



Zoning Compliance Report

**1002 W Washington
Polk City, Polk County, IA
MSI#46265
MZ#18135**

Written:
December 12, 2019

Revised:
December 17, 2019
January 23, 2020

Prepared for:

RealCo Polk City, IA, LLC, and
OpCo Polk City, IA, LLC, and
Berkadia Commercial Mortgage LLC, a Delaware limited liability company,
and its successors and assigns, as their interests may appear;
First American Insurance Company; and
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.



The following Zoning Compliance Report was prepared by:

Monica T. Labosky, National Planning & Zoning Analyst

If you have any questions, comments, or revisions regarding this report
Please contact me at Zoning@millmanland.com or (234) 380-8619

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MZ 18135 MSI 46265	Current Requirements Per Zoning Regulations
Building Set-Back:	
Front	35 feet
Side	20 feet
Side	20 feet
Rear	45 feet
Lot Dimensions:	
Minimum Lot Size	10,000 sq. ft.
Width	80 feet
Lot Coverage	No requirement specified
Building Footprint	No requirement specified
Building Height	Principal bldg. 2 ½ stories; 35 feet; Accessory bldg. 16 feet
Parking	41 Required spaces 3 spaces for every five beds. 68 beds $68 / 5 = 13.6 \times 3 = 40.8$ spaces

Table of Contents

- 1. Summary of Zoning Requirements**
 - 1.1 Property Address & Jurisdiction Information
 - 1.2 Zoning Classification & Permitted Uses
 - 1.3 Zoning, Building and Fire Code Violations
 - 1.4 Special Permitting, Conditions, Variances, Ordinances
 - 1.5 Existing Requirements and Conditions
 - 1.6 Conformance Statement
 - 1.7 Rebuildability
 - 1.8 Property Condemnation
- 2. Legal Description**
- 3. Municipal Documents**
- 4. Certificates of Occupancy**
- 5. Zoning Ordinance/ Land Development Code**
- 6. Applicable Zoning District**
- 7. Off-Street Parking Requirements**
- 8. Provisions for Noncompliance/ Nonconformities**
- 9. Definitions**

1. Summary of Zoning Requirements

**Zoning Compliance Report
1002 W Washington, Polk City, IA
Millman Zoning - Project No. 18135**

1.1 Property Address & Jurisdiction Information

Property Address: 1002 W Washington, Polk City, IA

Property Size: 3.408 Acres / 148,445 Square Feet

County: Polk

Jurisdiction: Polk City

1.2 Zoning Classification and Permitted Uses

Current Use: Nursing Home and Rehabilitation Facility

Zoning Classification: R-1 (Single Family Detached Residential District)

The current use of the property is: Not A Permitted Use in the R-1 (Single Family Detached Residential District); the following uses are permitted: **Residential Boarding houses, Single family dwellings,** and all other uses listed in Section 165.09, 2. of the City of Polk City, Iowa Zoning Ordinance, Adopted on May 13, 2019.

As per Jenny Gibbons, City Clerk, City of Polk City, the subject property was built prior to the current Zoning Ordinance and is considered a Legally Nonconforming Use which is grandfathered.

Adjacent Property Zoning Classification:

North: R-1 (Single Family Detached Residential District)

East: U-1 (Public Utility District)

South: W. Washington Avenue

West: R-1 (Single Family Detached Residential District)

Information provided by: Jenny Gibbons, City Clerk, City of Polk City, Iowa

Zoning Compliance Report
1002 W Washington, Polk City, IA
Millman Zoning - Project No. 18135

1.3 Zoning, Building and Fire Code Violations

There are no open code violations associated with the property.

Information provided by: Jenny Gibbons, City Clerk, City of Polk City, Iowa

1.4 Special Permitting, Conditions, Variances, Ordinances

There are no special permits, conditions, variances, or ordinances associated with the property.

Information provided by: Jenny Gibbons, City Clerk, City of Polk City, Iowa

Zoning Compliance Report
1002 W Washington, Polk City, IA
Millman Zoning - Project No. 18135

1.5 Existing Requirements and Conditions

	Code Reference	Current Requirements Per Zoning Regulations	Existing Conditions Per Survey Millman Surveying Inc.	Conformance of as-built conditions with current regulations
Building Set-Back:	§ 165.09, 6.			
Front		35 feet	South - 94.8 feet	Conforming
Side		20 feet	East – Principal bldg. 84.4 feet; Accessory bldg. 55.6 feet	Conforming
Side		20 feet	West - 20.4 feet	Conforming
Rear		45 feet	North - 80.8 feet	Conforming
Lot Dimensions:	§ 165.09, 6.			
Minimum Lot Size		10,000 sq. ft.	3.408 acres / 148,445 sq. ft.	Conforming
Width		80 feet	376.88 feet	Conforming
Lot Coverage		No requirement specified	13% coverage	Conforming
Building Footprint		No requirement specified	19,803 sq. ft.	Conforming
Building Height	§ 165.09, 6.	Principal bldg. 2 ½ stories; 35 feet; Accessory bldg. 16 feet	Principal bldg. 1 story; 16.6 feet Accessory bldg. – 1 story; 15.1 feet	Conforming
Parking	§ 165.16, D.	41 Required spaces 3 spaces for every five beds. 68 beds $68 / 5 = 13.6 \times 3 = 40.8$ spaces	49 Total Spaces Including 2 ADA spaces	Conforming

1.6 Conformance Statement

The subject property is not a permitted use in the R-1 Single Family Detached Residential District and is considered to have a legally nonconforming use characteristic, see nonconforming characteristics below. As per Jenny Gibbons, City Clerk for the City of Polk City, the subject property was constructed prior to the adoption of the current Zoning Ordinances and therefore is considered to have a legally nonconforming use characteristic that is vested or grandfathered.

Nonconforming Characteristics:

The subject property is not a permitted use within the R-1 Single Family Detached Residential District as outlined in the current Zoning Ordinances of the city of Polk City, Iowa, adopted on May 13, 2019. The subject property was constructed in 1976 prior to the current Zoning Ordinances, and therefore is considered to have a legally nonconforming use characteristic that is vested or grandfathered.

The Right-To-Rebuild in Section 1.7 of this report **will** apply to this property.

1.7 Rebuildability

Restoration of a Damaged Nonconforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed sixty percent (60%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty percent (60%) of the cost of replacement of the entire building, repairs or reconstruction shall be commenced within one year from the date of the fire or other casualty or act of God and diligently pursued until completion.

1.8 Property Condemnation:

Currently, there are no plans for road construction that would result in condemnation or taking of the right-of-way from the subject property.

Information provided by: Support Team, City Clerk's Office, City of Polk City, Iowa

**Zoning Compliance Report
1002 W Washington, Polk City, IA
Millman Zoning - Project No. 18135**

For purposes of this report, Millman Zoning, LLC has relied on information provided by the following:

Municipal Officials:

Department: City Clerk's Office
Name & Title: Jenny Gibbons, City Clerk
Phone: (515) 984-6233

Department: City Clerk's Office
Name & Title: Support Team
Phone: (515) 984-6233

Survey: Millman Surveying Inc.
MSI Site No. 46265
November 19, 2019

Millman Zoning, LLC has obtained the information contained herein from the government official and independent land surveyors stated above. Millman Zoning, LLC has no knowledge or belief that this information cannot be relied upon; however it cannot guarantee its accuracy.

The information contained in this Report is a matter of public record. Millman Zoning, LLC makes no independent representations, recommendations or interpretations of law.

2. Legal Description

THAT PART OF THE EAST 419 FEET OF LOT 14 IN THE OFFICIAL PLAT OF THE NORTH 1/2 OF SECTION 2, TOWNSHIP 80 NORTH, RANGE 25 WEST OF THE 5TH P.M., CITY OF POLK CITY, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 14, THAT IS 30.0 FEET NORTH OF THE SOUTHEAST CORNER THEREOF, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 114TH AVENUE, AS IT NOW EXISTS; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST (ASSUMED FOR THE PURPOSES OF THE DESCRIPTION ONLY) ALONG SAID NORTH RIGHT-OF-WAY LINE, 389.11 FEET; THENCE NORTH 00 DEGREES 19 MINUTES WEST 387.00 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 20 SECONDS EAST 376.88 FEET TO A POINT ON SAID EAST LINE OF LOT 14; THENCE SOUTH 02 DEGREES 07 MINUTES 13 SECONDS EAST, ALONG SAID EAST LINE, 388.43 FEET TO THE POINT OF BEGINNING, POLK COUNTY, IOWA.

