

DIVISION 10: GENERAL PROVISIONS

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SECTION 010-010: SHORT TITLE

This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance for the City of Mediapolis, Iowa,” and shall be referred to herein as “this Ordinance.”

SECTION 010-020: INTENT AND PURPOSE

The Zoning Regulations are enacted for the following purposes:

010-020.A: To promote, protect and facilitate any or all of the following: the public health, safety, morals, general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

- 010-020.B:** To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- 010-020.C:** To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- 010-020.D:** To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.
- 010-020.E:** To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
- 010-020.F:** This Zoning Ordinance is made in accordance with the city's goals and strategies as set forth in the Mediapolis Comprehensive Plan of 2000 as amended, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 010-030: AUTHORIZATIONS

An Ordinance to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for the City of Mediapolis, Iowa, and providing for the administration, enforcement, and amendment thereof; in accordance with the provisions of Chapter 414, of the 2000 Code of Iowa, as amended, to empower the City of Mediapolis, to enact a zoning ordinance, and to provide for the administration, enforcement and amendment.

SECTION 010-040: JURISDICTION

The provisions of this Ordinance shall apply to all of the incorporated territory of the City of Mediapolis, Iowa, and within 2 miles from the corporate limits of the city.

SECTION 010-050: COMPLIANCE WITH ZONING CODE

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located.

SECTION 010-060: APPLICABILITY TO PRIVATE PROPERTY

All regulations and provisions shall apply to all property within the incorporated area of the City of Mediapolis, Iowa.

SECTION 010-070: ROLES AND AUTHORITY

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board only on appeal from the decisions of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in Article 5 of this Ordinance. Under this Ordinance, the Council shall have only the duties of:

010-070.A: Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.

010-070.B: Considering applications for special permits for temporary uses as specified in Article 4 of this Ordinance.

010-070.C: Considering applications for uses listed in the “I-2” Industrial District.

010-070.D: Approving all building permits.

SECTION 010-080: VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.

SECTIONS 010-090: APPLICABILITY TO STREETS AND RIGHT-OF-WAY

No portion of public road, street, or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

SECTION 010-100: INTERPRETATIONS OF MINIMUM REQUIREMENTS

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at various with the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions, covenants, or other provisions of law, the most restrictive or that imposing the higher standards, shall govern.

SECTION 010-110: RULES FOR INTERPRETATION OF LANGUAGE

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

SECTION 010-120: INTERPRETATION OF USES

The purpose of this section is to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Article 5. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

010-120.A: General Description of Residential Use Types.

A residential use type include the occupancy of living accommodations on a wholly or primarily non-transient basis, but excludes institutional living arrangements involving those providing 24-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

1. Single-Family Residential: The use of a site for only one dwelling unit.
2. Duplex Residential: The use of a site for 2 dwelling units within a single building.
3. Two-Family Residential: The use of a site for 2 dwelling units, each in a separate building.
4. Townhouse Residential: The use of a site for 3 or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.

5. Zero Lot Line (Single-Family Attached) Residential: The use of a site for 2 dwelling units, constructed with a common wall and each located on a separate ground parcel with individual garages.
6. Condominium Residential: The use of a site for 3 or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
7. Multiple Family Residential: The use of a site for 3 or more dwelling units, within one or more buildings.
8. Manufactured Home Residential: The use of a site for permanent placement of a manufactured home for a single-family use.
9. Mobile Home Residential: The residential occupancy of mobile homes by families on either a long-term or short-term basis. Uses only include mobile homes parks or mobile home subdivisions.

010-120.B: General Description of Commercial Use Types.

Commercial use types include the sale, rental, service, and distribution of goods; and the provisions of services other than those classified as Industrial or Institutional uses.

1. Administrative and Business Offices: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
2. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores, and tree service firms.
3. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats, or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures.
4. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats, or similar farm animals for reproductive stock or for slaughter.
5. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:

- a) *Automotive Washing*: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.
 - b) *Service Station*: Provision of fuel, lubricants, part and accessories, and incidental services to motor vehicles.
 - c) *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
 - d) *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile homes sales establishments.
 - e) *Automotive Repair Services*: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.
 - f) *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.
 - g) *Vehicle Storage*: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-a ways or impound yards, but exclude dismantling or salvage.
6. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.
7. Business Support Services: Establishment or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical

uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

8. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.
 - a) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiards parlors, ice and roller skating rinks, and penny arcades.
 - b) *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
 - c) *Indoor Entertainment*: Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
 - d) *Outdoor Entertainment*: Predominately spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.
9. Communication Services: Establishments primarily engaged in the provisions of broadcasting and other information relay services accomplished through the use of electronic and telephone mechanisms, but excludes those classified as Major Utility Facilities. Typical uses include television studios, tele-communication service centers, or telegraph service offices.
10. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.
11. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.
12. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.

