.

Section 11.16. TEMPORARY BUILDINGS AND USES.

Notwithstanding other provisions of the Okoboji Zoning Ordinance, the Board of Adjustment may without notice, public hearing or other procedures described in Article XVIII, Conditional Uses, issue a conditional use permit authorizing the operation of a charitable or other nonprofit sponsored carnival or event for a period not to exceed seven (7) days.

Temporary building(s) connected to construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work. Outdoor special sales, outdoor art and craft shows, exhibitions, swap meets, flea markets, parking lot sales, or similar activities are limited to locations in only the C-1 Commercial District, or other locations approved by the Board of Adjustment.

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The Zoning Administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use. Temporary uses will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. Any temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

Section 11.17. RECREATIONAL VEHICLES.

For the purposes of this section, the term “recreational vehicles” shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles.

1. Recreational vehicles are permitted within designated campgrounds, recreational vehicle parks, and other typical recreational areas including lakes.

2. Recreational vehicles shall not be permitted to be parked or stored within front or side yards. In residential zoning districts, recreational vehicles are only permitted in an inconspicuous location in the rear yard.
3. Recreational vehicles shall not be used for business purposes in any zoning district.

Section 11.18. SHARED OWNERSHIP DEVELOPMENTS PROHIBITED.

Shared ownership development or time-shares are prohibited within residentially zoned districts (R-1, R-2 & R-3 Districts) in the City of Okoboji. A shared ownership development, or a time-share, is a single dwelling unit that is concurrently owned or shared by three or more owners, and the concurrent owners have entered into an agreement among them designating periods of occupancy for each owner. Typically, a property management firm provides maintenance of the structure and grounds. Additionally, these provisions shall also apply to properties in which the ownership is divided or sold as a stock interest or shared stock interest in properties as defined by Iowa Statute for cooperative housing or stock share properties.

Section 11.19. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses are subject to the following limitations.

1. A home occupation shall be operated during customary business hours, that is, from 8:00 a.m. to 5:00 p.m. on Monday-Friday of each week.
2. The residential character of the building must be maintained.
3. Only one unrelated person living outside of the residence, and members of the immediate family, may be employed in the home occupation.
4. The home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling, infringe upon, or change the intent of the residential zone.
5. The use must be clearly incidental and secondary to the use of the dwelling unit and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term.
6. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached garage (not to include a carport, driveway, yard or any outside area).
7. The home occupation shall not generate customary related vehicular traffic substantially in excess of the normal anticipated residential traffic.
8. The occupation shall not produce extreme noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.
9. The use shall have no exterior display, no exterior storage of the materials or equipment, and no other exterior indication of the home occupation or variation from the residential character of the principal building.

10. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) flush mounted, non-illuminated sign not exceeding two (2) square feet in area.
11. No more than thirty percent (30%) of the total floor area of the principal building may be used by the home occupation. This regulation shall not apply to day care services.
12. Daycare services, for purposes of a home occupation, are permitted according to state regulations.
13. The following businesses or occupations shall not be permitted as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, salvage yards, restaurants, rental outlets, vehicle repair shops, tattoo parlors, tanning beds or booths and massage parlors.
14. Two off-street parking spaces shall be provided in addition to those required in each residential district, provided, however, in the event the provision of two off-street parking spaces is not feasible given lot size and/or configuration, this requirement may be waived. The off-street parking requirement hereunder set forth may be met by use of private garage space.

Section 11.20. RESIDENTIAL DWELLING STANDARDS.

All single family dwelling units placed, erected, assembled or constructed after the effective date of this section shall meet and comply with the following minimum standards:

1. *Structure Size:* The minimum width of a dwelling structure or principal building shall be twenty-two feet (22') at the exterior dimension of three (3) or more exterior walls, exclusive of attached garages, porches or other accessory structures.
2. *Minimum Floor Area:* All dwelling units shall provide for a minimum of nine hundred (900) square feet of floor space.
3. *Foundation:* All dwelling units including attached garages shall be placed on a permanent continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.
4. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
5. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park or subdivision in compliance with the remaining regulations in this ordinance.

Section 11.21. ADULT ENTERTAINMENT REGULATIONS.

The City of Okoboji finds that adult entertainment businesses or establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the community. Such adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses surrounding them and adjacent residential areas. Adult entertainment businesses often times have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent area.