THE LANDS SURVEYED, SHOWN AND DESCRIBED HEREON ARE THE SAME LANDS DESCRIBED IN THE TITLE COMMITMENT PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-985105-06-PHIL DATED 11/13/2019.

3. Municipal Documents

From: [Jenny Gibbons](#)
To: [Tracy Kunkel](#)
Cc: zoning@millmanland.com
Subject: RE: MZ 18135
Date: Monday, November 04, 2019 2:01:32 PM
Attachments: [image001.png](#)

That is correct. The certificate of occupancy would've been issued over 45+ years ago, I do not have access to a file from that long ago for a CO

Jenny Gibbons
City Clerk
City of Polk City

From: Tracy Kunkel <tkunkel@millmanland.com>
Sent: Monday, November 4, 2019 12:40 PM
To: Jenny Gibbons <jgibbons@polkcityia.gov>
Cc: zoning@millmanland.com
Subject: RE: MZ 18135

Does that cover zoning, building, and fire code violations? Are there any copies of certificates of occupancy?

Thanks,

Tracy Clarke | **National Planning & Zoning Analyst**

tkunkel@millmanland.com

D **234-380-8469** P 800.520.1010 Ex. 243 F 330.342.0834



30650 Pinetree Road
Suite 14
Pepper Pike, Ohio 44124

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[Millman National Land Services](#) is a nationally recognized firm specializing in ALTA/NSPS Land Title Surveys, Zoning, Environmental and Paralegal Support for the commercial real estate market, including wireless communication service

From: Jenny Gibbons [<mailto:jgibbons@polkcityia.gov>]
Sent: Monday, November 04, 2019 1:04 PM
To: Tracy Kunkel
Cc: zoning@millmanland.com
Subject: RE: MZ 18135

Zoning = R-1 Single Family Detached Residential District

The City has not issued any special permits or variances or other zoning relief

The City does not have any violations on file.

Jenny Gibbons
City Clerk
City of Polk City

From: Tracy Kunkel <tkunkel@millmanland.com>
Sent: Friday, November 1, 2019 4:38 PM
To: Chelsea Huisman <CHuisman@polkcityia.gov>; Jenny Gibbons <jgibbons@polkcityia.gov>
Cc: zoning@millmanland.com
Subject: MZ 18135

Good afternoon,

I am writing to request a **zoning verification letter** for the property at:

1002 W Washington Avenue, Polk City, IA

Map/Account/PIN:
8025.02.207.042

I am attaching the full letter request here, but here is a summary of the items we are looking for information on. **Records request as well.**

- Zoning district
- Copies of special permits/variances/site plans or other zoning relief documents
- Copies of certificates of occupancy
- Copies of open zoning/building/**fire** code violations

Are there any road construction projects planned at the above address, projects that will require additional land from adjacent properties, such as widening the road?

Please let me know if we need to submit anything further to have this request started.

Thank you and Best Regards,

Tracy Clarke | **National Planning & Zoning Analyst**

tkunkel@millmanland.com

D **234-380-8469** P 800.520.1010 Ex. 243 F 330.342.0834



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From: [Support](#)
To: [Tracy Kunkel](#)
Cc: zoning@millmanland.com
Subject: RE: Roads & Fire 18135
Date: Monday, November 04, 2019 1:05:21 PM
Attachments: [image002.jpg](#)
[image003.jpg](#)
[image004.png](#)

The City does not have any open fire code violations on file.

There are no plans for road construction in the area currently.

Thank you for contacting the City of Polk City.

Support Team

112 Third Street | PO Box 426

Polk City | IA 50226

P: 515- 984-6233 | F: 515-984-6177

E: support@polkcityia.gov | W: polkcityia.gov



Mission

To provide friendly, excellent, affordable municipal and utility services. The responsibility of sustaining an environmentally friendly, growing city environment is our highest priority. We always act with honesty and integrity to achieve our goals. The City strives to meet or exceed the community's expectation of economic, environmental, and social needs through a fiscally responsible and open City government.

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From: Tracy Kunkel <tkunkel@millmanland.com>

Sent: Friday, November 1, 2019 4:51 PM

To: Support <support@polkcityia.gov>

Cc: zoning@millmanland.com

Subject: Roads & Fire 18135

Good afternoon,

I am writing to request information on the following address,

1002 W Washington Avenue, Polk City, IA

Map/Account/PIN:

8025.02.207.042

*Copies of any Open fire code violations already on file. We are not asking for an inspection.

*Are there any plans for road construction that will require additional land from adjacent properties, such as widening the road?

Best Regards,

Tracy Clarke | **National Planning & Zoning Analyst**

tkunkel@millmanland.com

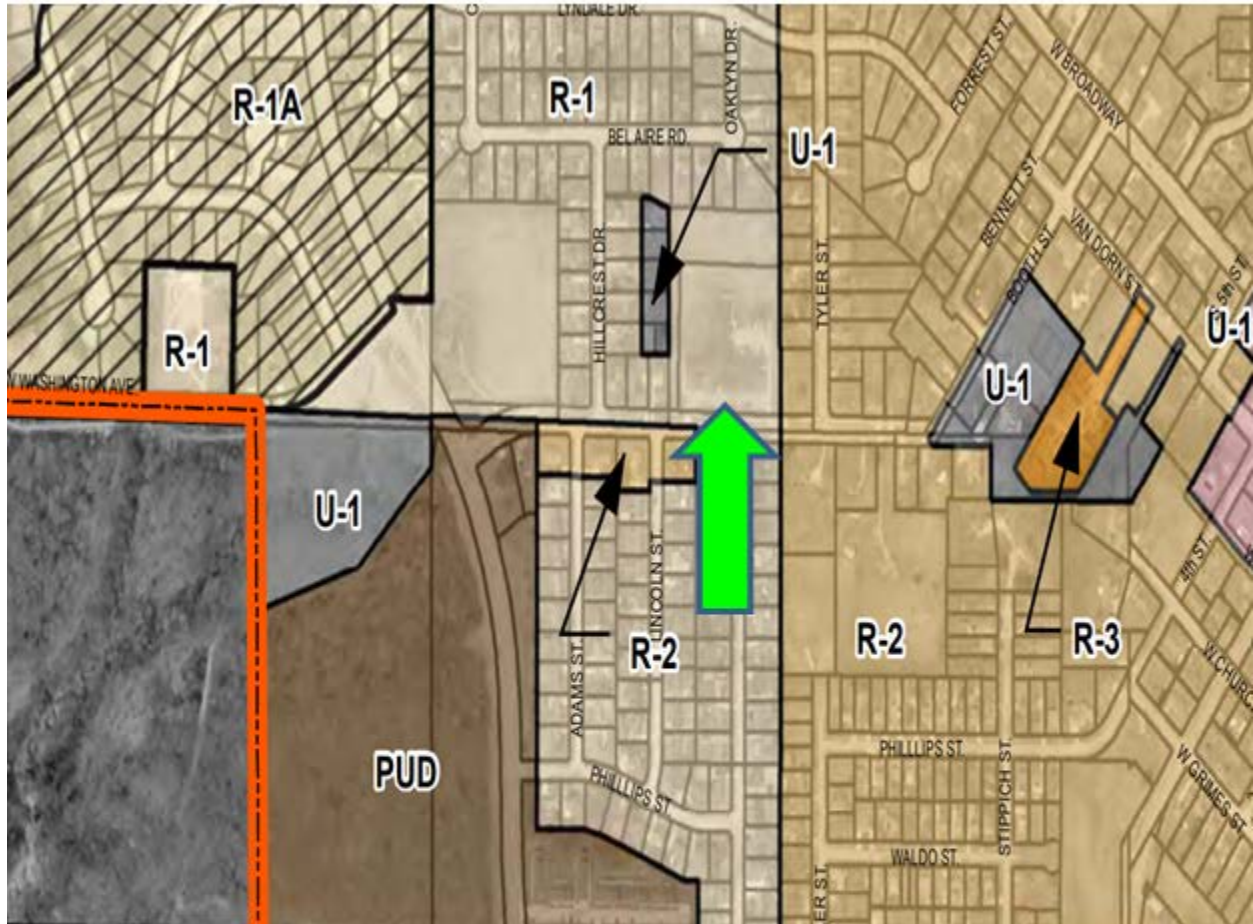
D 234-380-8469 P 800.520.1010 Ex. 243 F 330.342.0834



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Zoning Districts

A-1 Agricultural District	R-4 Mobile Home Park Residential District	M-1 Light Industrial District	WWTF Buffer (1000')
R-1 Single Family Detached Residential District	C-TS Town Square Business District	M-2 Heavy Industrial District	Floodplain Overlay District
R-1A Single Family Residential District	C-1 Central Business District	U-1 Public Utility District	City Corporate Limits
R-2 One & Two Family Residential District	C-2 Commercial District	PUD Planned Unit Development District	Zoning Restrictions
R-2A Townhome Residential District	C-3 Office Park Commercial District	GF Government Facility District	
R-3 Multiple Family Residential District	C-4 Neighborhood Friendly Commercial District		

4. Certificates of Occupancy

From: [Jenny Gibbons](#)
To: mlabosky@millmanland.com
Subject: RE: Phone message
Date: Thursday, January 23, 2020 4:00:27 PM

I've confirmed with our building inspector that the building is not in violation of any building codes as it is currently grandfathered in, what that means is if they want to remodel a bathroom for instance, they would need to bring the whole bathroom up to whatever that year's code is.

