

## ZONING ORDINANCE

### CITY OF WAUKEE, IOWA

**AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF WAUKEE, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, CODE OF IOWA, AND FOR THE REPEAL OF CHAPTER 301 OF THE MUNICIPAL CODE AND ALL ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS**, Chapter 414, Code of Iowa, empowers the City of Waukee to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

**WHEREAS**, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City of Waukee to enact such an ordinance, and

**WHEREAS**, the City Council, pursuant to the provisions of Chapter 414, Code of Iowa, has appointed a Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

**WHEREAS**, the Zoning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with an approved comprehensive plan, designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to establish adequate provisions for transportation, water, sanitation, schools, parks, and other public requirements, and

**WHEREAS**, the Planning and Zoning Commission has given reasonable consideration, among other things, to the character of districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

**WHEREAS**, the Planning and Zoning Commission has made a preliminary report and submitted its final report to the City Council, and

**WHEREAS**, the City Council has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held such public hearings, and

**WHEREAS**, all requirements of Chapter 414, Code of Iowa, with regard to the preparation of the report of the Zoning Commission and the subsequent action of the City Council have been met;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WAUKEE, IOWA:**

**CHAPTER 301**

**SECTION**

§301.1. **Title.** This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Waukee, Iowa, and shall be referred to herein as "this ordinance."

§301.2. **Interpretation of Standards.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control. If any other statute, ordinance or regulation imposes higher standards than are required by this ordinance, such statute, ordinance or regulation shall control. Any regulation adopted under the authority of this ordinance which relates to a structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of a river or stream, shall require prior approval of the Iowa Department of Natural Resources and the U.S. Army Corps of Engineers to establish, amend, supplement, change or modify such regulation or to grant a variation or exception from it.

§301.3. **Definitions.** For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, estate, 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."

**Accessory Use or Structure:** A use or structure subordinate to the principal use of another building on the lot or site with, and serving a purpose customarily incidental to the use of the principal building.

**Adult:** As used in this ordinance refers to a person who has attained the age of eighteen years.

**Adult Entertainment Businesses:** A business which as a part of or in the process of delivering goods and services displays to its patrons specified sexual activities or specified anatomical areas in printed form or through any form of photographic medium

or by use of male or female models. In reference to the above, the following definitions shall apply:

- A. **Specified sexual activities** means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.
- B. **Specified anatomical areas** include the following: human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
- C. **Substantial** means more than twenty-five percent of the book, magazine, film or video tape inventory are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- D. **Adult Art or Adult Modeling Studio:** An establishment or business which provides the services of modeling for the purpose of viewing and/or reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise; provided entrance to such establishment and such services are available only to adults.
- E. **Adult Artist - Body Painting Studio:** An establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body when such body is wholly or partially nude; provided entrance to such establishment and such services are available only to adults.
- F. **Adult Bath House:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy; provided entrance to such establishment and such services are available only to adults; and not including such services provided by a medical practitioner or professional physical therapist licensed by the State of Iowa.
- G. **Adult Book Store:** An establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein and limited in sale of such sexual materials to adults.

- H. **Adult Cabaret:** A cabaret which features go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- I. **Adult Motel:** A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."
- J. **Adult Motion 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 motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."
- K. **Adult Motion Picture Theater:** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- L. **Adult Mini Motion Picture Theater:** An enclosed building with a capacity for less than 50 persons used for presenting motion pictures, slides or photographic reproductions distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- M. **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.
- N. **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 constructed 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; (2) persons performing massage therapy or massage services under the direction of a person licensed as described in (1) above; (3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Iowa Code, in the course of their

employment and under the supervision of the administrator thereof or of a person licensed as described in (1) above; (5) an athletic coach or trainer (I) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

- 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 for observation by or communication to persons paying such consideration or gratuity.
- P. **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, describing or relating to specified sexual activities or specified anatomical areas.
- Q. **Nude Encounter Parlor:** An establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or the actual encounter of any person or persons depicting, describing or relating to "specified sexual activities" as defined herein.
- R. **Nude Photographic Parlor:** An establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

**Agriculture:** The use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

**Alley:** A public way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.

**Automobile Wrecking:** The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute prima facie evidence of an automobile wrecking yard.

**Basement:** A story having part but not more than one-half (2) of its height below grade. A basement is counted as a story for the purpose of height regulation.

**Bed and Breakfast Home:** Means a private residence which provides lodging and meals for guests, in which the host and/or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations and serves food only to overnight guests.

**Board:** The Board of Adjustment of the City of Waukee.

**Boarding House:** A building other than a hotel or motel where for compensation, meals, or lodging and meals are provided for four (4) or more persons.

**Buffer Zone:** An area of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

**Building, Height of:** The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (See Attachment A for illustrations.)

**Building Line:** The outer boundary of a building established by the location of its exterior walls or any projections other than steps, unenclosed balconies, or unenclosed porches.

