



CITY OF SERGEANT BLUFF

ZONING ORDINANCE TEXT AMENDMENT APPLICATION FORM

Application Date: 7/12/19

Zoning Ordinance Section Proposed to be Amended: Chapter 165A – General Provisions (Definitions)

Proposed Text Amendment (You may attach additional pages containing the proposed text language and related information):

This application is for an update to the Zoning Code Definitions. There are two lists attached.

List 1 – All definitions that are crossed out (Eg. ~~definition~~) are to be removed.

List 2 – All definitions highlighted in the color blue (Eg. **definition**) are additions or modifications.

The Planning & Zoning Commission voted to proceed with these modifications at the meeting on December 1, 2020.

APPLICANT NAME: CHAD KEHRT, PLANNING & ZONING COMMISSION CHAIRMAN

Mailing Address: City Hall – 401 4th Street

City/State/Zip: Sergeant Bluff, IA 51054

Phone Number:

Email:

Signature:

A handwritten signature in blue ink, appearing to read "Chad Kehrt".

165A.07 DEFINITIONS.

The following terms are defined for use in the Zoning Code.

1. "Abandonment" means to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

2. "Abut" means to border on, be contiguous with, or have common property or district lines, including property separated by a public street or alley.

3. "Access" or "access way" means the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

4. "Accessory living quarters" means living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

5. "Accessory building or structure" means a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds but not portable storage containers.

6. "Accessory dwelling unit" means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, and may also be referred to as a "granny flat."

7. "Accessory use" means a use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building.

~~8. "Acreage" means any tract or parcel of land, used for single-family residential purposes, which does not qualify as a farm or farmstead.~~

9. "Adjacent" – see "abut."

~~10. "Adult day services, licensed" means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.~~

11. "Agent" means any person showing written verification that said person is acting for, and with the knowledge and consent of, a property owner.

~~12. "Agricultural or farm building" means any building or structure that is necessary or incidental to the normal conduct of a farm, including (but not limited to) residence of the operator, residence of hired help, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills, and water storage tanks.~~

~~13. "Agricultural industries" means establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies and which cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.~~

~~14. "Agricultural operations" – see "farming."~~

~~15. "Agricultural sales and service" means establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, 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, farm implement dealerships, feed and grain stores, and tree service firms.~~

16. "Agriculture" means land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.

17. "Alley" means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

18. "Alteration" means any change, addition, or modification to the construction or occupancy of an existing structure.

19. "Amendment" means a change in the wording, context, or substance of this Zoning Code, or an addition, deletion, or change in the district boundaries or classifications upon the Official Zoning Map.

~~20. "Amusement arcade" means a building or a part of a building where pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.~~

~~21. "Animal, domestic" – see "household pet."~~

~~22. "Animal feeding operation" means a lot, yard, corral, building, or other area in which animals are confined and fed and maintained for 45 days or more in any 12-month period, and all structures used for the storage of manure from animals in the operation. An animal feeding operation does not include a livestock market. Open feedlots and confinement feeding operations are considered to be separate animal feeding operations.~~

- ~~—23. “Animal grooming service” means mean any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.~~
- ~~—24. “Animal hospital” means any establishment or business maintained and operated by a veterinarian or veterinarians for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including indoor boarding of animals under treatment or benefit of the client; provided, said veterinarian or veterinarians are duly licensed under State law.~~
25. “Antenna” means any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also see “satellite dish antenna and tower.”
- ~~—26. “Antique shop” means a place offering primarily antiques for sale. An antique, for the purpose of this Zoning Code, is a work of art, piece of furniture, decorative object, or the like, that is at least 20 years old.~~
- ~~—27. “Apartment” means a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also see “dwelling unit.”~~
- ~~—28. “Apartment complex” means a building or buildings containing apartments used as a place of residence for more than two households.~~
- ~~—29. “Apartment house” —see “dwelling, multiple family.”~~
- ~~—30. “Appearance” means the outward aspect visible to the public.~~
31. “Applicant” means the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.
- ~~—32. “Appropriate” means sympathetic, or fitting, to the context of the site and the whole community.~~
- ~~—33. “Appurtenance” means the visible, functional objects accessory to and part of buildings.~~
- ~~—34. “Architectural character or concept” means the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.~~
- ~~—35. “Architectural feature” means a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.~~
- ~~— A. Lines are the visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.~~
- ~~— B. Mass is the volume, bulk of a building or structure.~~
- ~~— C. Texture is the quality of a surface, ranging from mirror finish, smooth, to course and unfinished.~~
- ~~—36. “Architectural style” means the characteristic form and detail, as of buildings of a particular historic period.~~
- ~~—37. “Artisan production shop” means a building or portion thereof used for the creation of original handmade works of art or craft items as either a principal or accessory use.~~
- ~~—38. “Artist studio” means a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.~~
- ~~—39. “Assisted living facility” means a provision of housing with services which may include (but not be limited to) health related care, personal care, and assistance with instrumental activities of daily living in a physical structure which provides a home like environment.~~
40. “Assembly building” means a meeting place at which the public or membership groups are assembled regularly or occasionally, including (but not limited to) schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.
41. “Attached” means a foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.
- ~~—42. “Auto body repair” means the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.~~
- ~~—43. “Auto salvage dealer” means any person who engages in the business of buying motor vehicles, motorcycles, motorized bicycles or parts thereof or tires for resale in whole or in part as junk or as used parts.~~
- ~~—44. “Auto services” means the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or 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 service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.~~