Jenny Gibbons
City Clerk
City of Polk City

From: Carol Thornburg <cthornburg@polkcityia.gov>
Sent: Thursday, January 23, 2020 2:30 PM
To: Jenny Gibbons <jgibbons@polkcityia.gov>
Subject: Phone message

Monica Labosky
Millman Land Services
234.380.8619
mlabosky@millmanland.com

Since there is an absence of Certificate of Occupancy for 1002 W Washington, is the property in violation of building code? She needs confirmation for a report.

Carol Thornburg
Accounting Specialist
City of Polk City
112 Third Street | PO Box 426
Polk City | IA 50226
P: 515- 984-6233 | F: 515-984-6177
E: cthornburg@polkcityia.gov | W: polkcityia.gov



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Millman National Land Services
Zoning and Planning Department

Subject: Certificate of Occupancy

As per Jenny Gibbons, City Clerk, prior Certificates of Occupancy/Completion are no longer available due to records retention policies, construction predating Certificate of Occupancy/Completion requirements, or some other mitigating factor. The absence of a Certificate of Occupancy does not give rise as an actionable violation.

Kindest Regards,

Monica Labosky
National Planning & Zoning Analyst
Millman National Land Services
30650 Pinetree Road
Suite 14
Pepper Pike, OH 44124
Ph: (234) 380-8619
Fax: (330) 342-0834

5. Zoning Ordinance/ Land Development Code

CHAPTER 165

ZONING REGULATIONS

165.01 Title	165.14 Exceptions and Modifications
165.02 Interpretation of Standards	165.15 Off-street Loading Spaces
165.03 Definitions	165.16 Off-street Parking Area
165.04 Establishment of Districts and Boundaries	165.17 Landscape, Planting and Screening
165.05 Application of District Regulations	165.18 Wireless Telecommunications Towers & Antennas
165.06 General Regulations	165.19 Special Permits
165.07 Nonconforming Uses	165.20 Administration Waiver
165.08 Agricultural Zoning District Regulations	165.21 Board of Adjustment
165.09 Residential Zoning District Regulations	165.22 Occupancy Permits
165.10 Commercial Zoning District Regulations	165.23 Plats
165.11 Industrial Zoning District Regulations	165.24 Amendments
165.12 Public Utility District Regulations	165.25 Zoning Enforcement Officer
165.13 Planned Unit Development District Regulations	165.26 Violation and Penalties
165.13A Government Facility District	165.27 Enforcement
165.13B Floodplain Overlay District Regulations	165.28 Special Events

165.01 TITLE. This chapter establishes comprehensive zoning regulations for the City of Polk City, Iowa, and provides for the administration, enforcement and amendment thereof. This chapter shall be known and may be cited and referred to as the “Zoning Code” of the City.

165.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter 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 chapter shall control.

165.03 DEFINITIONS. For the purpose of this chapter, the following terms or words are defined. 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.

1. “Accessory use or structure” means a use or structure on the same lot with and of a nature subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. “Adult entertainment business” means and includes any of the following:
 - A. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to “sex act” or “specified anatomical areas,” as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
 - B. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing “sex act” or “specified anatomical areas.”
 - C. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or

6. Applicable Zoning District

165.09 RESIDENTIAL ZONING DISTRICT REGULATIONS. (R-1, R-1A, R-2, R-2A, R-3, R-4) The residentially zoned districts are intended to provide for residential areas of various densities, to promote neighborhood quality of life, and to provide for those areas in a manner consistent with the comprehensive plan. It is intended that the district shall not be used indiscriminately to permit any use that could potentially be detrimental to the public health, welfare, and safety of the community. Not temporary buildings, trailers, tents, portable or potentially portable structures shall be used for dwelling purposes.

1. Residential Districts.
 - A. R-1 Single Family Detached Residential District. The R-1 District is intended to provide for the development or redevelopment of low-density residential areas of the City with one-family detached dwellings on individual platted lots.
 - B. R-1A Single Family Residential District. The R-1A District is intended to provide for the development or redevelopment of low-density residential areas of the City with single family dwellings on smaller individual platted lots.
 - C. R-2 One and Two-family Residential District. The R-2 District is intended to provide for the development or redevelopment of low-density residential areas of the City with one and two-family dwellings on platted lots.
 - D. R-2A Townhome Residential District. The R-2A District is intended to provide for development or redevelopment of medium-density residential areas of the City with townhome dwellings having at least two and no more than six dwelling units in one structure.
 - E. R-3 Multiple-Family Residential District. The R-3 District is intended to provide for redevelopment of higher-density residential areas now developed with one-family, two-family, multiple-family dwellings and condominiums and for development of areas where similar residential development seems likely to occur.
 - F. R-4 Mobile Home Park Residential District. The R-4 District is intended to provide for the development of certain medium density residential areas, which by reason of their design and location are compatible with surrounding residential areas, with mobile home parks.
2. Principal Permitted Uses. Principal permitted uses for residential districts are as follows:

RESIDENTIAL ZONING DISTRICTS						
PRINCIPAL PERMITTED USE	R-1	R-1A	R-2	R-2A	R-3	R-4
Agricultural - crop production only for growing of farm products such as vegetables, fruits, trees and grain but excluding crop storage, animal production or raising or roadside stands.	P	P	P	P	P	P
Civic - private clubs, lodges or veterans organizations, excepting those holding a beer permit or liquor license.					P	
Civic - public museums, libraries, or community centers and similar uses.	P	P	P		P	
Civic - public or private parks and playgrounds.	P	P	P	P	P	P
Education - child care, including daycares and preschools which are operated as an accessory use to a church or primary school.	P		P		P	
Education - child care, including daycares and preschools which are operated as an accessory use to a single family detached residential use.	P	P	P	P	P	
Education - colleges and universities, including classrooms, administration buildings and athletic facilities but excluding commercial trade schools and business colleges.					P	
Education - primary and secondary schools, public & private, excluding boarding schools.	P	P	P		P	
Education - residential housing including dormitories, fraternities and sororities if recognized by the local college or university.					P	
Hotels – residential bed & breakfast (less than 3 units).		P	P		P	
Hotels - bed & breakfast inn (up to 12 units)				P	P	
Religious institutions.	P	P	P			
Residential - boarding houses.	P		P		P	
Residential - mobile home parks.						PR
Residential - multiple-family dwellings (up to 6 dwelling units per building) including apartments, townhomes and condominiums.				P	P	
Residential - multiple-family dwellings (more than 6 dwelling units per building) including apartments, townhomes and condominiums.					P	
Residential - nursing homes, Assisted Care facilities, Independent Care facilities, and group homes.					P	
Residential - single-family, bi-attached and duplexes.			P		P	
Residential - single-family, detached.	P	P	P	P	P	
Residential - single-family garden homes in townhome regime		P	P	P	P	
Residential - townhomes, attached or detached (up to 6 units per building).				P	P	
Residential - two-family dwellings.			P		P	
Key: P = Permitted Use PR = Permitted Use With Restrictions provided said use is permitted as determined by P&Z and approved by City Council Blank = Use Not Permitted						

3. Restrictions for Principal Permitted Uses

A. Child Care, Daycares and Preschools, are subject to the following restrictions:

- (1) The building used for such purposes is located not less than twenty (20) feet from any other lot in any residential district.
- (2) There shall be provided for each child a minimum of thirty-five (35) square feet of usable floor space, exclusive of wash rooms, toilets, kitchens and hallways.
- (3) There shall be provided for each child a minimum of one hundred (100) square feet of usable outdoor play space, which space shall be confined to the rear yard of the property and be completely enclosed by a fence.