13. Convenience Store: An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage, or servicing of vehicles shall be prohibited.
14. Crop Production: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean or wheat fields.
15. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings, and loan institutions, loan and lending activities, and similar services.
16. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy stores.
17. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
18. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, prescription drugs, cards and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, fabrics and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
19. Kennels: Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, or dog-training centers.
20. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include bulk laundry and cleaning facilities, diaper services, or linen supply services.
21. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.

22. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts of humans, licensed for such practice by the State of Iowa.
23. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
24. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.
25. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
26. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
27. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.
28. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
29. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.
30. Riding Academy: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables, or liveries.
31. Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, and similar uses.

32. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.
33. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
- a) *Campground*: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
 - b) *Hotel/Motel*: Lodging services involving the provision of room and/or board where four or more units are offered for occupancy to the general public. Typical uses include hotels, motels, or transient boarding houses.
 - c) *Bed and Breakfast Inns*: A private, owner-occupied housing unit, which provides up to four sleeping rooms for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units that are designed to be rented shall contain no cooking facilities.
 - d) *Cottage/Resort Enterprise*: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding employees.
 - e) *Commercial Cottage*: A single dwelling unit rented to the general public for periods not exceeding one calendar month.

010-120.C: General Description of Industrial Use Types.

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

1. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
2. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding 2 horsepower or a single kiln not exceeding 8 kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or jewelry.

3. Light Manufacturing: A use engaged in the manufacturing, predominately from previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
4. Resource Extraction: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
5. Scrap and Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards or paper salvage yards.
6. Stockyards: Stockyards services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.
7. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution types:
 - a) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
 - b) *General Warehousing and Distribution*: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators, or open storage yards.

010-120.D: General Description of Institutional Use Types.

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses, which are strongly vested with public and social importance.

1. Administrative Services: Offices, administrative, clerical, or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, or municipal offices.

2. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.
3. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
4. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.
5. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation, and exhibition of objects of permanent interest in one or more of the arts and sciences.
6. Day Care Services (Limited): A facility, or use of a building or portion thereof, for the care of 6 or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children, and similar uses.
7. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for the care of 7 or more individuals. This term includes nursery schools, pre-schools, day care centers for children, and similar uses.
8. Game Refuge: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands, and wetlands.
9. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices, and junction boxes which are necessary to support principal development.
10. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities, including corporation of commercial services or contracting or industrial activities.
11. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
12. Park and Recreation Services: Publicly owned and operated parks, playgrounds, recreation areas or open spaces.
13. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

14. Primary Educational Facilities: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.
15. Public Assembly: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
16. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
17. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.
18. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.
19. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
20. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

SECTION 010-130: RULES APPLICABLE TO PARCELS SPLIT BY ZONING DISTRICTS

Where one parcel of property is divided into 2 or more portions by reason of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this Ordinance, each portion shall be considered as if in separate and in different ownership.

SECTION 010-140: APPLICABILITY TO PRIOR AND PENDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this Ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this Ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

SECTION 010-150: APPLICATION OF REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each district to each class or kind of structure or land, except as provided:

010-150.A: No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located, except agricultural uses as set forth in the provisions of Chapter 335 of the *Iowa Code*.

010-150.B: No building or other structure shall be erected or altered:

1. To exceed the height limit herein established;
2. To accommodate or house a greater number of families;
3. To occupy a greater percentage of lot area;
4. To change its use;
5. To have narrower or smaller rear yards, front yards, side yard, or other open spaces; and/or
6. To reduce the number of off-street parking and loading spaces then required or in any other manner be contrary to the provisions of this Ordinance.

010-150.C: No part of a yard, or other open space, or off-street parking or loading required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space, or off-street parking and loading spaces then required for any other building by this Ordinance.

010-150.D: No yard or lots existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth here. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 010-160: ZONING OF ANNEXED LAND

All territory, which may be annexed into the City of Mediapolis, shall be in the (A-1) Agricultural District, unless otherwise recommended to the City Council by the Planning and Zoning Commission to be annexed as an appropriate zone for the existing land use on the property to be annexed or until otherwise classified by amendment. Said zoning amendment shall be adopted within 6 months of date of annexation.