- 45. “Automatic teller machine” (ATM) means an automated device that performs banking or financial functions at a location remote from the controlling financial institution.
- 46. “Automobile rental and sales” means sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.
- 47. “Automobile repair, minor” means the replacement of minor assemblies or parts and tune up of automobiles, or trucks of less than 15,000 pounds’ gross license weight, but not including body and fender work, painting, engine overhaul, or similar type work.
- 48. “Automobile wrecking yard” means any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
- 49. “Automotive and machinery repair shop” means a building used for the repair of motor vehicles or machinery, when such repair is wholly within a completely enclosed building. This definition also includes body repair and painting.
- 50. “Automotive sales area” means an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Iowa, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.
- 51. “Ballroom” means a place or hall used for dancing, other than those listed under the definition of “adult cabaret” (see [Chapter 128](#) of this Code of Ordinances). Ballrooms may also be used for reunions, weddings, and receptions.
- 52. “Bar” means any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also see “nightclub” and “tavern.”
53. “Base flood” means the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.
54. “Base flood elevation” means that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.
55. “Base zoning district” means a district established by this Zoning Code which prescribes basic regulations governing land use and site development standards.
- 56. “Basement” means the substructure or foundation of a building; the lowest story of a building, usually below ground level.
- 57. “Beacon” means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- 58. “Bed and breakfast home” means a private home or residence where the host resides and provides lodging and meals for overnight guests. It is exempt from licensing and inspection as a food establishment and as a hotel. No more than four guest families shall be accommodated at the same time.
- 59. “Bed and breakfast inn” means a hotel or motel with nine or fewer guest rooms.
- 60. “Bedroom” means a room within a dwelling unit used or intended for sleeping purposes, separable from other rooms by a door.
- 61. “Beer garden, permanent” means a permanent establishment that includes any area out of doors (or not completely contained within a building) in which alcoholic beverages and/or food is served.
- 62. “Beer garden, temporary” means a temporary establishment that includes any area out of doors (or not completely contained within a building) in which alcoholic beverages and/or food is served.
- 63. “Beginning of construction” means site grading.
- 64. “Berm” means a raised or contoured form of earth to provide screening or storm water management or to improve the aesthetic character.
65. “Best interests of community” means interests of the community at large and not the interest of the immediate neighborhood.
- 66. “Big box retail store” see “retail commercial.”
- 67. “Biofiltration” means a pollution control technique that employs living material to capture, sequester, and/or biologically degrade pollutants.
- 68. “Biofuels plant” means a facility where the conversion of corn or other biomass material into an alcohol fuel product is undertaken. The facility also includes the processing of certain by products resulting from the fermentation and distillation process.
- 69. “Biomass” means plant material, used for the production of such things as fuel alcohol and nonchemical fertilizers. Biomass sources may be plants grown especially for that purpose or waste products from livestock, harvesting, milling, or from agricultural production or processing.

70. "Block" means a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

71. "Block frontage" means that section of a block fronting on the street right-of-way line between two intersecting streets or other block boundary.

72. "Board of Adjustment" means that board that has been created by the City and which has authority under the *Code of Iowa* to hear and determine appeals from and interpretations of variances, and to grant conditional use permits.

~~73. "Boarding or rooming house" means a building containing a single dwelling unit and provisions where lodging is provided, with or without meals, for compensation.~~

~~74. "Boat dock" means a structure built over or floating upon water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.~~

~~75. "Breezeway" means a roofed open passage connecting two otherwise detached buildings. Breezeway connections shall not be construed to alter the detached status of the buildings so connected.~~

~~76. "Brew on premises store" means a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew on premises stores do not include the sale of intoxicating liquor, unless the owner of the brew on premises store holds the appropriate liquor license.~~

~~77. "Brew pub" means a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.~~

~~78. "Brewery" means an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.~~

~~79. "Brewery, craft" means a brew pub or a microbrewery.~~

~~80. "Brewery, micro" means a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.~~

81. "Brownfield/brownfield site" means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

82. "Buffer" means a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also see "screening."

83. "Buffer area" means an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

84. "Buffer yard" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

85. "Buffer zone" means an area of land that separates two zoning districts and/or land uses and which acts to soften or mitigate the effects of one use on the other.

86. "Buildable area" means that part of a zoning lot not included within the required yards or subject to other restrictions herein required.

87. "Building" means any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment, or chattels of any kind.

88. "Building, commercial or industrial" means a building or buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings.

89. "Building, residential" means a building enclosed by a continuous wall regardless of the existence of platted lot lines through the area occupied by such building.

90. "Building area" means the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

91. "Building code" means the various adopted codes of the City which regulate the construction of building, electrical, mechanical, plumbing, and other codes adopted by the City which pertain to building construction.

92. "Building coverage" means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

93. "Building envelope" means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

94. "Building height" means the distance measured from the mean elevation of the grade of the front face of the building to the highest point on the roof or parapet of the building.

95. “Building inspector” means the official appointed by the administration or the City Council, and charged with the responsibility of enforcing this Zoning Code.

96. “Building line” means the outer boundary of a building established by the location of its exterior walls.

97. “Building permit” means a document issued under the authority of the Building Inspections and Code Enforcement Department, which permit authorizes the construction or modification of a structure on a property.

98. “Building setback line” means the required zoning distance between a building and the lot line.

99. “Bulk regulations” means an indication of size and setback of buildings and their location with respect to one another, including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard, and building height.

~~100. “Business” means activities that include the exchange or manufacture of goods or services on a site.~~

~~—101. “Business center” means a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.~~

~~—102. “Business services” means uses providing services to people, groups, businesses, dwellings, and other buildings. Business services include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.~~

~~—103. “Business support services” means establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional, and service establishments to the firms themselves but excluding automotive, construction, and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.~~

~~—104. “Call center” means a facility with employees that deal with either in-bound or out-bound calls focused on sales, polls, fundraising efforts, as well as customer support, and technical support.~~

~~—105. “Campground” means a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational, and having open areas that are natural in character.~~

~~—106. “Car wash, full service” means a building or section thereof containing facilities for washing motor vehicles, using production line methods or mechanical devices and does not include customer self service.~~

~~—107. “Car wash, industrial” means a mechanical facility for the washing, waxing, and vacuuming of heavy trucks and buses.~~

~~—108. “Car wash, self service” means a building or section thereof containing facilities for washing motor vehicles by providing spaces, water, and hand held equipment for washing of motor vehicles by the customer.~~

~~—109. “Carport” means a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.~~

~~—110. “Cellar” means a building space having less than one half of its height below the average adjoining grade lines.~~

~~—111. “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbaria, crematoriums, and mausoleums.~~

112. “Certificate of occupancy” means a permit issued by the building inspector indicating the use of the building or land in question is in conformity with this Zoning Code or that there has been a legal variance therefrom as provided by this Zoning Code.

113. “Channel” means the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

—114. “Charitable” means a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

—115. “Child care” means 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, but does not include care, supervision, and guidance of a child pursuant to Chapter 237A of the *Code of Iowa*.

—116. “Child care center” means a facility providing child care or preschool services for seven or more children, except when the facility is registered as a child development home.

—117. “Child care facility” means a child care center, preschool, or a registered child development home.

—118. “Child care home” means a person or program providing child care to five or fewer children at any one time and which is not registered to provide child care under this chapter, as authorized under Section 237A.3 of the *Code of Iowa*.

—119. “Child development home” means a person or program registered under Section 237A.3A of the *Code of Iowa* and which may provide child care to six or more children at any one time.