B. Mobile Home Parks are subject to the following restrictions:

- (1) A Master Plan and Development Agreement shall be required for all mobile home parks in conformance with Chapter 171. Master Plans shall be submitted in conjunction with the petition for rezoning and shall be approved prior to rezoning any property to R-4.
- (2) No mobile home park, or any initial stage thereof, shall contain less than fifty (50) mobile home spaces.
- (3) At least one storm shelter shall be constructed in each mobile home park which is acceptable to the City Council as to size, location and construction materials and shall be constructed and maintained as shown on the approved Site Plan.
- (4) Parking shall be permitted on only one side of any public or private street within or adjoining the mobile home park. No parking shall be permitted on the south and/or east side of the street unless otherwise designated on the approved Site Plan.
- (5) The parking and/or storage of recreational vehicles including boats, campers, snowmobiles, four-wheelers and travel trailers shall not be permitted except in a paved parking lot designated on the approved Site Plan for such use.
- (6) Every mobile home shall be supported and set, and tie-downs or anchors provided, as specified in the manufacturer's instructions or, in their absence, according to the minimum requirements as specified in Division VI, Part 2 of the Iowa State Building Code.
- (7) Only independent mobile homes shall be used for residential purposes which:
 - a. Are designed for long-term occupancy and contains a flush toilet, a tub or shower, and kitchen facilities;
 - b. Require a connection to outside sewer and water systems because a waste holding tank and water storage tank are not integral parts of the mobile home;
 - c. Are at least thirty-two (32) feet in body length exclusive of trailer hitch when factory equipped for the roads;

- d. Are not built on a self-propelled motor chassis;
- e. Are not identified as a recreational vehicle, such as a camping trailer or motor home, by the manufacturer.

(8) Skirting of permanent type material and construction sufficient to provide substantial resistance to high winds shall be installed within ninety (90) days after the placement of the mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand. The skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and the appearance of the mobile home park.

(9) Temporary mobile home storage may be permitted prior to permanent placement on the mobile home stand but shall not exceed sixty (60) days.

4. Accessory Uses. Uses not permitted as a principal permitted use for that zoning district shall not be permitted as an accessory use except as specifically permitted in this subsection. The following accessory uses are permitted in residential zoning districts:

A. Customary accessory uses and structures incidental to the permitted principal uses.

B. Private garage or carport.

C. The home office of a physician, dentist, artist, attorney, architect, engineer, teacher or other member of a recognized profession, in said person's bona fide and primary single-family detached residence; provided that: not more than one assistant shall be regularly employed therein and no colleagues or associates shall use such office and not more than one-half the area of one floor shall be used for such office. It is not the intention of this paragraph to include dance studios, music studios, beauty parlors or barber shops, or uses usually referred to as customary home occupations.

D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

E. Temporary use of a dwelling structure within a new subdivision for use as a job office and real estate office for the subject subdivision, which use shall terminate upon substantial completion (75% of the lots or units have been sold by the developer) or abandonment of the project (lots, units or homes are not available for sale by developer).

F. In the R-3 district, developed as a Independent Living or Assisted Living Facility, an accessory management office, retail convenience or service shop may be permitted provided that such complex be under one management or similar control and contains more than 30 permanent dwelling units and provided that:

- (1) Such shops are located on the first floor or lower and there is no entrance to such place of business except from the inside of the building or internal courtyard.

- H. In the R-4 District, management offices, service buildings, maintenance buildings, storm shelters, recreation buildings, vending and/or food services including groceries, coin operated laundry facilities and mini-storage units, may be permitted if approved by Council on a Site plan as subordinate use to the mobile home park.

Notes:

1. On corner lots, street side yard shall equal front yard depth except for lots of record prior to January 1, 2003.
2. Except where water and/or sewer is not available, the minimum lot area shall be 40,000 square feet and the minimum lot width shall be 150 feet
3. Except for lots of record prior to December 19, 1991 having a lot width of less than 75 feet, the side yards may be reduced for single-family dwellings only as follows: (a) Each side yard may be reduced to not less than ten percent of the lot width; and (b) on corner lots, only the interior side yard may be reduced below 8 feet.
4. If the development maintains common areas under single management or control, the total required lot area for all dwelling units may be provided through a combination of private lots and common outlots.
5. Minimum lot width is for three (3) dwelling units in one townhome structure, additional interior units shall have 25 feet of lot width for each additional unit.
6. Except where rear or side demising wall is a permitted common wall between dwelling units.
7. Each mobile home space shall have a 25 feet front yard measured from edge of private street to closest face of mobile home, a 15 feet rear yard measured from rear space line to closest face of mobile home, and a 20 feet side yard separation between mobile homes. All accessory structures shall have a 25 feet yard on all sides except garages which shall have the same yard requirements for mobile homes.
8. Except for Lots of Record created in an R-2 district prior to January 14, 2013, which shall require a minimum lot area of 8,000 square feet and a minimum width of 75 feet for two-family dwellings.

7. Off-Street Parking. Off-street parking shall be provided as required by Section 165.16 for all residential districts. In addition, the following requirements shall apply:

A. All dwelling units constructed after the adoption of this ordinance located within any permitted zoning district shall have a minimum two-car, enclosed garage, except for apartment dwellings having less than three (3) bedrooms per unit.

B. All apartment dwelling units having less than three (3) bedrooms constructed after the adoption of this ordinance located within any permitted zoning district shall have a minimum one-car, enclosed garage area per unit.

C. Carports shall not be considered as an acceptable enclosed garage or garage area.

8. Site Plans. Site plans shall be required for all uses in all residential districts except single family and duplex family residential dwellings. See Chapter 157 for Site Plan requirements.

9. Division of Single-family lots of record. In any residential district, single-family lots previously platted in a subdivision of similarly sized single-family residential lots shall not be further subdivided or split by a Plat of Survey or by Specific Quantity Description. No building permits shall be issued for either parcel on any such lot so split.

10. Architectural Design Standards. Architectural Standards shall be required in conformance with the provisions of Section 157.09 of this ordinance.

11. Open Space Requirements. Open space requirements shall be required in conformance with Section 165.06, subsection 10, of this chapter.

12. Landscape, Planting and Screening. Open space planting, parking area landscaping buffer screening with easements shall be required in accordance with Section 165.17 of this chapter.

13. Exceptions and Modifications. See Section 165.14 for exceptions to the R-1, R-2 and R-3 district regulations. However, there shall be no exceptions to the requirements of the R-1A, R-2A or R-4 zoning district regulations and the provisions of Section 165.14 and the provisions of Section 165.06, subsections 5 and 12 shall not apply to said districts.

7. Off-Street Parking Requirements

165.16 OFF-STREET PARKING AREA.

1. In all districts except the “C-TS” Town Square Business District in connection with every industrial commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served.

A. The presumptions established by this section are that: (i) a development must comply with the parking standards set forth in the parking table, and (ii) any development that does meet these standards is in compliance.

B. In determining the number of parking spaces required by the table of parking requirements, if a fractional space results, any fraction less than one-half may be disregarded while fractions in excess of one-half shall be counted as one parking space.

C. The Council recognizes that the table of parking requirements set forth in this section cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Public Works Director is authorized to determine the parking requirements using this table as a guide. In accordance with the Comprehensive Plan, wherever possible parking will be established in the rear or side yard with the building orientation to the front sidewalk.