SECTION 010-170: SEVERABILITY CLAUSE

Should any article or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 010-180: REPEALER

All existing Zoning Ordinances and parts of Zoning Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 010-190: EFFECTIVE DATE

This Ordinance shall be in force and effective after its passage, approval, and publication as provided by law.

Passed by the Council this _____ day of _____, 2001, and approved this _____ day of _____, 2001.

_____, Mayor of Mediapolis, Iowa

Attest:

_____, City Clerk of Mediapolis, Iowa

DIVISION 15: DEFINITIONS

Sections:

015-010 Rules of Interpretation

015-020 Definitions

SECTION 015-010: RULES OF INTERPRETATION

For the purpose of this Ordinance, certain terms or words, and expression are defined.

015-010.A: Tense.

The present tense includes the future tense.

015-010.B: Number.

The singular number includes plural, and the plural number includes the singular.

015-010.C: Shall and May.

The word “shall” is mandatory; the word “may” is permissive.

015-010.D: Gender.

The masculine term “he” includes the feminine term “she.”

015-010.E: Person.

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

015-010.F: Used or Occupied.

The words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

015-010.G: Lot.

The word “lot” includes the words “plot” or “parcel,” and all other words or phrases used to denote an individual building site which complies with the minimum provisions of this Ordinance.

SECTION 015-020: DEFINITIONS

ACCESSORY APARTMENT: A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether a part of the same structure as the dwelling unit or a detached dwelling unit on the same lot; for the temporary use by guests of the occupants of the premises.

ACCESSORY USE OR STRUCTURE: A subordinate structure or use, which customarily is incidental to that of the principal or conditional use of the premises. Customary residential accessory uses include but not limited to, tennis courts, swimming pools, detached garages, air conditioners, garden houses, decks, children play houses, barbecue ovens, fire places, patios, and residential storage sheds; but under no circumstances include incomplete or inoperable motor vehicles. Garages or other accessory uses attached to the principal structure shall be considered apart thereof and meet the requirements of the principal structure.

ADDITION: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

AGRICULTURE: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquatic farming, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal used for agricultural purposes. If the tract of land is less than 35 acres, it shall be presumed that the tract is not primarily used for agricultural purposes.

ALLEY: A public right-of-way, other than a street, 26 feet or less in width, affording secondary means of access to abutting property. An alley shall now be considered a public thoroughfare.

ALTERATION, INCIDENTAL: Modifications to a building or structure that are of a cosmetic nature, replacement of utilities, or rearrangement of internal partitions. The replacement of load-bearing walls is not permitted.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

AMENDMENT: A change in the wording, context or substance of this Ordinance, or a change in the zoning or district boundaries of the Official Zoning Map, a part of this Ordinance, when adopted by Ordinance passed by the proper authoritative body in the manner prescribed by law.

ANTIQUA SHOPS: A place used for the sale or trading of articles of which are at least 30 years old or have collectible value. Antiqua shops does not include “secondhand store.”

AUTOMOBILE WRECKING: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of 5 or more vehicles which for a period exceeding 30 days have not

been capable of operating under their own power, and from which parts have been removed or are to be removed for re-use, salvage, or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

BASEMENT: The portion of a building having part but not more than one-half (1/2) of its height below grade. A basement shall not be counted as a story for the purpose of height regulation, providing the finished floor level directly above is not more than 6 feet above grade.

BASEMENT, WALKOUT: A basement having a portion of its finished floor not more than 4 feet below the finished yard grade at any of its exterior walls and having not less than two-thirds (2/3) of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story.

BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

BLOCK: An area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-ways, exterior boundaries of a subdivisions, shoreline of waterways, or corporate boundaries.

BOARD: The Board of Adjustment of the City of Mediapolis.

BOARDING OR LODGING HOUSE: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging and/or meals, are provided for 4 or more persons, but not exceeding 15 persons. Shall not include rest homes.

BODY SHOP, MOTOR VEHICLE: Any building or portion thereof used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the bodywork.

BOUNDARY OF DISTRICT: The centerline of a street or right-of-way or the centerline of the alleyway, between the rear or side property lines or, where no alley or passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the maps adopted by this Ordinance.

BUILDING: Any structure having a roof supported by walls or columns intended for enclosure, shelter or housing of persons, animals, or chattel. When any portion thereof is entirely separated by walls in which there is no communicating doors or windows or any similar opening, each portion so separated shall be deemed a separate building.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of all principle and accessory buildings on the lot.

BUILDING HEIGHT: The vertical distance from the average finished ground 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.