**Building, Temporary:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for no more than two years.

June 4, 2007 – Ordinance 2603

**Bulk Stations:** Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

**Carport:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this ordinance a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

**Cellar:** That portion of a building having more than one-half (2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

**Clinic, Medical or Dental:** A building or buildings in which physicians, dentists, or physicians and dentists, and allied professionals, are associated for the purpose of carrying on their profession.

**Commission:** Planning and Zoning Commission of the City of Waukee.

**Consumer Fireworks** means First-Class consumer fireworks and Second-Class consumer fireworks as set forth under Iowa Coe Chapter 100.

May 30, 2017 – Ordinance 2846

**Consumer Fireworks Sales** means an establishment used for the retail display and sale of consumer fireworks. For the purposes of the Zoning Ordinance, a retail operation in which less than fifty percent (50%) of the retail floor space is devoted to the sale or display of Second-Class consumer fireworks shall not be considered a consumer fireworks sales use.

May 30, 2017 – Ordinance 2846

**Convenience Store:** Establishment primarily engaged in the retail sale of food, household and entertainment products for home consumption including sale of vehicle fuel.

**Day Nursery or Nursery School:** Any private or public agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of the owners or operators, of pre-school age, for compensation.

**Display Fireworks Sales** means an establishment used for the manufacturing, storage or distribution of any firework classified as a 1.3G Firework by the American Pyrotechnics Association.

May 30, 2017 – Ordinance 2846

**District:** A section or sections of the City of Waukee within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

**Driveway:** A permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

**Dwelling:** Any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

**Dwelling, Single Family, Split Foyer:** A dwelling in which living space is on two levels with a foyer between the two levels.

**Dwelling, Single Family, Split Level:** A dwelling having living space on three or more levels no part of which is more than two stories in height, and in which each successive level is less than a full story higher than the next.

**Dwelling, Single Family:** A detached residence designed for or occupied by one family only.

**Dwelling, Two-Family:** A residence designed for or occupied by two (2) families only, with separate housekeeping, bathroom, and cooking facilities for each.

**Dwelling, Multiple:** A residence designed for or occupied by three (3) or more families, with separate housekeeping, bathroom, and cooking facilities for each.

**Dwelling, Condominium:** A multiple dwelling as defined herein whereby the title to each dwelling 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 owner having an undivided interest in the common real estate.

**Dwelling, Row:** Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "townhouse."

**Dwelling Unit:** A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.



**Family:** One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

**Feed Lot:** Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of livestock. Livestock includes cattle, horses, sheep, swine, poultry, goats, rabbits, and any other animal or fowl which are being produced primarily for use as food or food products for human consumption, or for laboratory or testing purposes. The feed lot does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

**Fences, Walls and Hedges:** Decorative and/or enclosing devices used along boundary lines of lots. Fences, walls and hedges may be constructed up to the lot line in accordance with the height rules set out in this ordinance.

**Garage, Private:** 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 principal building. A private garage, of less than four (4) car capacity, may be rented for the private vehicles of persons not resident on the premises.

**Garage, Public:** A structure other than a private garage, used for the shelter or storage of motor powered vehicles and in which the care, minor servicing and washing are accessory to the principal use.

**Gas Station:** A structure designed or used for the retail and/or wholesale sale or supply of fuels, lubricants, air, water, washing and polishing services, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, major repair, refinishing, body work or other major servicing of motor vehicles. Major repairs are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or re-treading of tires.

**Grade:** The average elevation of the finished ground at the exterior walls of structure.

**Home Occupation:** A home occupation is a business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

**Hotel/Motel:** A building or buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

**Junk:** Old and dilapidated automobile, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade.

**Junk Yard:** Any area where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations. The presence on any property of four (4) or more motor vehicles (as defined by Chapter 321.1 of the Code of Iowa) without current registration which for a period exceeding thirty (30) days have not been capable of operating under their own power, and/or from which parts have been removed for re-use, salvage, or sale, shall constitute prima facie evidence of a junk yard.

**Kennel:** The keeping of any dogs, cats, or other household pets of mammal group regardless of number, for sale, breeding, boarding or treatment purposes, except in an animal hospital, veterinary clinic, or pet shop, as may be permitted by law, or the keeping of more than one (1) dog or cat on vacant property or on property used for business or commercial purposes, shall constitute a kennel. The keeping of not more than three (3) dogs and three (3) cats in a residential district shall not be deemed to be a kennel, unless kept for sale, breeding, boarding or treatment purposes. Any person keeping more than three dogs and three cats in a residential district on the effective date of this ordinance (September 10, 2001), registered as required by ordinance, may continue to keep such dogs or cats during the pet's lifetime.

September 10, 2001 – Ordinance 2353

**Living Space:** That part of the building which is enclosed and supported upon the main foundation system of the structure excluding garage and cellar.

**Lodging or Rooming House:** A building where a room or rooms are provided for compensation for four (4) or more persons.

**Lot:** For the purpose of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. 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; or
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

**Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection.

**Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage:** A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot Lines:** The lines bounding a lot, including the right-of-way line of any public road, highway or alley acquired by easement.