D. Table of Parking Requirements.

USE	PARKING REQUIREMENT
RESIDENTIAL:	
Single-family	2 spaces for each dwelling unit plus one space per room rented out, exclusive of garage
Two-family	2 spaces for each dwelling unit, exclusive of garage
Multi-family, One bedroom (townhomes & apartments)	1 space per dwelling unit, exclusive of garage, plus 1 visitor space per 5 dwelling units
Multi-family, Two bedrooms or more (townhomes & apartments)	2 spaces per dwelling unit, exclusive of garage, plus 1 visitor space per 5 dwelling units
Independent Living Facilities	1.25 spaces per dwelling unit, exclusive of garage, plus 1 visitor space per 5 dwelling units
Assisted Living Facilities.	1 space per two dwelling units plus 1 space per each on-duty staff member
MISCELLANEOUS ROOMS-FOR-RENT SITUATIONS:	
Homes emphasizing special services, treatment or supervision	3 spaces for every five beds except for uses exclusively serving children under 16, in which case 1 space for every 3 beds is required
Boarding houses	1 space for each bedroom
Hotels, motels and similar businesses or institutions providing over-night accommodations	1.25 spaces for each room to be rented plus additional space (in accordance with other sections of this table) for restaurant or other facilities
Home occupations	Demand established by particular home occupation authorized
<i>(Ord. 2013-100 – April 13 Supp.)</i>	

USE	PARKING REQUIREMENT
SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT: (No storage or display of goods outside fully enclosed building.)	
Storage – miscellaneous	1 space per 200 square feet of gross floor area
Convenience store	1 space per 150 square feet of gross floor area
Low-volume traffic*	1 space per 400 square feet of gross floor area
Wholesale sales	1 space per 400 square feet of gross floor area
Storage and display of goods outside fully enclosed building:	
High-volume traffic generation*	1 space per 200 square feet of gross floor area
Low-volume traffic generation*	1 space per 400 square feet of gross floor area
Wholesale sales	1 space per 400 square feet of gross floor area
*As determined by the City Engineer and/or IDOT traffic studies or other acceptable evaluations and data.	
OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE: (All operations conducted within fully enclosed building.)	
Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	1 space per 200 square feet of gross floor area
Operations designed for little or not customer or client traffic other than employees of the entity operating the principal use	1 space per 400 square feet of gross floor area
Office or clinics of physicians or dentists with no more than 10,000 square feet of gross floor area	1 space per 150 square feet of gross floor area
Operations conducted within or outside fully enclosed building:	
Operations designed to attract and serve customers or clients on the premises	1 space per 200 square feet of gross floor area
Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	1 space per 400 square feet of gross floor area
Banks with drive-up windows	1 space per 200 square feet of area within main building plus reservoir land capacity equal to 5 spaces per window (10 spaces if window serves two stations)
MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLY OF GOODS, MERCHANDISE AND EQUIPMENT (All operations conducted entirely within a fully enclosed building.)	
Majority of dollar volume of business done with walk-in trade	1 space per 400 square feet of gross floor area
Majority of dollar volume of business not done with walk-in trade	1 space for every two employees on the maximum shift, except that if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of gross floor area
Operations conducted within or outside fully enclosed building	1 space for every two employees on the maximum shift except that if permissible in the commercial districts, such uses may provide 1 space per 200 square feet of gross floor area

USE	PARKING REQUIREMENT
EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES:	
Elementary and secondary (including associated grounds and other facilities)	1.75 spaces per classroom in elementary schools, 10 spaces per classroom in high schools
Trade or vocation schools	1 space per 100 square feet of gross floor area
College, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	1 space per 150 square feet of gross floor area
Churches, synagogues, temples	1 space for every 80 square feet of worship area plus one space for every two employees with sufficient space for safe and convenient loading and unloading
Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)	1 space per 300 square feet of gross floor area
Social, fraternal clubs and lodges, union halls and similar uses	1 space per 300 square feet of gross floor area
RECREATION, AMUSEMENT, ENTERTAINMENT: (Activity conducted entirely within building or substantial structure.)	
Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses	1 space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion; for example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation
Movie theaters	1 space for every four seats
Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people	1 space for every four seats
RECREATION, AMUSEMENT, ENTERTAINMENT: (Activity conducted primarily outside enclosed buildings or structures.)	
Privately owned recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not construction of some residential development	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that outdoor facilities are designed to accommodate when used to the maximum capacity
Publicly owned recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that outdoor facilities are designed to accommodate when used to the maximum capacity
Miniature golf course, skateboard park, water slide and similar	1 space per 300 square feet of area plus 1 space per 200 square feet of building gross floor area
Drive Range	1 space per tee plus 1 space per 200 square feet of building gross floor area
Par Three Course	2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area
Horseback riding stables (not constructed pursuant to permit authorizing residential development)	1 space per horse that could be kept at the stable when occupied to maximum capacity
Automobile and motorcycle racing tracks	1 space for every three seats
Drive-in movie theaters	1 space per speaker outlet

USE	PARKING REQUIREMENT
INSTITUTIONAL RESIDENCE OR CARE OR CONFINEMENT FACILITIES:	
Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater
Nursing care institutions, intermediate care institutions, institutions for infirm persons or persons with disabilities, child care institutions	3 spaces for every five beds. Multi-family units developed or sponsored by a public or nonprofit agency for limited income families or the elderly require only 1 space per unit
Institutions (other than halfway houses where mentally ill persons are confined)	1 space for every two employees on maximum shift
Penal and correctional facilities	1 space for every two employees on maximum shift
RESTAURANTS, BARS, NIGHTCLUBS:	
No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area
No substantial carry-out or delivery service; no drive-in service, service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats
Carry-out and delivery service, no drive-in service, consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats
Carry-out and delivery service, drive-in service, service or consumption outside fully enclosed structure allowed	1 space per 100 square feet of gross floor area plus 1 space for every four outside seats plus reservoir lane capacity equal to 5 spaces per drive-in window
<i>(Ord. 2013-100 – April 13 Supp.)</i>	
MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS:	
Motor vehicle sales or rental; mobile homes sales	1 space per 200 square feet of gross floor area
Sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers, etc.) fully enclosed structure allowed	1 space per 200 square feet of gross floor area
Motor vehicle repair and maintenance, not including substantial body work	1 space per 200 square feet of gross floor area
Motor vehicle painting and body work	1 space per 200 square feet of gross floor area
Gas sales	1 space per 150 square feet of gross floor area of building, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces
Car Wash conveyor type	1 space for every three employees on the maximum shift plus reservoir capacity equal to 5 times the capacity of the washing operation
Car Wash self-service type	2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall
STORAGE AND PARKING:	
(Storage of goods not related to sale or use of those goods on the same lot where they are stored)	
All storage within completely enclosed structures	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside)
Storage inside or outside completely enclosed structures	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside)

USE	PARKING REQUIREMENT
OTHER:	
Scrap materials, salvage yards, junk yard, automobile graveyards	1 space per 200 square feet of gross floor area
Service and enterprises related to animals	1 space per 200 square feet of gross floor area
Emergency services	1 space per 200 square feet of gross floor area
Agricultural, silvicultural, mining, quarry operations	1 space per 2 employees on maximum shift
Miscellaneous public and semi-public facilities:	
Airport	1 space per 200 square feet of gross floor area
Sanitary landfill	1 space for every two employees on maximum shift
Dry cleaner, Laundromat	1 space per 200 square feet of gross floor area
Open air markets and horticultural sales	1 space per 1,000 square feet of lot area used for storage, display or sales
Funeral Home	1 space per 100 square feet of gross floor area
Cemetery	No requirement
Nursery schools; day care centers	1 space per employee plus 1 space per 200 square feet of gross floor area
Bus station, train station	1 space per 200 square feet of gross floor area
Commercial greenhouse operations area	1 space per 200 square feet of gross floor area

2. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

3. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in case of a dwelling and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and to secure the most appropriate development of the property in question, provided however, such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.

4. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

A. No part of any parking space shall be closer than five (5) feet to any established street right-of-way or alley line. In the case the parking area adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and an opaque screen of six (6) feet in height shall be installed and shall be maintained along all "R" District boundaries. In addition, except at designated access points, wheel barriers shall be installed along the outside boundaries of any parking area. The wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching into any required setback. The screen shall be in line with the front of any adjoining "R" District or the front of the proposed commercial structure, whichever is the lesser front yard setback. However, if the adjoining "R" District property is vacant, the front yard setback for the "R" District shall apply. A six (6) foot high opaque screen shall not be required along streets or along alleys. An opaque screen of three (3) feet shall be installed and maintained along each street side lot line of a corner lot where the premises is across from any "R" District. The opaque screen shall not extend closer than twenty-five (25) feet to the front property line. An opaque screen of three (3) feet shall be installed and maintained along each alley line where the premises is across from any "R" District. The opaque screen need not extend beyond

the opaque screen installed along the street side lot line. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. An opaque screen shall consist of one, or any combination of, the following:

- (1) Wood or masonry walls or fences when constructed of materials which provide openings of less than fifty percent (50%) in area of the vertical surface of the wall or fence.
- (2) Berms constructed of earthen materials and landscaped.
- (3) Plant materials when used as a screen shall consist of compact evergreen plants that meet the approval of Section 165.17, Landscape, Planting and Screening and Urban Design Standards, Chapter 12, Section 5. They shall be of a kind or used in such a manner so as to provide their screening function within eighteen (18) months after initial planting. The Zoning Enforcement Officer shall require that either (1) or (2) above be installed if, after 18 months after planting, plant materials have not formed an opaque screen or if an opaque screen is not maintained. A wall or fence may be combined with the plant materials. However, if such a wall or fence is constructed of materials which provide openings of more than fifty percent (50%) in area of the vertical surface of the wall or fence, it shall not be considered a part of the opaque screen and it shall be located on the parking area side of the plant materials.
- (4) When the finished elevation of the property is lower at the boundary line or within five (5) feet inside the boundary line than an abutting property elevation, such change in elevation may be used in lieu of or in combination with additional screening to satisfy the screening requirements for this district.