BUILDING LINE: The extreme overall dimensions of a building as determined from its exterior walls and as stated on the ground, including all areas covered by vertical projection to the ground of overhang of walls, or any part of a primary structural support or component, which is nearest to the property line. (Also see Setback.)

BUILDING, PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUILDING SITE: The ground area of 1 lot; or the ground area of 2 or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this Ordinance. (Also see Lot.)

BULK STATIONS: Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematory, mausoleums, mortuaries, necessary sales, and maintenance facilities when operated in conjunction with and within the boundary of such cemetery.

CENTERLINE, PUBLIC THOROUGHFARE: A line running parallel with the thoroughfare right-of-way, which is half the distance between the extreme edges of the official right-of -way width.

CERTIFIED SURVEY: A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed and sealed by the registered surveyor under whose supervision said survey was prepared.

CHILD CARE CENTER: A facility providing child care or preschool services for seven or more children, except when the facility is registered as a childcare home (*Iowa Code, Chapter 237A*). Whereas, the care, supervision, and guidance of a child by a person other than the child's parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis.

CHILD CARE FACILITY: Either a childcare center, preschool, or a registered childcare home; as defined in Chapter 237A in the *Iowa Code*.

CHILD CARE HOME: A person or program providing child care as a family child care home; where as child care is given to less than seven children at any one time or to less than twelve children at any one time as authorized by Section 237A.3, Subsection 1 of the *Iowa Code*.

CHURCH: Any building or site used for non-profit purpose, whose primary use is public religious worship.

CLUB: An association of persons for some common non-profit purposes, but not including groups organized primarily to render a service, which is customarily carried on as a business.

COCKTAIL LOUNGE: Any place of business, other than a midnight clubs' located in and accessory to a hotel, motel or restaurant, where liquor, beer or wine is sold for consumption on the premises, and where music or other entertainment is limited to a piano bar or other one person performance and dancing is prohibited. (Also see Tavern, Night Club.)

COMMERCIAL USE: The barter, exchange, sale, service or trade of goods, materials or services, either tangible or intangible for financial, material or monetary gain.

COMMISSION: The Planning and Zoning Commission of the City of Mediapolis.

CONDITIONAL USE: A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

CONSIGNMENT STORE: A retail establishment engaged in selling used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment, or a retail establishment engaged in selling donated used merchandise. Merchandise is brought to the establishment and processed by marking, cleaning, sorting, and storing as a major part of the principal use. Such stores do not include those selling vehicle, auto parts, scrap or waste.

CONVENIENCE STORE: A retail store or establishment offering for sale a limited line of groceries and gasoline. Does not include automotive service stations, or vehicle repair shops.

COUNCIL: The elected Council of the City.

COURT: An open, unoccupied, unobstructed space, except for trees, shrubs, statuary, or other articles normally considered accessory to landscaping which is bounded on 2 or more sides by a building on the same lot.

CROWN OF ROAD: The grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.

DISTRICT: A section or sections of land area, depicted on the Official Zoning Map, within the regulations governing the use of buildings and premises are uniform.

DOG KENNEL: The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor or pet shop, as permitted by law, or the keeping of 5 or more dogs, 6 months or older, on premises used for residential purposes, or the keeping of more than one dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel.

DUMP: A premises used for the disposal of "clean" type fill or refuse such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

DUPLEX: A structure containing two dwelling units, each of which has direct access to the outside.

DWELLING: Any stationary, permanent building or structure or portion thereof, designed or used exclusively for residential purposes for occupancy by one or more families. Shall not include a tent, motor home, cabin, trailer, trailer coach, automobile chassis, or portable building.

DWELLING UNIT, ATTACHED: Two or more dwelling units within a structure.

DWELLING UNIT, DETACHED: No more than one dwelling unit within a structure.

DWELLING, SINGLE-FAMILY DETACHED: A detached (dwelling unit) building/structure designed for and occupied exclusively for residential purposes by one family.

DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit, which is most commonly horizontally attached to another dwelling where each unit has direct access to their own unit from the exterior of the building, rather than through a common hallway.

DWELLING, TWO-FAMILY: A building designed for and used exclusively for occupancy by 2 families living independently of each other and containing two dwelling units.

DWELLING, MULTIPLE: A building or buildings on a common land designed for and used for occupancy by 3 or more families living independently of each other and containing 3 or more dwelling units.

EASEMENT: The right to use property owned by another for specific purposes or to gain access to another property by the public, a corporation, or persons. Includes, but not limited to, the construction of utilities, drainage ways, and roadways.

FAMILY: One or more legally related persons occupying a single dwelling unit.