**Lot of Record:** A lot which is part of a subdivision, or a plat of survey, the deed of which is recorded in the office of the County Recorder of Dallas County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Lot Width:** The width of a lot measured at the building line and at right angles to its depth.

**Lot, Reversed Frontage:** A corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear. (See Attachment A for illustrations of lot types.)

**Manufactured Home:** A factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A

mobile home is not a manufactured home. For the purpose of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

**Mini-warehouse:** A building or group of buildings not more than one (1) story and twenty (20) feet in height and not having any other dimension greater than one hundred fifty (150) feet per building, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers' goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials, including if any, caretaker or supervisor's quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

**Mobile Home:** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.

**Mobile Home Park:** Any lot or portion of a lot upon which one (1) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. (See Attachment A for illustration of mobile home park setback lines.)

**Modular Home:** Factory-built housing certified as meeting the State Building Code and federal requirements as applicable to modular housing. Once certified, modular homes shall be subject to the same standards as site built homes.

**Motel Motor Lodge:** A building or a group of attached or detached buildings containing individual sleeping or living units for overnight tourists, with garage attached or parking facilities conveniently located to each such unit.

**Nonprofit Institution:** A nonprofit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., shall not be considered a nonprofit institution under this ordinance.

**Nonconforming Use:** Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

**Nursing or Convalescent Home:** A building or structure having accommodations and where care is provided for three or more invalid, infirmed, aged, convalescent, or physically or mentally disabled or injured persons.

**Parabolic or Dish-type Antenna:** A concave, circular or dish-shaped device designed for receiving communications or television signals from a satellite.

**Parking Space (Off-street):** A permanently surfaced area of not less than one hundred seventy-one (171) square feet (9 feet x 19 feet) plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. (See Attachment A for parking illustration.)

**Porch, Unenclosed:** A roofed projection which has no more than fifty (50) percent of each outside wall area permanently enclosed by a building or siding material other than meshed screens.

**Principal Building:** Any structure designed and used, or intended to be used, for one of the "Principal Permitted Uses" listed in each of the zoning districts as set out in this ordinance.

**Principal Use:** The main use of land or structures as distinguished from an accessory use.

**Restaurant:** An establishment which principally is engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

**Rooming House:** A building where a room or rooms are provided for compensation to four (4) or more persons.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling or roof next above it shall be considered a story.

**Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.

**Street Line:** The right-of-way line of a street, alley or road.

**Street or Road, Private:** Any private right-of-way twenty (20) feet or more in width which shall be approved by the City Council after recommendation by the Commission.

**Street or Road, Public:** Any thoroughfare or public way not less than twenty (20) feet in width, which has been dedicated to the public or deeded to or acquired by the City or County for street purposes; and also any such public way as may be created after enactment of this ordinance, provided it is fifty (50) feet or more in width.

**Structural Alterations:** Any replacement or change in the type of construction or in the shape or size of a building or of the supporting members of a building or structure such as bearing walls, columns, beams, arches, girders, floor joist, or roof trusses, beyond ordinary repairs and maintenance.

**Structure:** Anything constructed or erected with a rigid or fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences (more than six feet in height), billboards, solar collectors and dish antennae.

**Trailer Park:** See "Mobile Home Park."

**Travel Trailer:** A recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. The term "travel trailer" shall include pick-up coach, motor home, camp trailer, tent trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation or vacation quarters.

**Travel Trailer Park:** A parcel of land upon which two (2) or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes.

**Vehicle, Antique:** A motor vehicle twenty-five (25) years old or older, as provided and regulated by Section 321.115, Code of Iowa.

**Vehicle, Motor:** A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

**Vehicle, Inoperable:** Any motor vehicle which lacks current registration or two or more wheels or other component parts the absence of which renders the vehicle unfit for legal use on streets.

**Yard:** An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty-six (36) inches above the general ground level of the graded lot upward, except as may be provided by other sections of this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a

side yard, the least distance between the lot line and the nearest permitted building shall be used except that in no case shall any eave or overhang (or any other projection) extend into the said front, side, or rear yard by more than 24". If eaves or overhangs exceed 24", then the building shall be set back into the permissible building area as necessary to eliminate any eaves or overhangs from extending more than 24".

**Yard, Front:** A yard extending across the full width of the lot and measured between the front lot line and the front of the building other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot is considered the front lot line regardless of where the building entrance is located. See "Yard" for eave or overhang limitations.

**Yard, Side:** A yard extending from the front yard to the rear yard and measured between the side lot lines and the building. See "Yard" for eave or overhang limitations.

**Yard, Rear:** A yard extending across the full width of the lot and measured between the rear lot line and the building other than steps, unenclosed balconies or unenclosed porches. An unenclosed balcony or porch is one in which 50% or less of the side walls of said balcony or porch are enclosed by screen, glass, or other material and includes a deck. On both corner lots and interior lots, rear yard is the opposite end of the lot from the front. See "Yard" for eave and overhang limitations.