B. In all zoning districts, all off-street parking areas and driveways shall be surfaced with an asphaltic or portland cement binder pavement or such other surfaces as shall be approved by the City Engineer and the Building Inspector so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulation within the area and shall be so arranged and marked as to provide for orderly and safe loading and unloading and parking and storage of self-propelled vehicles. Such surfacing shall be required to be installed at the time of site improvement construction in conjunction with Site Plan approval when such approval is required and issuance of building permits and shall be considered a required improvement to be installed prior to issuance of occupancy permits; provided however, the Council may, in its discretion, by resolution, authorize an extension of time for the installation of the required surfacing and allow issuance of the occupancy permit prior to installation of the required surfacing. The Council may consider an extension of time only if a petition signed by the owner or duly authorized representative requesting a time extension including a statement of reasons therefor, is presented to the Council. The length of time granted for the extension shall be determined and at the discretion of the Council, but in no event longer than three (3) years. Should a time extension be granted by resolution of the Council, the owner shall provide to the City a performance bond in the form as prescribed by the

Subdivision Regulations, Chapter 170 of this Code of Ordinances, and in the amount recommended by the City Engineer and approved by the Council and for the duration of the time stipulated in such grant. The Council may, in its discretion, by resolution rescind the granted extension of time by reason of such facility becoming a nuisance to surrounding property owners. In such instance, the required surfacing shall be installed by the owner within six months from the date of such resolution or the performance bond concerning surfacing shall be forfeited and the surfacing installed by order of the City.

C. Vehicles, recreational vehicles, boats, all-terrain vehicles (ATVs) or snowmobiles shall not be parked or stored within the front yard or street side yard of a residential lot in any zoning district unless situated on a paved driveway or parking lot. In the case of an existing residential driveway that was unpaved at the time of the passage of this Ordinance; vehicles, recreational vehicles, boats, ATVs and snowmobiles shall be permitted to be parked or stored on such unpaved driveway until such time as site improvements are made which require the driveway to be paved. Recreational vehicles, boats, ATVs, and snowmobiles may be parked or stored within the interior side yard or rear yard of a residential lot or within an enclosed garage. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.

D. Any lighting used to illuminate any off-street parking area including any commercial parking lots shall be so arranged as to reflect the light away from adjoining premises in any "R" District. Such lighting shall be downcast lighting with a maximum of 1 foot-candle at the property line.

5. Off-street parking areas shall be provided on the same lot with the principal use, except as provided in subsection 6 below.

6. Subject to the requirements herein, off-street parking areas may be established in any "R" District that immediately adjoins a "C" or "M" District, or is directly across an alley from a "C" or "M" District, provided that:

A. Such parking shall be accessory to and for use of one or more permitted uses in the adjoining "C" or "M" District and shall not include trucks.

B. Such parking areas shall not extend more than one hundred (100) feet from the boundary of the less restricted district. In no case shall said areas extend closer than ten (10) feet to the street right-of-way line. The yard between said parking areas and the adjoining streets shall be screen planted and landscaped as provided in C below.

C. A ten (10) foot yard shall be maintained between said parking area and adjoining lots in an "R" District. In addition, except at designated access points, wheel barriers shall be installed along the outside boundaries of any parking area. The wheel barriers shall be installed in such a manner as to prevent a parked vehicle from encroaching into any required setback. An opaque screen at least six (6) feet in height shall be maintained along all "R" District boundaries. The screen shall be in line with the front of any adjoining residential structure in any adjoining "R" District or the front of the proposed commercial structure, whichever is the lesser front yard setback. However, if

the adjoining "R" District property is vacant, the front yard setback for the "R" District shall apply. A six (6) foot high opaque screen shall not be required along adjoining streets or adjoining alleys. An opaque screen of three (3) feet shall be installed and maintained along each street side lot line of a corner lot where the premises is across from any "R" District. The opaque screen shall not extend closer than twenty-five (25) feet to the front property line. An opaque screen of three (3) feet shall be installed and maintained along each alley line where the premises is across from any "R" District. The opaque screen need not extend beyond the opaque screen installed along the street sides of the screen, the height shall be measured from the highest elevation. An opaque screen shall consist of one or any combination of the following:

(1) Wood or masonry walls or fences when constructed of materials which provide openings of less than fifty percent (50%) in area of the vertical surface of the wall or fence.

(2) Berms constructed of earthen materials and landscaped.

(3) Plant materials when used as a screen shall consist of compact evergreen plants. They shall be of a variety or used in such a manner so as to provide adequate screening function. A wall or fence may be combined with the plant materials. A wall or fence may be combined with the plant materials. However, if such a wall or fence is constructed of materials which provide openings of more than fifty percent (50%) in area of the vertical surface of the wall or fence, it shall not be considered a part of the opaque screen and it shall be located on the parking area side of the plant materials.

(4) When the finished elevation of the property is lower at the boundary line or within five (5) feet inside the boundary line than an abutting property elevation, such change in elevation may be used in lieu of or in combination with additional screening to satisfy the screening requirements for this district.

D. All entrances and exits for said parking areas shall be from said adjoining alley for "C" or "M" District.

E. No such parking area shall be located in any required front yard in a residence district or project in front of the immediately adjoining permitted principal structures.

7. Parking spaces required by subsection 1 and 2 hereof shall be provided in accordance with the Urban Design Standards, Chapter 12, Section 3.

8. Parking spaces required by subsection 1 and 2 hereof shall not be located within any shared or common driveway or ingress/egress easement.

[The next page is 921]

8. Provisions for Noncompliance/Nonconformities

satisfaction of the Commission and Council that application of the open space requirements set forth in this subsection work a peculiar hardship on the owner. A "peculiar hardship" means that the owner's property is so situated that an insufficient amount of land is available to accommodate the open space requirements given the nature of the proposed development and which makes the proposed development unfeasible. No peculiar hardship will be determined to exist where the proposed use of the property could accommodate the open space requirements when compared to the space required or actually used in connection with other similar uses in the Des Moines Metropolitan area.

11. Temporary Buildings. Temporary buildings, camping trailers, tents, portable or potentially portable structures shall not be used for dwelling purposes in any district. Camping trailers for overnight use are excluded from the above requirement. All temporary buildings require a building permit and shall be inspected. Temporary buildings shall not be utilized for a period exceeding six (6) months. The Council may approve exceptions for public use.

12. Lots of Record. Any lot of record prior to March 25, 1996 which is located in any residence district and which does not comply in area and/or minimum dimensions with the requirements of the district in which it is located may be used for a single-family structure, provided that all setback and other requirements of this chapter are complied with, and that the owner of such lot did not directly or indirectly have legal title to or enjoy the beneficial interest in the lot or lots contiguous thereto on the effective date of this chapter. No building permit shall be issued for construction on any substandard lot, which lot was of record prior to March 26, 1996, if said lot is adjacent and contiguous to another lot which at the time of the adoption of this chapter was in the same ownership or whose ownership had beneficial interest in said lot, unless said lots are combined into one lot meeting the requirements of the zoning district which is applicable.

13. Merchandising in Front Yard. No merchandise shall be offered for sale or rent or be displayed or stored in the required front yard in any commercial or industrial district, provided, however, that dispensing devices for motor fuel, air and water shall be permitted if they are set back at least twelve (12) feet from the property line.

14. Manufactured or Modular Homes. Notwithstanding any other provision in this chapter, the plans and specifications of a proposed residential structure shall not be denied solely because the proposed structure is a manufactured or modular home. However, the manufactured or modular home shall be located and installed according to the same standards which would apply to a site-built single-family dwelling on the same lot. This would include, but not be limited to, a foundation system, setback, and minimum square footage.

15. Recreational Vehicles. Recreational vehicles shall not be used for human occupancy in any district for more than seventy-two (72) hours unless occupied continuously for three months prior to January 1, 2003. Recreational vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings.