The concern over sexually-transmitted diseases is a legitimate health concern of Okoboji citizens that demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the community. Okoboji wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. *Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

- a. Adult Bookstore: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, videos, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
- b. Adult Entertainment Establishment: Any business or establishment, either with or without a liquor license, which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios. It further means any premises that feature topless dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons; or those places which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult motion pictures or adult entertainment dancing.
- c. Adult Hotel or Motel: A hotel or motel from which minors are excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas."

- d. Adult Massage Parlor or Health Club: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- e. Adult Mini-Motion Picture Theater: A business premises in an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- f. Adult Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- g. Adult Motion Picture Theaters: A business premises in an enclosed building with a capacity of 50 or more persons used for presenting visual media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- h. Adult Novelty Business: A business that primarily engages in the sale of devices that simulate human genitals or devices designed for sexual stimulation.
- i. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- j. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- k. Operators: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult entertainment establishment.
- l. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.
- m. Massage Establishment: Any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148, 148A, 148B, 150, 150A, 151, 152, 157 or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed or nurses, aides, technicians and attendants at any hospital or health care

facility licensed pursuant to Chapters 135B, 135C, or 145A of the Iowa Code, in the course of their employment.

- n. Model: Any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting or describing “specified sexual activities” or “specified anatomical areas.”
- o. Model Studio: Any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided to persons paying such consideration or gratuity.
- p. Specified Anatomical Areas: Less than completely and opaquely covered female or male genitals, pubic region, buttocks, anus, or fully exposed female breasts.
- q. Specified Sexual Activities: Simulated or actual acts of:
 - (i) clearly depicted specified anatomical areas in a state of sexual stimulation or arousal;
 - (ii) actual or simulated acts of sexual intercourse, oral copulation, sodomy, sado-masochism; or direct physical stimulation of unclothed genitals,
 - (iii) fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions.*

An adult entertainment establishment shall be permitted within the City of Okoboji only in the (C-1) General Commercial zoning district upon receipt of a site plan prepared in accordance with Article IX and a conditional use permit in accordance with the procedures set forth in Article XVIII; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening structures or objects, from the main entrance of such adult entertainment business to the point on the property line of such other use.

- a. Adult entertainment establishments shall be prohibited in or within 1,320 feet (1/4 mile) of the borders of a residential “R” district.
- b. Adult entertainment establishments shall be prohibited within 1,320 feet (1/4 mile) of any church, synagogue, mosque, temple, or other religious uses.
- c. Adult entertainment establishments shall be prohibited within 1,320 feet (1/4 mile) of any public or private educational uses.
- d. Adult entertainment establishments shall be prohibited within 1,320 feet (1/4 mile) of any recreational uses.
- e. Adult entertainment establishments shall be prohibited within 1,320 feet (1/4 mile) of any daycare home or daycare business.

- f. Adult entertainment establishments shall be prohibited within 1,320 feet (1/4 mile) of another adult entertainment establishment or similar use.

3. *Adult Entertainment Regulations.*

- a. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
- b. Doors, curtains and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to adult novelty businesses, adult motion picture arcades, adult mini-motion picture theaters, and adult motion picture theaters shall be removed and kept off at all times during the execution of this permit. Failure to comply with this condition shall result in revocation of the conditional use permit.
- c. No adult business shall be open for business between the hours of two o'clock a.m. and six o'clock a.m. The proposed location, design, construction and operation of the particular use adequately safeguard the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
- d. Such use shall not impair an adequate supply of light and air to surrounding property.
- e. Such use shall not unduly increase congestion in streets or public danger of fire and safety.
- f. Such use shall not diminish or impair established property values in adjoining or surrounding property.
- g. Such use shall be in accordance with the intent, purpose and spirit of this ordinance and the comprehensive development plan of Okoboji, Iowa.
- h. Applications for adult businesses under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the size and number of signs and the manner of water supply/sewage treatment.

4. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment business or establishment to allow merchandise or activities of such business or establishment to be visible from a point outside the building or structure. Furthermore, sexually oriented businesses shall not allow the exterior portion or any building or structure to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise or business.

5. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of these regulations shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

6. *Minors.*

An adult business shall post a sign at the entrance of the premises that shall state the nature of the business and shall state that no one under the age of 18 years is allowed on the premises. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours. No adult business shall furnish any merchandise or services to any person who is under 18 years of age. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.