- ~~—120. “Church, storefront” means a religious facility contained within a store or similar structure not typically used for religious activities and which is now used as a meeting place for a congregation, including (but not limited to) barns, stores, warehouses, old public buildings, and single family dwellings.~~
121. “City Administrator” means the City Administrator of the City of Sergeant Bluff, as appointed by the administration and City Council.
122. “City Attorney” means the City Attorney of the City of Sergeant Bluff or an authorized deputy, agent or representative.
123. “City Engineer” means the City Engineer as hired or appointed by the Mayor and City Council or an authorized deputy, agent or representative.
124. “City limits” means the established corporate boundary of the City of Sergeant Bluff.
125. “Clear view zone” – see “sight triangle.”
- ~~126. “Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.~~
- ~~—127. “Club, private” means a nonprofit voluntary association of persons for the promotion of same purposes or philosophy. The permitted uses of a building owned or leased by such an association shall include all customary club activities such as lectures, discussions, meetings, social or recreational events, and similar activities, and shall also include as an accessory use the sale of food or beverages, but only where limited to club members and guests and only in conformance with all State and federal regulations.~~
- ~~—128. “Clustered development” means a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.~~
- ~~129. “Coffee kiosk” means a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.~~
- ~~—130. “College, seminary or university” means a post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.~~
- ~~—131. “Commercial feeding operation” see “animal feeding operation.”~~
132. “Commission” means the Sergeant Bluff Planning and Zoning Commission.
133. “Common area or property” means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.
134. “Common development” means a development proposed and planned as one unified project not separated by a public street or alley.
135. “Common open space” means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- ~~—136. “Communication services” means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.~~
- ~~—137. “Community center” means a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.~~
- ~~—138. “Community garden” means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.~~
139. “Compatibility” means harmony in the appearance of two or more external design features in the same vicinity.
140. “Compatible use” means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
141. “Comprehensive Plan” shall mean the Comprehensive Development Plan of Sergeant Bluff, Iowa, as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare.
142. “Conditional use” means a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare and which is permitted upon findings of the Board.

143. “Conditional use permit” means a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Sections 165C.01 and any additional conditions placed upon, or required by said permit.

~~—144. “Condominium” means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each having an undivided interest in the common real estate.~~

~~—145. “Confinement feeding operation” means an animal feeding operation in which animals are confined to areas which are totally roofed.~~

146. “Conflicting land use” means the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

~~—147. “Congregate housing” mean a residential facility for four or more persons age 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.~~

148. “Conservation” means the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

149. “Conservation area” means environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including (but not limited to) wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

150. “Conservation easement” means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

151. “Conservation subdivision” means, wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: (i) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and (ii) the remaining land area is used for common space.

~~152. “Construction batch plant” means a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.~~

153. “Construction yards” means establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractors’ yards.

154. “Contiguous” – see “abut.”

~~155. “Convalescent services” means a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.~~

~~—156. “Convenience store” means a retail store containing less than 2,500 square feet of gross floor area engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go traffic.~~

157. “Convent” means a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work.

158. “Corporate limits” means all land, structures, and open space that has been annexed into the City’s jurisdiction. This does not include the extraterritorial jurisdiction of the City.

~~159. “Country club” means a golf course, par 3 golf course, swimming pools, tennis clubs and neighborhood clubhouses any and each of which shall be located on a site and open only to membership subscribing for the use of all facilities for a term of not less than one year and members, non-paying guests.~~

~~—160. “Court” means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.~~

~~—161. “Court, inner” means a court enclosed on all sides by the exterior walls of a building or buildings.~~

~~—162. “Court, outer” means a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.~~

~~—163. “Courtyard” means an open, unoccupied space, bounded on two or more sides by the walls of the building.~~

~~—164. “Crematorium” means a location containing properly installed, certified apparatus intended for use in the act of cremation.~~

~~—165. “Cul-de-sac” means a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.~~

~~166. “Cultural services” means a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.~~

~~—167. “Cultural uses” means a library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.~~

168. “Curve lot” – see “lot, curve.”

~~—169. “Data processing center” means facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.~~

~~—170. “Data storage facilities” means a warehouse-like facility containing large numbers of servers and data processing devices, including all associated power systems.~~

171. “Date of substantial completion” means the date certified by the local building inspector or Zoning Administrator when the work, or a designated portion thereof, is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

~~—172. “Deciduous screen” means landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained not taller than six feet in height.~~

~~—173. “Deck” means a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.~~

174. “Density” means the number of dwelling units per gross acre of land.

~~—175. “Dental or medical lab” means a facility providing diagnostic or pathological testing and analysis for the healthcare industry.~~

~~—176. “Department store” means a business which is conducted under a single owner’s name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.~~

177. “Developer” means any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

178. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

179. “Development concept plan” – see “site plan.”

180. “Development review” means the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

181. “Development review committee” means a committee as defined in Section 165E.08 established to review site plans, planned developments and development proposals prior to any other required action.

182. “Disability” means physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such impairment.

~~183. “Discount store” means a single or group of stores, offering merchandise for sale at less than usual retail prices. Merchandise may be discounted due to either quantity price breaks or merchandise has been discontinued and discounted to another retailer.~~

~~—184. “Distribution center” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.~~

~~185. “Distribution center, repackaging” means a facility defined as a distribution center; however, goods are received in bulk and repackaged into small units prior to being sent to customers at remote locations.~~

186. “District or zone” means any zoning district created for the purpose of regulating specific uses within a defined area.

~~—187. “Dog kennel” see “kennel, boarding or training” and “kennel, commercial.”~~

~~—188. “Domestic animals” see “household pet.”~~

189. “Downzoning” means a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple-family residential district to single-family residential district.

190. “Drainageway” – see [Chapter 157](#) of this Code of Ordinances.