165.07 NONCONFORMING USES.

1. Authority to Continue. Any building, structure or use lawfully established and existing on the effective date of this chapter which does not conform to all of the

regulations of the district in which it is located may be continued, subject to the provisions of this chapter on the effective date thereof, but which does not conform to any subsequent amendment thereof, may also be continued thereafter subject to the provisions of this chapter.

2. Repairs and Alterations. Repairs and alterations may be made to a nonconforming building, provided that no structural alterations shall be made in or to a building, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except that structural alterations may be made if they are required by law or are necessary to make the building and use thereof conform to the regulations of the district.

3. Additions and Expansions. A nonconforming building which is nonconforming as to size, height or setbacks, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to, expanded or enlarged unless such addition, expansion or enlargement conforms to all the regulations of the district in which it is located and unless the entire building thereafter conforms to all of the regulations of the district as to size. A nonconforming use of land shall not be expanded or extended beyond the area it occupies which would make it more nonconforming at the date of the adoption of this chapter.

4. Discontinuation. A building, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located which is or hereafter becomes vacant and remains unoccupied or is not used for a period of one year, shall not thereafter be occupied or used except in a manner which conforms to the use regulations of the district in which it is located. If a nonconforming use of land is discontinued for a period of six months, such use shall not thereafter be renewed and any subsequent use of the land shall conform to the regulations of the district in which it is located.

5. Restoration of a Damaged Nonconforming Building. A building, designed or intended for a use which is not permitted in the district in which it is located, which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration shall exceed sixty percent (60%) of the cost of replacement of the entire building, shall not be restored unless such building and use thereof shall conform to all the regulations of the district in which it is located. If the cost of restoration of such damaged building does not exceed sixty percent (60%) of the cost of replacement of the entire building, repairs or reconstruction shall be commenced within one year from the date of the fire or other casualty or act of God and diligently pursued until completion.

6. Uses Under "Special Permit Uses." Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use by special permit.

9. Definitions

CHAPTER 165

ZONING REGULATIONS

165.01 Title	165.14 Exceptions and Modifications
165.02 Interpretation of Standards	165.15 Off-street Loading Spaces
165.03 Definitions	165.16 Off-street Parking Area
165.04 Establishment of Districts and Boundaries	165.17 Landscape, Planting and Screening
165.05 Application of District Regulations	165.18 Wireless Telecommunications Towers & Antennas
165.06 General Regulations	165.19 Special Permits
165.07 Nonconforming Uses	165.20 Administration Waiver
165.08 Agricultural Zoning District Regulations	165.21 Board of Adjustment
165.09 Residential Zoning District Regulations	165.22 Occupancy Permits
165.10 Commercial Zoning District Regulations	165.23 Plats
165.11 Industrial Zoning District Regulations	165.24 Amendments
165.12 Public Utility District Regulations	165.25 Zoning Enforcement Officer
165.13 Planned Unit Development District Regulations	165.26 Violation and Penalties
165.13A Government Facility District	165.27 Enforcement
165.13B Floodplain Overlay District Regulations	165.28 Special Events

165.01 TITLE. This chapter establishes comprehensive zoning regulations for the City of Polk City, Iowa, and provides for the administration, enforcement and amendment thereof. This chapter shall be known and may be cited and referred to as the “Zoning Code” of the City.

165.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter 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 chapter shall control.

165.03 DEFINITIONS. For the purpose of this chapter, the following terms or words are defined. 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.

1. “Accessory use or structure” means a use or structure on the same lot with and of a nature subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to use of the principal building.
2. “Adult entertainment business” means and includes any of the following:
 - A. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to “sex act” or “specified anatomical areas,” as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
 - B. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing “sex act” or “specified anatomical areas.”
 - C. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or

characterized by an emphasis on depicting or describing “sex act” or “specified anatomical areas” for observation by the individuals therein.

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

E. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing “sex act” or “specified anatomical areas.”

F. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas” or “sex acts” as defined herein.

G. “Massage parlor” means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on “sex act” or “specified anatomical areas” by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

H. “Sexual encounter center” means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in “sex act” or exposing “specified anatomical areas.”

I. “Sex act,” as used in the definition of “adult entertainment business,” 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 or one person and the genitalia of another, or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

J. “Specified anatomical areas” means and includes the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

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

4. “Apartment” means a room or suite of room in a multiple dwelling intended or designed for use as a residency by a single family.

5. “Attic” means a space under a gable, hip or gambrel, or other roof, the finished floor of which is, or would be, at or entirely above the level of the wall plates

of at least two (2) exterior walls, and the height of which, from the floor level to the highest point of the roof, does not exceed ten (10) feet.

6. “Basement” means a story having part but no more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulation. When a story has more than one-half of its height below grade, the story constitutes a cellar and shall not be counted as a story for the purpose of height regulation.

7. “Bed and Breakfast” means a facility providing temporary lodging other than a hotel, motel or boarding house and which are classified as follows:

A. Residential B & B which is owner occupied and has less than three (3) rental units.

B. B & B Inn which may be owner occupied and has up to and including twelve (12) rental units.

C. B & B Hotel which may be owner occupied and has more than twelve (12) rental units.

8. “Block” means that property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or lying within the nearest intercepting or intersecting streets and unsubdivided acreage, railroad right-of-way or water.

9. “Board” means the Board of Adjustment.

10. “Boarding house” or “Rooming house” means a building other than a hotel where, for compensation, meals and lodging are provided for up to two (2) persons and only as an accessory use to the principal single-family residence and no more than 50% transient occupancy.

11. “Building” means any structure having a roof supported by walls or by columns designed or intended for enclosure, shelter or housing of persons, animals or property. When any portion thereof is separated by party walls without window, door or other openings, each portion so separated shall be deemed a separate building.

12. “Building frontage” means that wall or side of a building which is adjacent and most nearly parallel to a street.

13. “Building, height of” means the vertical distance from the average natural 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 mean height level (between eaves and ridge) for gable, hip, and gambrel roofs.

14. “Building line” means the line of the outside wall of the building or any enclosed projection thereof nearest the street.

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

16. “Carport” means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this chapter, a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

17. "Cellar" means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
18. "Center" or "complex" means a building or group of buildings which are designed to use common facilities such as parking or sidewalk.
19. "Channel" means a natural or artificial watercourse of perceptible extent, with a definite bed and definite banks to confine and to conduct continuously or periodically flowing water.
20. "Clinic, medical or dental" means a building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their profession.
21. "Convenience store" means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores.
22. "Court" means an open, unobstructed and unoccupied space other than a yard, which is bounded on two (2) or more sides by a building on the same lot.
23. "Day nursery" or "nursery school" means any private 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 preschool age, for compensation.
24. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
25. "Duplex" means a residential two-family dwelling with a common wall.
26. "Dwelling" means any stationary, permanent building or portion thereof which is designed or used exclusively for residential purposes, but not including a cabin or camping trailer.
27. "Dwelling, single-family, detached" means a residence designed for or occupied by one family only, entirely surrounded by yard on the same lot.
28. "Dwelling, single-family, bi-attached" or "semi-detached" means a dwelling designed for or occupied by one family only, which is erected on a separate lot and is joined to another such residence on one side only by wall located on the lot line and which has yards on the remaining sides.
29. "Dwelling, duplex" or "two-family" means a residence designed for or converted for occupancy by two (2) families only, with separate housekeeping and cooking facilities for each dwelling.
30. "Dwelling, multiple" means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
31. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others and where the general common elements of the structure, as defined under the Code of Iowa, is shared by one or more persons, corporations or other legal entities capable of holding or owning an interest in real property.