FARM: An area comprising 10 acres or more that is used for agriculture (Also see Agriculture).

FENCE: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protections, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth.

FLOOR AREA, GROSS: The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall not include attics.

FRONTAGE: The distance of a front lot line as measured along the public thoroughfare (Also see Lot Lines, Front).

GARAGE, COMMUNITY: A structure or a series of structures under one roof, and under one ownership, used primarily for storage of vehicles by three or more owners or occupants of property in the vicinity.

GARAGE, MECHANICAL: A structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care and minor servicing is an accessory use.

GARAGE, PRIVATE: An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building

GARAGE, PUBLIC: A structure other than a private garage, used for the shelter or storage of motor powered vehicles and in which the care, minor servicing, washing, etc., is an accessory use.

GAS STATION: A structure designed or used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, repair, refinishing, body work or other major servicing of motor vehicles.

GAS STATION, FULL SERVICE: A building or structure limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. In addition, such a facility provides minor vehicle servicing, minor repairs, and maintenance, and may provide engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or over-all painting of automobiles.

GRADE:

- A. For buildings having walls adjoining one street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.
- B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the street.
- C. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered as adjoining the street.

GREENHOUSE: A building or accessory structure constructed mainly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or other tender plants.

HALF-STORY: A story of a structure or building with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two thirds (2/3) of the floor area of the floor immediately below it.

HEALTH CARE FACILITY: A facility or institutions, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

HOME OCCUPATION: Any occupation or profession conducted solely by resident occupants in their place of residence, involving primarily service and not the sale of commodities upon the premises; provided that not more than one-half (1/2) the area of not more than one floor level of the building may be used in pursuit of the occupation, and no sign other than one name plate affixed to the exterior wall not exceeding one square foot in area indicating the building is being utilized in part for any purpose other than that of a dwelling. And not more than one person other than the occupants of the building may be employed.

HOSPITAL: An institution, licensed by the state department of health, specializing in giving clinical, temporary and emergency service of a medical or surgical nature to injured persons and patients, other than persons suffering from a lingering mental sickness, disease, disorder or ailment.

HOTEL: A building in which temporary lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. In addition, guests who are lodged, with or without meals, and in which there are 6 or more sleeping rooms or suites of rooms with no provisions made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

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

JUNK YARD: A parcel of land where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but not including areas, where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

KENNEL: Any place where four or more dogs, cats, or other domestic animals over three months are kept, raised, sold, boarded, bred, shown, treated, or groomed.

KITCHEN: Any room principally used, intended or designed to be used for the cooking and preparation of food.

LAUNDROMAT: A facility where patrons pay to wash, dry, and/or iron clothing or other fabrics in provided machines.

LIBRARY: A public facility for the use, but not sale of literary, musical, artistic, or reference materials. In addition, where community services, such as but not limited to, children's read-alongs, access to computers and related equipment, and study rooms.

LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale or auction.

LOADING SPACE: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than 24 hours) of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A parcel of land of at least sufficient size to meet minimum zoning requirements in this Ordinance, for use, coverage and area, and to provide such yards and other open spaces as required.

LOT, FRONTAGE: A lot shall have frontage on an improved public street, or on an approved private street and may consist of any one of the following:

- A. Single lot of record;
- B. A portion of lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance;

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

LOT LINES: The property lines bounding the lot.

- A. Front. The line separating the front of the lot from the street. On a corner lot, the part of the lot having the narrowest frontage on any street shall be considered the front lot line.
- B. Rear. The rear lot line is the boundary that is opposite and most distant from the front lot line. An interior triangular or gore-shaped lot, it shall mean a straight line 10 feet in length which:
 1. Is parallel to the front lot line or its chord.
 2. Intersects the 2 other lot lines at points most distant from the front of lot line.
- C. Side. Any lot boundary lines that is not a front line or a rear lot line.

LOT MEASUREMENTS:

- A. Area. The horizontal gross area, exclusive of streets or other public right-of-ways, within the exterior lines of a lot.
- B. Depth. The mean horizontal distance between the front and rear lot lines. In the case of an interior triangular or gore shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

- C. Width. The width of a lot measured at the building line and at right angles to its depth. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

LOT OF RECORD: A lot which is part of a subdivision of official plat recorded in the office of the County Recorder of Des Moines County, or a lot or parcel described by metes and bounds, the description of which has been recorded.