191. “Drive-in facility” means an establishment where customers can be served without leaving the confinement of their vehicles.
- 192. “Drive, private” means an unplatted, private passageway providing access to a street.
- 193. “Driveway” means any vehicular access to an off-street parking or loading facility.
- 194. “Dump” means a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
- 195. “Duplex” see “dwelling, two-family.”
- 196. “Dwelling” means a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in state law, but not including travel trailers, recreational vehicles, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes.
- 197. “Dwelling, condominium” means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.
- 198. “Dwelling, manufactured home” means a factory-built structure built under the authority of 42 U.S.C. § 5403, that is required by federal law to display a seal required by HUD, and was constructed on or after June 15, 1976. If a manufactured home is placed in a manufactured home community or a mobile home park, the home must be titled and is subject to the manufactured or mobile home square foot tax. If a manufactured home is placed outside a manufactured home community or a mobile home park, the home must be titled and is to be assessed and taxed as real estate.
- 199. “Dwelling, mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A “mobile home” is not built to a mandatory building code, contains no State or federal seals, and was built before June 15, 1976.
- 200. “Dwelling, modular” means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, and must display the seal issued by the State Building Code Commissioner.
- 201. “Dwelling, multiple family” means a building or buildings designed and used for occupancy by three or more families, all living independently of each other, and having separate kitchen and toilet facilities for each family.
- 202. “Dwelling, seasonal” means a dwelling designed and used as a temporary residence and occupied less than six months in each year.
- 203. “Dwelling, single family” means a building having accommodations for or occupied exclusively by one family which meet all the following standards:
- A. The home shall have no less than 640 square feet of floor area, above grade, for single-story construction.
 - B. The home shall have no less than a 20-foot exterior width.
 - C. The home shall have a permanent foundation, defined as a continuous perimeter base on which the building rests, to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed at a depth required by the City Building Code.
- 204. “Dwelling, single family attached” see “dwelling, townhouse.”
- 205. “Dwelling, townhouse” means a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical walls.
- 206. “Dwelling, two-family” means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.
- 207. “Dwelling unit” means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- 208. “Earth sheltering” means an architectural practice of using earth against building walls for external thermal mass, to reduce heat loss, and to easily maintain a steady indoor air temperature.
209. “Easement” means an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.
- 210. “Educational institution” means a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (i) offer general academic instruction equivalent to the standards established by the State Board of Education; or (ii) confer degrees as a college or university or undergraduate or graduate standing; or (iii) conduct research; or (iv) give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, and commercial or private trade schools are not included in this definition.

~~—211. “Effective date” means the date that this chapter is adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.~~

~~—212. “Elder group home” means a single family residence that is operated by a person who is providing room, board, and personal care and may provide health related services to three to five elders who are not related to the person providing the service within the third degree of consanguinity or affinity, and which is staffed by an on site manager 24 hours per day, seven days per week, and which is certified by the State as an elder group home in accordance with State law.~~

213. “Emergency residential shelter” means a residential facility which provides room and board for a temporary (30 days or less) period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

214. “Encroachment” means an advancement or intrusion beyond the lines or limits as designated and established by this Code of Ordinances.

215. “Enlargement” means the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

~~216. “Equipment rental and sales” means the 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 home sales establishments.~~

~~—217. “Equipment repair services” means the 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 exclude dismantling, salvage, or body and fender repair services.~~

~~—218. “Erected” mean constructed upon or moved onto a site.~~

~~219. “Ethanol plant” means a facility where the conversion of biomass into an alcohol fuel product is undertaken. The facility also includes the processing of certain by products resulting from the fermentation and distillation process.~~

~~—220. “Evergreen or coniferous screen” means landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.~~

221. “Existing and lawful” means the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

222. “Expansion” means the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

~~—223. “Expressway” means a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.~~

224. “Exterior building component” means the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

225. “Extraterritorial jurisdiction” means the area beyond the corporate limits, in which the City has been granted the powers by the State to exercise subdivision review and is exercising such powers.

226. “Exurban” means the area that lies beyond the corporate limits and its suburbs.

~~227. “Façade” means the exterior wall of a building exposed to public view from the building’s exterior.~~

~~—228. “Factory” means a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.~~

~~—229. “Family” means any number of people occupying a single dwelling unit living together as a single housekeeping unit, related by blood, marriage or formal adoption plus not more than two additional people not so related, except that foster children and persons with disabilities as defined in this Code of Ordinances shall be considered a family.~~

~~—230. “Family home” means a community based residential home which is licensed as a residential care facility or as a child foster care facility under State law, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed by the State.~~

~~—231. “Farmer’s market” means an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second hand goods) dispensed from booths located on site.~~

~~232. “Farming” means the raising of field crops and livestock, horticulture, forestry, animal husbandry and similar agricultural activities.~~

233. “Federal” means the federal government of the United States of America.

~~234. “Fence” means a structure or hedge serving as an enclosure, barrier or boundary above ground.~~

~~235. “Fence, garden” means any temporary fence, customarily used around a garden or flower bed, consisting of metal or small diameter wooden stakes with either plastic or wire fencing which must be able to be completely removed by one person within 30 minutes. Garden fence may also be a snow fence, not to exceed four feet in height.~~

(Ordinance 659, dated August 3, 2017)

236. “Fence, invisible” means an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

~~237. “Fence, open” means a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.~~

~~238. “Fence, solid” means any fence that does not qualify as an open fence.~~

~~239. “Financial services” means the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.~~

240. “Findings of fact” means those factual items determined and recorded for either approving or denying any type of application as it pertains to the Planning and Zoning Commission, Board of Adjustment, Development Review Committee, and City Council.

241. “Fireworks stand” means any tent or structure used for the retail sale of fireworks, on a temporary basis.

~~242. “Fireworks storage” means any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.~~

~~243. “Flammable liquids” means any liquid that gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of 80°F.~~

~~244. “Flea market” means the sale of used merchandise customarily involving tables or space leased or rented to vendors.~~

245. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation of runoff of surface waters from any source.

246. “Floodplain” means any land area susceptible to being inundated by water from any source as determined by the FIRM map.

247. “Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

248. “Floodway” means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

~~249. “Floor area” means the square feet of floor space within the outside line of the walls, including the total of all space on all floors of the building. Floor area shall not include porches, garages, or spaces in a basement, cellar, or attic.~~

~~250. “Food sales” means 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 shops.~~

~~251. “Foundation” means that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.~~

~~252. “Freestanding canopy” means a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.~~

~~253. “Freight terminal” means a building or area in which freight brought by motor truck, barge, air, or rail is received, assembled or stored and dispatched for routing and may include storage.~~

254. “Frontage” means that portion of a parcel of property or block that abuts a dedicated public street or highway.