32. “Dwelling, row” means any one of three or more residences designed for or occupied only by one family within a townhome development which are attached and in a continuous row. Each dwelling is designed and erected as a unit on a separate lot with an individual entrance. All dwelling units must be separated horizontally from each other dwelling by a dividing wall, but may not be separated vertically from each other by a dividing floor or ceiling. No more than six units shall be permitted in a single structure.
33. “Dwelling, garden home” means a building containing only one dwelling unit on a separate lot and designed for and occupied exclusively for residence purposes by only one family within a townhome development.
34. “Dwelling, townhome” means a row dwelling or garden home as defined herein which is characterized by common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Said covenants shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowners association to assure access to the structure exterior of each townhome unit by the individual unit owner.
35. “Dwelling, group home” means a dwelling shared by four (4) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which the staff provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible.
36. “Dwelling unit” means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
37. “Family” means one or more persons each related to the other by blood, marriage, adoption, legal guardianship or as foster parent-children who are living together in a single dwelling and maintaining a common household. Not more than two persons not so related, living together on the premises as a common household, may constitute a “family” in a single-family residential district. A “family” may include domestic servants residing with said “family.”
38. “Farm” means an area of ten (10) acres or more which is used for the growing of the usual farm products, such as vegetables, fruits, trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term “farming” includes the operating of such an area for one or more of the above uses, including the necessary accessory uses for treating or storing the produce; provided, however the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further that “farming” does not include the feeding of garbage or offal to swine or other animals.
39. “Flood” means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
40. “Flood plain” means the land adjacent to a body of water that has been or may be hereafter covered by flood water, including but not limited to the 100-year flood.
41. “Floodway” means the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and to discharge the flood water

or flood flows of any river or stream, including but not limited to flood flows associated with the 100-year flood.

42. “Floor area ratio” means the gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.

43. “Garage, private” means an enclosed structure intended for and used for the housing of motor-driven vehicles of the residents of the premises.

44. “Garage, public” means any building or premises other than a private garage used for the equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles.

45. “Gas station” means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such product as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are: 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. No service operations are permitted outside a fully enclosed building. No outdoor storage of parts and/or vehicles in the process of being repaired is permitted. Truck stops are specifically excluded from this definition.

46. “Height” means the vertical distance from the average level of ground grade to the highest portion of the structure.

47. “Home occupation” means any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof; and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family residing on the premises. The following, but not limited to the following, are NOT deemed home occupations: clinics, doctors’ offices, hospitals, barber shops, beauty parlors, dress shops, real estate offices, millinery shops, tea rooms, tourist or nursing homes, animal hospitals and kennels.

48. “Hotel” means a building 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 lodging house.

49. “Inoperable motor vehicle” means any motor vehicle which lacks (1) current registration, or (2) two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use of highways.

50. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old rope, rags, batteries, paper trash, rubber debris, waste; dismantled or inoperable vehicles, machinery and appliances, or parts of such vehicles, machinery or appliances; iron, steel, or other old or scrap ferrous material; old discarded glass, tinware, plastic, or old discarded household goods or hardware.

51. “Junk yard” means any place not fully enclosed in a building, used in whole or in part for the storage, salvage or deposit of junk, used lumber or salvaged wood, whether in connection with a business or not, which encompasses an area of two hundred square feet or more, or any place where more than two inoperable motor vehicles or used parts and materials thereof, when taken together equal the bulk of two motor vehicles, are stored or deposited. For the purpose of this chapter, “junk yard” includes salvage yard, wrecking yard, used lumber yard and places for storage of salvage wood.
52. “Kennel, dog” means any premises on which four (4) or more dogs, six months old or older, are kept.
53. “Lodging house” means a building where lodging or boarding is provided for compensation for five (5) or more, but not exceeding twenty (20) persons not members of the family therein residing.
54. “Lot” means, for zoning purposes as covered by this chapter, 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 a dedicated or private street and may consist of:
- A. A single lot of record or a portion of a lot of record;
 - B. A combination of complete lots of record and/or portions of lots of record;
 - C. A parcel of land described by metes and bounds, provided that in no case of subdivision shall any residual lot or parcel be created which does not meet the requirements of this chapter.
55. “Lot line” means the property line bounding a lot.
56. “Lot measurements” means:
- A. “Depth” means the mean horizontal distance between the front and rear lot lines.
 - B. “Width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the minimum building setback line.
57. “Lot of record” means a lot which is part of a subdivision or a lot or parcel described by metes and bounds, the deed to which is recorded in the office of the Polk County Recorder.
58. “Lot types” means:
- A. “Corner lot” means a lot located at the intersection of two or more streets.
 - B. “Interior lot” means a lot other than a corner lot with only one frontage on a street, other than an alley.
 - C. “Double frontage lot” means a lot other than a corner lot with frontage on more than one street, other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through” lots.
 - D. “Reverse corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

59. “Manufactured home,” as used in this chapter, means a factory-built structure, which is manufactured or constructed under the authority of 42 USC §5403 and which is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A “mobile home” is not considered to be a manufactured home, unless it has been converted to real property as provided in the Code of Iowa, and shall be taxed as a site-built dwelling.

60. “Mini warehouse” means 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 access stalls or lockers for the dead storage of customers’ goods or wares, excluding junk explosives or flammable materials, and other noxious or dangerous materials, including, if any, caretaker or supervisors’ quarters as an accessory use. No business activities other than rental or storage units shall be conducted on the premises.

61. “Mobile home” means any vehicle which has been designed and constructed to be towed or driven upon the public highway or waterways, and may be used as a place for human habitation or sleeping place for one or more persons, which has not been converted to real property under the provisions of the Code of Iowa.

62. “Mobile home, independent” means a mobile home which has a water closet and a bath tub or shower.

63. “Mobile home service building” means a building housing toilet and bathing facilities for men or women and a “slop-water sink.”

64. “Mobile home space, independent” means a mobile home space which has individual water and sewer connections available.

65. “Mobile home park” means any site, lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park.

66. “Motel,” “motor lodge,” “auto court,” etc. means a building or group of attached or detached buildings containing individual sleeping or living units for nonresidents or transients with garage attached or parking facilities conveniently located to each such unit.

67. “Nonconforming use” means any building or land lawfully occupied by a use at the time of passage of this Zoning Code (or any amendment thereto) which does not conform after the passage of the Zoning Code (or amendment thereto) with the use regulations of the district in which it is situated.

68. “Nursing or convalescent home” means a building or structure having accommodations where care is provided for invalid, infirm, aged, convalescent or physically disabled persons, including insane and other mental cases, and inebriate, but not including contagious cases.

69. “Occupant frontage” means that side or wall of a building in which the main public entrance to the premises is located.

70. “One hundred (100) year flood” means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year as determined by the Iowa Natural Resources Council.

71. “Principal use” means the main use of land or structures as distinguished from an accessory use.

72. “Parking space” means a permanently surfaced area which includes the parking stall plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering, incidental to parking, shall not encroach upon any public right-of-way.

73. “Porch, unenclosed” means a roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material, other than meshed screens.

74. “Recreational vehicle” means any camping-type vehicle, boat trailer, All-Terrain vehicle trailer, snowmobile trailer or utility trailer used or so constructed as to permit its frequent use as a conveyance upon the public streets or highways and duly licensable as such, and includes self-propelled and nonself-propelled vehicles. For the purposes of this Chapter, recreational vehicles shall not include boats, ATVs, or snowmobiles.

75. “Restaurant” means a business where the dispensing and the consumption at indoor tables of edible foodstuff and/or beverage is the principal business, including a café, cafeteria, coffee shop, delicatessen, lunchroom, tearoom, dining room, bar, cocktail lounge or tavern. The total seating area located within the enclosed portion of the premises is more than fifty (50) percent of the total floor area.

76. “Restaurant, drive-in/carry-out” means an auto-oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in automobiles, at indoor or outdoor tables, at standup counters or to be carried off the premises. The total seating area, if provided, is less than fifty (50) percent of the floor area.

77. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling of roof next above it.

78. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half story containing independent apartments or living quarters shall be counted as a full story.

79. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.

80. “Street line” means a dividing line between a lot, tract, or parcel of land and a contiguous street.

81. “Structural alterations” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

82. “Structure” means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, “structure” includes buildings, walls, fences, billboards and poster panels.

83. “Truck stop” means any large gas station facility containing more than ten (10) pump dispensers or any gas station designed to accommodate the regular fueling or servicing of semi-trucks.

84. “Vehicle service station” or “Automotive service station” or “lube shop” means any building or premises used for the rendering of minor services and making of adjustments and replacements to motor vehicles, such as oil changes and replacement of filters, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered.; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are: 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. No service operations are permitted outside a fully enclosed building. No outdoor storage of parts and/or vehicles in the process of being repaired is permitted.

85. “Yard” means an open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

86. “Yard, front” means a yard extending across the full width of the lot and measured, using the least distance, between the front lot line and the building or any projection thereof, other than the projection of the usual steps.

87. “Yard, rear” means a yard extending across the full width of the lot and measured, using the least distance, between the rear lot line and the principal building, excluding steps, decks, unenclosed balconies and porches. On corner lots, the rear yard is the yard opposite the narrowest front yard.

88. “Yard, side” means a yard extending from the front yard to the rear year and measured between the side lot lines and the building.