LOT TYPES:

- A. Corner Lot. A lot located at the intersection of two or more streets.
- B. Double Frontage Lot. A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
- C. Interior Lot. A lot, other than a corner lot.
- D. Flag Lot. A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.
- E. Key Lot. A lot with a side lot line that abuts the rear lot lines of one or more adjoining lots.
- F. Through Lot. An interior lot having a pair of opposite lot lines along two more or less parallel public streets. On a through lot, both street lines shall be deemed front lot lines.
- G. Reversed Frontage Lot. A corner lot where the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.

MANUFACTURED HOME: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards and displays seal from U.S. Department of Housing and Urban Development (HUD) and was constructed on or after June 15, 1976, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this Ordinance, a manufactured home shall be considered the same as any site built single-family detached dwelling.

MENTAL INSTITUTION, HOSPITAL OR HOME: Shall mean an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the housing of persons and patients suffering from a temporary or lingering mental ailment, disorder or sickness.

MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons, but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Any vehicle not built to a mandatory building code, contains no state and federal seals and was built before June 15, 1976.

- A. This shall refer to and include portable and potentially portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle.
- B. This shall also include and apply to vehicles or structures that are located on a permanent or temporary foundation, but shall not include mobile homes converted to real estate as defined herein.

MOBILE HOME CONVERTED TO REAL ESTATE: A mobile home which has been attached to a permanent foundation on real estate owned by the mobile homeowner; which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the County Assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of Des Moines County, Iowa. Mobile homes converted to real estate shall not be considered as portable or potentially portable structures, but rather shall be considered single-family detached dwellings for the purpose of this Ordinance.

MOBILE HOME PARK: Any lot or portion of a lot under one ownership that has been planned and improved for the placement of two or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

MODULAR HOME: A factory-built structure which is manufactured to be used as a place of human habitation; is constructed to comply with the State of Iowa Building code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner.

MOTEL OR MOTOR HOTEL: A building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guest, with garage attached or parking facilities conveniently located to each such unit.

MOTOR VEHICLE, ABANDONED/INOPERABLE: A vehicle shall be presumed abandoned or inoperable under any of the following circumstances, unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition:

- A. The vehicle does not bear a current license plate and/or current registration.

- B. The vehicle is missing two or more wheels/tires and other component parts, which renders the vehicle inoperable.

NIGHT CLUB/BAR: Any place of commercial business located within any building or establishment, established and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than 40 people at tables; providing a dance floor containing not less than 308 square feet; and serving beer, wine or liquor for consumption on the premises.

NON-CONFORMING BUILDING: A building, which the size, dimensions, or location of was lawful prior to the adoption of, revision, or amendment to a zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE: A structure that legally existed prior to the adoption date of this Ordinance, but is not in compliance with the requirements of this Ordinance for the district in which the structure is located.

NON-CONFORMING USE: The use of a structure, building, or portion thereof, which was lawful prior to the adoption of, revision, or amendment to a zoning ordinance, but fails by reason of such adoption, revision, or amendment to conform to the present use regulations requirements of the zoning district in which it is located.

NON-PROFIT INSTITUTION: A non-profit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals. Cooperative non-profit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, canaries, equipment sales, etc., shall not be considered a non-profit institution under this Ordinance.

NURSING OR CONVALESCENT HOME: A building or structure having accommodations where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane or other mental cases, inebriate or contagious cases.

NURSERY: The use of a parcel of land for the purpose of growing, displaying, cultivating, harvesting, and selling plants, bushes, trees, and other nursery items.

OFFICIAL MAP: A legally adopted map that conclusively shows the location and width of proposed streets, public facilities and public areas, and drainage right-of-way.

PARCEL: A tract or plat of land of any size that may or may not be subdivided or improved.

PARKING AREA, PUBLIC: An open area, other than a street or alley, used for the temporary parking of more than four automobiles and is available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING SPACE AUTOMOBILE: An area, other than a street or alley, reserved for the parking of an automobile, which has a dimension not less than 10 feet by 20 feet, plus such additional area as necessary to afford adequate ingress-egress. Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this Ordinance, the individual car spaces, plus the area necessary for driveways, shall total not less than thirty-one and a half (31 ½) square feet per car space.

PATIO: A level surfaced area directly adjacent to a principal building, which has an average elevation of not more than 30 inches, and without walls or a roof. A patio may be constructed of any materials.

PERMIT, CONDITIONAL USE: A permit issued by the Commission stating that the conditional use complies with the conditions and standards set forth in this Ordinance.

PERMIT, SPECIAL USE: A permit issued by the Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Board.

PERSON: Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, governmental bodies and agencies district or other political subdivision or any other group or combination acting as a unit.

PLACE OF BUSINESS: Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in or on which one or more persons engage in a gainful occupation.

PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges of ratios, and nonresidential uses to residential uses as shall be specified.

PLAT:

- A. A map representing a tract of land, showing the boundaries and location or individual properties and streets.
- B. A map of a subdivision or a site plan.

PORCH, UNENCLOSED: A roofed projection which has no more than 50 percent of each outside wall area enclosed by a building or siding material other than meshed screens.

PRE-SCHOOL: A facility which provides to children ages three through five, for periods of time not exceeding three hours per day, programs designed to help the children to develop intellectual skills, and motor skills, and to extend their interest and understanding of the world around them.

PREMISES: Any lot, plat, parcel or tract of land, building(s), and structure(s) used publicly or privately as a place of business, dwelling or meeting place.

PRINT SHOP: A structure or building where custom reproduction of written or graphic material on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving, and offset printing.

PUBLIC THOROUGHFARE: Any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State and Municipal government; which may be used by the public in general; and serves as the frontage street to the abutting property. (Also see Street)

RECYCLING CENTER: A facility that is not a salvage yard and is used for separating trash and debris from recyclable resources, such as, but not limited to, newspapers, magazines, cardboard, and other paper products, glass, metal cans, glass bottles and jars, and other products which can be recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

RESIDENTIAL: The term, residential, or "residence" is applied here to any lot, plat, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

RESTAURANT, CARRY-OUT/TAKE-OUT: An establishment where food is usually ordered by telephone and prepared on the premises for consumption off the premises, with no seating or other area provided on the premises for consumption. The establishment may deliver food to the customer, or the customer may pick the food up.

RESTAURANT, FAST FOOD: An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis. Customers' orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic. Consumption may be either on or off the premises.

REST HOMES: A boarding home, in which nursing, dietary and other personal service are furnished to convalescents, invalids and aged persons. Does not include persons suffering from a mental sickness, disease, disorder or ailment or from a contagious or communicable disease are kept, and in which no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals are performed.

RESUBDIVISION: Any change in the shape or size of any lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage, or other use.

ROOMING HOUSE: A residential building used, or intended to be used, as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or cafe in the same building, nor in any building in connection therewith.

SALVAGE YARD: A lot or parcel, or part thereof which is used for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Material include, but not limited to, scrap iron, metal, and other ferrous metals, tires, motor vehicle parts, and machinery.

SANITARIUM: A health facility, retreat, or institution where resident patients are kept, and where medical or surgical treatment is given to persons suffering from a sickness, disease, disorder or ailment other than a mental sickness, disease, disorder or ailment, but which does not specialize in giving clinical temporary or emergency service.

SECONDHAND MERCHANDISE, RETAIL SALES: Retail sales of previously used merchandise, such as clothing, household furnishings, or appliances, and sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

SECTION: Shall mean a section of this Ordinance unless some other Ordinance, code or statute is indicated.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments, which may be of various sizes, leased or rented to individuals, organization, or small businesses for storage of personal property.

SETBACK: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building respectively. When two or more lots, under one ownership, are used, the exterior property line of the lots so grouped shall be used in determining setbacks.

SETBACK, FRONT: The minimum allowable distance from the street right-of-way line to the closest point of the building, accessory use building, or projection thereof, parking lot, detention pond, and unenclosed and enclosed porch.

SETBACK, REAR: The minimum allowable distance between the rear lot line and the rearmost point of any structure and/or building nearest the rear setback.

SETBACK, SIDE: The minimum allowable distance between the side lot line and the nearest building or structure line.

SIGN: Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding 1 square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Flags and insignias of any government except when displayed in connection with commercial promotion.
- C. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- D. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ANIMATED OR MOVING: Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of such movement. This does not include signs that include only time, temperature, or date.

SIGN AREA: The surface area of a sign is the entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

SIGN, AWNING: A sign that is either incorporated into, attached to, affixed to, or painted on an awning or canopy and not exceeding 50 square feet in sign area.

SIGN, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

SIGN, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation.

SIGN, IDENTIFICATION: A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

SIGN, OFF-SITE: A sign advertising a use, facility, service, or product that is not located, sold, or manufactured on the same premises as the sign. (Also see Sign, Billboard)

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the out or advertising business.

SIGN, POLE: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

SIGN NUMBER: For the purpose of determining the number of signs, a sign is considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SITE PLAN: A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved. Its purpose is to show how the intended use relates to the major landscape features, the sun and weather, and the surrounding area.

SPECIAL USE: A use of property specially authorized by the Ordinance, but not permitted unless certain stated conditions have been met.