255. “Frontage road” means a street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

~~256. “Funeral home” or “mortuary” means a building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.~~

- 257. “Garage, residential” means a detached or attached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than three single stalls per dwelling unit and where no repair facilities are maintained.
- 258. “Garage, repair” means a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also see “service station.”
- 259. “Garbage” means any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.
- 260. “Garden, community” means a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one family.
- 261. “Garden, noncommercial” means a plot of ground where fruits, herbs, flowers, vegetables, or other plants are grown for which the owner or operator derives no compensation on the site.
- 262. “Gas station” means a building and/or premises where gasoline, oil and minor auto accessories may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services in addition to the sales of gasoline, see “service station.”
- 263. “General merchandise retailer” means a business that stocks and sells products and services to the general public for a cost.
- 264. “General merchandise wholesaler” means a business that sells general merchandise or specific types of goods typically at a wholesale or reduced price.
- 265. “General offices” means the use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.
- 266. “Golf course” means a standard sized layout of at least nine holes and does not include miniature golf courses, par 3 golf courses, pitch and putt courses, or driving ranges.
267. “Grade” means the mean elevation of the ground measured along the wall of a building or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.
- 268. “Green roof” means a roof covering of vegetation material, typically consisting of the following components: an insulation layer, a waterproof membrane to protect the building from leaks, a root barrier to prevent roots from penetrating the waterproof membrane; a drainage layer, usually made of lightweight gravel, clay, or plastic; a geotextile or filter mat that allows water to soak through but prevents erosion of fine soil particles; a growing medium; plants; and, sometimes, a wind blanket.
- 269. “Green roof, extensive” means a green roof system that ranges from as little as one to five inches in soil depth. Extensive green roof systems generally add less load and require less maintenance than intensive green roof systems.
- 270. “Green roof, intensive” means a green roof system that requires a minimum of one foot of soil depth to create a more traditional rooftop garden, with large trees, shrubs and other manicured landscapes. They are multiple layer constructions, often including elaborate irrigation and drainage systems, adding considerable load to a structure, and requiring intensive maintenance.
- 271. “Greenhouse, commercial” means a building or premises used for growing plants, preparation of floral arrangements, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes, including for sale on or off the premises.
- 272. “Greenhouse, noncommercial” means a building constructed for the cultivation of plants but not for sale on the premises.
- 273. “Greenway” means a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar accessway.
- 274. “Grocery store” means a retail establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of less than 60,000 square feet.
- 275. “Gross floor area” means the total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off street parking and loading areas serving a principal use.
- 276. “Groundcover” means plant material used in landscaping which remains less than 12 inches in height at maturity.
277. “Groundwater” means water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
278. “Group home” means any group of persons not meeting the definition of “family” and occupying a single dwelling unit living together as a single housekeeping unit, but not including a boarding or rooming house.

- ~~—279. “Group housing” means two or more separate buildings on a lot, each containing one or more dwelling units.~~
- ~~—280. “Guest room” means a room, which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.~~
- ~~—281. “Half-story” means a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.~~
- ~~—282. “Halfway house” means a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.~~
283. “Hard surfaced” means any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, cinder, or surface sealants.
284. “Hazardous waste” means waste products of industrial or chemical process including finished surplus, used, contaminated or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.
- ~~285. “Health club” means a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.~~
286. “Hedge” mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.
287. “Height, maximum” means the total height of any structure including any signage or other attachments to a structure.
288. “Historic district” means an area designated as a historic district by ordinance and which contains within definable geographic boundaries, properties, or buildings, that may or may not be landmarks but which contribute to the overall historic character of the designated area.
289. “Home-based business/occupation, general” means a business, occupation, or profession carried on within a residential dwelling by the resident thereof.
- ~~290. “Home improvement center” means a facility of at least 60,000 gross square feet, engaged in the retail sale of various basic hardware lines, such as tools, builders’ hardware, paint and glass, house wares and household appliances, garden supplies, and cutlery.~~
- ~~—291. “Homeless shelter” see “temporary shelter.”~~
- ~~—292. “Homeowners association” means a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.~~
293. “Horse” means a large solid hoofed herbivorous mammal (equus caballus, family equidae, the horse family) domesticated since a prehistoric period and used as a beast of burden, a draft animal, or for riding.
- ~~—294. “Horticulture” means the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.~~
- ~~—295. “Hospice” means a medical and residential facility for terminally ill people, providing inpatient services and support services for families of the residents and patients.~~
- ~~—296. “Hospital” means an institution that provides medical, surgical or psychiatric care and treatment for the sick and injured.~~
- ~~—297. “Hotel” means a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word “hotel” includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.~~
- ~~—298. “Household pet” means an animal that is customarily kept for personal use or enjoyment within the home, including but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents. A household pet does not include livestock.~~
- ~~—299. “Housing for the elderly and persons with disabilities” means a multiple family structure designed, maintained and operated for the exclusive occupancy by the elderly and/or persons with a disability as defined by the regulations of HUD and providing that one dwelling unit may be for a resident manager who shall be exempt from occupancy age limitations and disabilities.~~
300. “Impermeable surface” means a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.

301. "Improvement" means a any change to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, and other public works and appurtenances.

302. "Incidental use" means a use that is subordinate to the main use of a premises.

~~303. "Industrial park" means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.~~

~~304. "Industrial uses" means the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.~~

~~305. "Industrial, general" means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.~~

306. "Industrial, heavy" means enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

307. "Industrial, light" means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

308. "Infill development" means the construction of a building or structure on a vacant parcel located in a predominantly built up area.

309. "Infill site" means any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided a predominately built up area.

310. "Infrastructure" means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

~~311. "Institution" means a facility that provides a public service and is operated by a federal, State, or local government, public or private utility, public or private school or college, church, hospital, public agency, or tax-exempt organization.~~

312. "Intensification of use" means any change, alteration, extension, expansion or enlargement of a use or use of structure in combination where the off-street parking requirements of this Zoning Code would be calculated at a higher ratio and/ or would require that additional off-street parking spaces be provided.

313. "Intensity" means the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

314. "Irregular tract" means a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.

~~315. "Junk yard" means any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "automobile wrecking yard."~~

~~316. "Kennel, commercial" means an establishment where dogs or cats, or other household pets at least four months of age are groomed, bred, boarded, trained, or sold as a business.~~

~~317. "Kennel, private" means an establishment where four or more dogs or cats, or combination thereof, or other household pets at least four months of age, excluding vicious animals, are raised, bred, or boarded.~~

318. "Lagoon" means a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the IDNR.

319. "Landfill" means a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with State and federal requirements.