STABLES, PRIVATE: A building or structure used, or intended to be used for housing horses belonging to the owner of the property and for noncommercial purposes.

PUBLIC AND RIDING ACADEMY: A building or structure used or intended to be used, for the housing only of horses on a fee basis. Riding instructions maybe given in connection with a public stable or riding academy.

RIDING CLUB: A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

STORY: The portion of a building between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than 6 feet above grade, such basement or cellar shall be considered a story.

STREET: A public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property. (Also see Public Thoroughfare.)

STREET LINE: The line between the street right-of-way and abutting property.

STRUCTURE: Anything constructed or erected with a rigid or fixed location on the ground, or attachment to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, and tanks.

SUBDIVISION: A tract of land that is divided into 3 or more lots.

TAVERN: Any place devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises. (Also see Cocktail Lounge, Night Club.)

TELECOMMUNICATIONS ANTENNA: Any structure or device used for the purpose of collecting or radiating electromagnetic waves; including but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni directional antennas, such as whip antennas, which are located on the exterior of, or outside of, any building, or structure.

TELECOMMUNICATIONS, CO-LOCATION: The use of a wireless telecommunication support facilities by more than one wireless telecommunication provider.

TELECOMMUNICATIONS TOWER: A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structures.

TENT: Any temporary structure or enclosure, the roof and/or one-half (1/2) or more of the sides are constructed of silk, cotton, canvas, or similar material; which is either attached to a building or structure or unattached.

THRIFT STORE: An establishment primarily engaged in the sale of used donated clothing, household goods, furniture, or appliances that is operated by an organization granted federal tax exemption pursuant to section 501(c)(3) of the Internal Revenue Service Code as amended. Does not include consignment shops.

TOURIST COTTAGE: A single-family dwelling used as one of the units of a tourist park.

TOURIST HOME: A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers, said building located either singularly or as a part of a tourist park.

TOURIST PARK: Any lot or plat of real property upon which three or more single family camp cottages, or 2 or more trailers, or any combination of tourist cottages or tourist home or trailers, are located and maintained for the accommodation of transients, whether a charge is or is not made.

TRAILER: Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car, house car.

TRAVEL TRAILER: Any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding 8 feet in width and not exceeding 40 feet in length exclusive of separate towing unit. The term "travel trailer" shall include pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation or vacation quarters.

TRAVEL TRAILER PARK (RV PARK): A parcel of land upon which two or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes, not to exceed 30 days.

VARIANCE: A granted request from the Board of Adjustment to an individual, or business from certain standards and/or requirements in this Ordinance due to “unnecessary physical hardship” of the owner of the lot or parcel of land. The following conditions must exist for a variance request to be granted:

- A. An existing lot cannot physically meet dimensional zoning requirements due to narrowness, shallowness, irregular shape, topography, or natural characteristics of the site inhibit lawful location of a structure or its accessories.
- B. The physical hardship is unique and is not shared by neighboring properties in the same zone.
- C. The hardship or practical difficulty was not created by an action of the applicant and existed at the time of adoption of the requirement from which the variance is requested or is necessary as the result of governmental action such a road widening.
- D. The appellant must show that a variance:
 - 1. Will not be contrary with the intent and purpose of this Ordinance;
 - 2. Will not cause a substantially adverse effect upon adjacent properties;
 - 3. Will relate only to the property under control of the appellant;
 - 4. Will not jeopardize the preservation of a substantial right, although the spirit of this Ordinance shall be observed, public safety secured and substantial justice done;
 - 5. Will not essentially alter the character of the surrounding area; will not increase the hazard from fire, flood, or similar dangers;
 - 6. Will not increase traffic congestion; will not produce nuisance conditions to occupants or nearby premises, whether by reason of dust, noise, fumes, odor, vibrations, smoke, or lights; and
 - 7. Will not otherwise impair public health, safety, comfort, or general welfare of the residents of the city.
- E. The variance is the minimum necessary to permit reasonable use of the land and buildings.

VIDEO RENTAL STORE: An establishment primarily engaged in the retail rental or lease of videotapes, films, DVDs, electronic games, cassettes, or other electronic media and equipment.

WATERFRONT: Any site shall be considered as waterfront premises providing any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, lake, river or any other body of water, natural or artificial, not including a swimming pool, whether said lot line is front, rear, or side.

YARD: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this Ordinance.

YARD, FRONT: The yard extending across the full width of a lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

YARD, REAR: The yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

YARD, SIDE: The yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

ZONE: Any one of the classes of districts established by this Ordinance.