- ~~320. “Landscape” means plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.~~
- ~~321. “Landscaped area” means the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including (but not limited to) grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.~~
- ~~322. “Perimeter landscaped area” means any required landscaped area that adjoins the exterior boundary of a lot, site or common development.~~
- ~~323. “Interior landscaped area” means any landscaped area within a site exclusive of required perimeter landscaping.~~
- ~~324. “Landscape design and installation” means a business engaged in the design, installation, and maintenance of commercial and residential landscapes, which may include an office and indoor or outdoor storage areas for materials and equipment.~~
- ~~325. “Landscaping” includes the installation of vegetation, hardscape, and/or xeriscaping, in conformity with the requirements of this Zoning Code and the continued maintenance thereof.~~
- ~~326. “Laundry, self service” means an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.~~
- ~~327. “Life care facility” means a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility.~~
- ~~328. “Limits of grading” means the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.~~
- ~~329. “Liquor sales” means establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.~~
- ~~330. “Livestock” means animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation, including (but not limited to) horses, cattle, sheep, swine, goats, ducks, chickens, and turkeys.~~
- ~~331. “Live/work space” means buildings or spaces within buildings that combine residential living space with an integrated work space for use by one or more residents.~~
- ~~332. “Loading area/space” means an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.~~
333. “Lot” means a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.
334. “Lot, corner” (blue) means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot is considered an “interior lot.”
335. “Lot, double frontage, or through” (red) means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
336. “Lot, flag” (orange) means an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.
337. “Lot, interior” (green) means a lot other than a corner lot.
338. “Lot area” means the total horizontal area included within the boundaries of the lot lines of a lot.
339. “Lot coverage” means that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.
340. “Lot depth” means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
341. “Lot frontage” means the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
342. “Lot line” means the property line bounding a lot.
343. “Lot line, front” means the property line abutting a street.
344. “Lot line, rear” means a lot line not abutting a street which is opposite and most distant from the front lot line.
345. “Lot line, side” means any lot line not a front lot line or rear lot line.
346. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.
347. “Lot width” means the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
348. “Lot, zero lot line” means a common lot line on which a wall of a structure may be constructed.

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

- A. A single-lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record and portions of lots of record, or of portions of lots of record;
- D. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does meet the requirements of this Zoning Code.

~~350. "Luminaire, cut-off" means a luminaire with elements, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 72 degrees.~~

~~351. "Mall" means a group of at least four commercial units, either physically connected or not, which share a common required parking lot.~~

(Ordinance 650, March 23, 2017)

~~352. "Manufactured home" see "dwelling, manufactured home."~~

~~353. "Manufacturing" means the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.~~

~~354. "Manufacturing, custom" means establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:~~

- ~~A. The use of hand tools; or~~
- ~~B. The use of domestic mechanical equipment not exceeding two horsepower; or~~
- ~~C. A single kiln not exceeding eight KW or equivalent.~~

~~This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.~~

~~355. "Masonry" means any material fabricated from concrete, clay, stone, or rock and typically placed in specific patterns and adhered with mortar or grout.~~

~~356. "Masonry, decorative" means materials such as clay or concrete bricks, stone materials, Faux Stone, Manufactured Stone veneers, and natural or faux rock materials.~~

~~357. "Massage therapy" means an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. This definition does not infer uses defined in [Chapter 128](#) of this Code of Ordinances.~~

358. "Master fee schedule" means a fee schedule maintained by the City and passed, and amended periodically, which establishes the required fees to be collected for specific planning, zoning, and subdivision activities.

~~359. "Mechanical equipment" means equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.~~

~~360. "Medical offices" means a business establishment, or portion thereof, furnishing medical, surgical, or other service to individuals, including the offices of physicians, dentists, and other health practitioners, accessory medical and dental labs, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.~~

361. "Mini-storage or mini-warehouse" means a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

362. "Miscellaneous structures" means structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.

363. "Mixed use" means properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

364. "Mixed use building" means a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.

365. “Mixed use development” means a single development that incorporates complementary land use types into a single development.

~~366. “Mobile food unit” means a temporary food service establishment that is vehicle mounted and is designed to be readily movable.~~

~~367. “Mobile home” — see “dwelling, mobile home.”~~

~~368. “Mobile home community” means the same as land leased community defined in Sections 335.30A and 414.28A of the *Code of Iowa*. The term “manufactured home community” shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house its own labor or students.~~

~~369. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “mobile home park” shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house its own labor or students.~~

~~370. “Monastery” means a place of residence for bona fide members of a religious order who carry on religious, medical, educational, or charitable work in adjacent institutions.~~

371. “Moratorium” means a temporary halting of specific development activities for a specific timeframe.

~~372. “Motel” — see “hotel.”~~

~~373. “Motor freight terminal” means a building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck, which may include motor truck storage.~~

~~374. “Motor vehicle” means every self-propelled land vehicle, not operated upon rails, except self-propelled wheel chairs.~~

~~375. “Museum” means an institution devoted to the procurement, care, study, and display of objects of lasting interest and value.~~

~~376. “Nightclub” means a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, except when defined in [Chapter 128](#) of this Code of Ordinances. Also see “bar.”~~

377. “Nonconforming building” means a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

378. “Nonconforming lot” means a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Code.

379. “Nonconforming use” means a use lawful when established but which does not conform to subsequently established zoning regulations.

~~380. “Non-farm buildings” means all buildings except those buildings utilized for agricultural purposes on a farm.~~

~~381. “Nursery” means the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.~~

~~382. “Nursing home” or “convalescent home” means an establishment providing full-time housing and care for the aged or physically infirm, and not involving surgery, obstetrical services, or other major medical services more commonly provided in hospitals or clinics. Such establishment may involve usual convalescent or chronic care including bedside nursing care, administration of medicines or special diets, application of bandages or dressings, and similar procedures.~~

~~383. “Office, general” means a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.~~

~~384. “Office park” means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.~~

385. “Official zoning district map” means a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the City Council.

~~386. “Off-street parking area” means all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.~~

387. “Old Town,” for the purpose of this Zoning Code, refers to an area of the City that lies within the boundaries of First Street on the south, Interstate 29 on the west, Eighth Street on the north, and all properties addressed on G Street on the east.

(Ordinance 655 dated July 20, 2017)

~~388. “Open feedlot operation” means an unroofed or partially roofed animal feeding operation if crop, vegetation, or forage growth or residue is not maintained as part of the animal feeding operation during the period that animals are confined in the animal feeding operation.~~

~~389. “Open lots” means pens or similar concentrated areas, including small shed type areas or open front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed type areas.~~

390. “Open space” means that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways, or any principal or accessory use.

391. “Open space, common” means a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots, or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

392. “Open space, usable” means an area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.

~~393. “Outdoor advertising” see [Chapter 155](#) of this Code of Ordinances.~~

394. “Outdoor storage containers” means a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding eight feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

~~395. “Outlet store” means a commercial development that consists mostly of manufacturers’ outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.~~

396. “Overlay district” means a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.

~~397. “Owner” means an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.~~

~~398. “Package liquor store” means an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.~~

~~399. “Paintball course” means a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.~~

400. “Parcel” means a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

401. “Park” means any public or private land available for recreational, educational, cultural, or aesthetic use.

~~402. “Parking, off street” means all hard surfaced areas other than public rights of way for the purpose of parking vehicles.~~

~~403. “Parking, on street” means the space designated for parking a vehicle within the paved portion of the street right of way.~~

~~404. “Parking aisle” means an area within a parking facility intended to provide ingress and egress to parking spaces.~~

~~405. “Parking lot” means an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.~~

~~406. “Parking lot, private” means an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.~~

~~407. “Parking lot, public” means an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.~~

~~408. “Parking, shared” means a public or private parking area used jointly by two or more uses.~~

~~409. “Parking space, automobile” means an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension less than nine feet by 20 feet, plus such additional area as is for parking aisles.~~

~~410. “Parkway” means the area, excluding the sidewalk, if any, between the property line and the curb, or in the absence of a curb, between the property line and the nearest edge of the street paving.~~

411. “Paved” means permanently surfaced with poured concrete or asphalt.

~~412. “Performance guarantee” means a financial guarantee to ensure that all improvements, facilities, or work required by this Zoning Code will be completed in compliance with these regulations as well as with approved plans and specifications of a development.~~

413. “Permanent foundation” means a base constructed from either poured concrete or laid masonry block and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

414. “Permeable pavement” means a hard surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Zoning Code, this does not include gravel, cinders, crushed rock or seal coat.

415. “Permanent storage” means the long-term storage on-site within an accessory building or structure.

416. “Permitted use” means any land use allowed without condition within a zoning district.

417. “Permanently attached” means attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

~~418. “Person” means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.~~

~~419. “Personal services” means uses providing human services exclusively to private individuals as the ultimate consumer. Personal services are not limited to but include grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services, and temporary personal in-home care.~~

~~420. “Pet daycare” means an establishment where a household pet can be left for a period of time less than 24 hours, where kenneling does not occur.~~

~~421. “Pet shop” means a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals.~~

422. “Planned unit development” (PUD) means a planning process and district for the purpose of providing for a unique and flexible arrangement of residential, business, or industrial uses in accordance with an approved conceptual plan.

423. “Planning and Zoning Commission” means the Planning and Zoning Commission of Sergeant Bluff, Iowa.

~~424. “Plant materials” means trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs and other such vegetation.~~

425. “Plat” means a map showing the location, boundaries, and legal description of individual properties.

426. “Pole building” means a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

427. “Policy” means a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

~~428. “Pony” means a small horse, especially one of any of several breeds of very small stocky animals.~~

~~429. “Porch, unenclosed” means a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than 30 inches above its floor other than wire screening and a roof with supporting structure.~~

430. “Premises” means a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract, and includes a building or land within a prescribed area.

~~431. “Preschool” see “child care center, licensed.”~~

432. “Preservation” means the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

433. “Principal structure” means the main building or structure on a lot, within which the main or primary use of the lot or premises is located. Within a residential district, the dwelling is the primary structure.

434. “Principal use” means the main use of land or structure, as distinguished from an accessory use.

~~435. “Processing or assembly” means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.~~

~~436. “Professional services” means services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.~~

437. “Prohibited use” means any use of land, other than nonconforming, which is not listed as a permitted use, conditional use, or accessory use within a zoning district.

~~438. “Promotional device” means any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, feather signs, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.~~

439. “Property line” means the legal, platted boundary of a lot or parcel of land.

~~440. “Protected zone” means all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of this Zoning Code.~~

~~441. “Public facility” means any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.~~

~~442. “Public use” means a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.~~

443. “Public utility” means all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable communication or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.

444. “Public utility easement” means a portion of a lot or block in which the City and all public utilities enfranchised by the City have a rite of passage and/or a right to install and maintain pipes, wires, poles, conduits, and other equipment necessary to carry out public or quasi-public services.

445. “Public way” means any sidewalk, street, alley, highway, easement, or other public thoroughfare.

~~446. “Quarry” means an excavation activity designed to mine, extract, or remove specific natural resources for commercial purposes. This does not include underground mining and extraction.~~

~~447. “Quarry rehabilitation” means to provide slopes that will be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel, and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.~~

448. “Quasi-public use” means a use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, or other similar types of public services.

449. “Queue space” means a temporary waiting area for motor vehicles obtaining a service or other activity.

~~450. “Racetrack” means a measured course where animals or machines are entered in competitions against one another or against time.~~

451. “Railroad” means the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

~~452. “Recreation, indoor” means a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.~~

~~453. “Recreation, outdoor” means a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.~~

~~454. “Recreational facility” means facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.~~

455. “Recreational vehicle” (RV) means a vehicular unit designed for recreational camping or travel use under its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

456. “Recreational vehicle park” means a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

457. “Redevelopment” means the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.

- ~~—458. “Religious uses” means a use by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site, or religious camp.~~
- ~~—459. “Remote parking” means a supply of off street parking at a location not on the site of a given development.~~
- ~~—460. “Renewable energy” means energy sources including wind, solar power, biomass, and hydropower, that can be regenerated and that is much less polluting than nuclear or fossil fuels.~~
- ~~461. “Renewable resource” means a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.~~
- ~~—462. “Residence” means a building used, designed, or intended to be used as a home or dwelling place for one or more families.~~
- ~~—463. “Resource recovery/recycling center” means indoor and outdoor facilities for obtaining useful materials or energy from solid waste or recycled materials. Materials can be reused for their original purpose, packaged and shipped elsewhere, reprocessed for a different purpose or converted into energy, not to include a biofuels plant or a salvage yard.~~
- ~~—464. “Restaurant” means a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to persons seated within the building.~~
- ~~—465. “Restaurant, drive in/carryout” means any business establishment or portion thereof where food is prepared for sale for consumption off the premises and/or served in disposable containers or wrappers, including all fast food restaurants equipped with a drive through service and/or having a carryout service, and not serving beer, wine, or alcoholic beverages.~~
- ~~466. “Restaurant, entertainment” means a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.~~
- ~~—467. “Restaurant, indoor” means any business establishment or portion thereof where food is prepared for sale for consumption on the premises, including all sit down restaurants, where food and beverage are served in non disposable containers and which may involve carryout service and the serving of beer, wine, and alcoholic beverages on the premises of a limited nature as an accessory use to the restaurant, as defined in this section.~~
- ~~468. “Resource extraction” means a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.~~
- ~~469. “Retail commercial” means establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesale, processing or manufacturing operations with an accessory retail outlet on the premises.~~
- ~~—470. “Retail sales and service” means establishments less than 60,000 square feet engaged in selling or renting goods or merchandise to the general public for personal or household consumption and/or services in conjunction or separate to the sale of such goods. Retail sales/service establishments shall not include eating and drinking places, uses defined as adult entertainment, vehicle sales or service, or wholesale, processing or manufacturing operations with an accessory retail outlet on the premises.~~
- ~~471. “Retention basin” means a facility for the temporary storage of storm water with a permanent water surface.~~
- ~~—472. “Retirement home” means a residential complex containing multi family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from life care retirement centers as elsewhere defined.~~
- ~~473. “Rezoning” means an amendment to or change in the Zoning Code, either to the text or map or both.~~
- ~~—474. “Rezoning, piecemeal” means the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.~~
- ~~475. “Right-of-way” means an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities and/or pedestrians.~~
- ~~476. “Road, private” means a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also see “right of way” and “street.”~~
- ~~—477. “Road, public” means all public rights of way reserved or dedicated for street or road traffic. Also see “right of way” and “street.”~~
- ~~—478. “Roadside stand” means a structure for the display and sale of products on a temporary or seasonal basis.~~
- ~~—479. “Room” means an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.~~

—480. “Salvage services” means places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

—481. “Salvage yard” means any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal, including (but not limited to) machinery, appliances, farm equipment, and including motor vehicles, equipment, and parts that are a result of the dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials.

482. “Sanitary transfer station” means a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and federal agencies.

—483. “Satellite dish antenna” means a parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

—484. “Scale” means proportional relationship of the size of parts to one another and to the human figure.

—485. “Scenic easement” means an easement for the purpose of limiting land development in order to preserve a view or scenic area.

—486. “School, business or trade” means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

—487. “School or nursery” see “child care center, licensed.”

—488. “School, elementary, junior high, or senior high” means public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by State law.

489. “Screening” means a structure or planting that conceals from public view the area behind such structure or planting.

—490. “Selective clearing” means the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

—491. “Self-service station” means an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

—492. “Self-service storage facility” means a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

493. “Semi-hard surfaced” means any surface which is four inches thick poured concrete, asphalt, crushed concrete (with minimum one and one-half inch aggregate) or crushed asphalt.

(Ordinance 659, dated August 3, 2017)

—494. “Separate ownership” means ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

—495. “Septic site” means the area bounded by the dimensions required for the proper location of the septic tank system.

—496. “Service station” means a building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

497. “Setback” means the minimum distance, as prescribed by this Zoning Code, measured from the edge of the eave or other similar building component located closest to the lot line.

—498. “Setback line, front yard” see “yard, front.”

—499. “Setback line, rear yard” see “yard, rear.”

—500. “Setback line, side yard” see “yard, side.”

—501. “Shopping center” means a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

—502. “Shopping center, neighborhood” means a group of commercial establishments with off-street parking on the property that are generally planned and developed as an architectural unit, with a primary trade area of the neighborhood in which it is located.

—503. “Shopping center, regional” means a group of commercial establishments with off-street parking on the property that are planned and developed as an architectural unit, a centrally managed facility requiring a highway or arterial location for their most beneficial operation, the market area of which includes the metropolitan area.

—504. “Shrub” means a multi-stemmed woody plant other than a tree.

505. ~~“Sidewalk café” means an area adjacent to a street level eating or drinking establishment located within the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof to maintain the required public sidewalk access.~~

506. ~~“Sight triangle” is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and five feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.~~

~~507. “Sign” means and includes any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.~~

~~508. “Similar use” means the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.~~

509. “Simple division” means any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.

510. “Site” means the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.

~~511. “Site break” means a structural or landscape device used to interrupt long vistas and create visual interest in a site development.~~

512. “Site plan” means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

~~513. “Skates, in line” means boot type devices that are placed on an individual’s feet. In line skates contain wheels on the bottom of the boot, which are attached in linear fashion.~~

~~514. “Skate park” means a recreational facility containing skateboard ramps and other obstacle courses and devices for the use with skateboards and in line skates.~~

~~515. “Skateboard” means a foot board mounted upon four or more wheels and is usually propelled by the user, who sometimes stands, sits, kneels, or lies upon the device while it is in motion.~~

~~516. “Skateboard” or “half pipe” means an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit persons on skateboards to move continuously from one side to the other.~~

~~517. “Skateboard ramp” means an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.~~

~~518. “Sludge” means solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.~~

~~519. “Specialized product store” means a retail commercial use that typically merchandises products of a similar nature such as, but not limited to electronics, jewelry, greeting cards.~~

520. “Spot zoning” means the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest.

~~521. “Stable and/or riding academies” means the buildings, pens, and pasture areas used for the boarding and feeding of horses, llamas, or other equine animals not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses or equine animals for hire.~~

~~522. “Stadium” means a large, usually open structure for sports events with tiered seating for spectators.~~

~~523. “Storage” means the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.~~

~~524. “Storage container, portable” means any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul off for storage off-site. Another name for these containers is “portable on-demand storage.”~~

~~525. “Storm drain” means a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.~~

~~526. “Storm water detention” — see [Chapter 157](#) of this Code of Ordinances.~~

~~527. “Storm water management” — see [Chapter 157](#) of this Code of Ordinances.~~

~~528. “Storm water runoff” — see [Chapter 157](#) of this Code of Ordinances.~~

~~—529. “Story” means a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.~~

530. “Street” means a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Zoning Code.

~~—531. “Street, arterial” means a street primarily intended to carry traffic from one part of the City to another and secondarily intended to provide access to abutting properties.~~

~~—532. “Street, collector” means a street primarily intended to gather traffic from a subdivision and carry it to an arterial street, but also intended to provide direct access to abutting properties.~~

~~—533. “Street, curvilinear” means local streets that deviate from straight alignment and change direction without sharp corners or bends.~~

~~—534. “Street, local” means a street intended to provide direct access to abutting properties.~~

~~—535. “Street, looped” means a continuous local street without intersecting streets and having its two outlets connected to the same street.~~

~~—536. “Street, private” means an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term “private street” includes the term “place.”~~

~~—537. “Street centerline” means the centerline of a street right of way as established by official surveys.~~

~~—538. “Street frontage” see “lot frontage.”~~

~~—539. “Street, frontage access” means a street parallel and adjacent to a major street, major inter regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.~~

~~—540. “Street hardware” means man-made objects other than buildings that are part of the streetscape. Examples include (but are not limited to) lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, and fire hydrants.~~

~~—541. “Streetscape” means the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.~~

~~—542. “Structure” means anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.~~

543. “Structure, temporary” means a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.

544. “Structural alteration” means any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

545. “Subdivision” means a tract of land divided into three or more lots.

546. “Subdivision plat” means a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.

~~—547. “Supermarket” means a retail food establishment primarily selling prepackaged and perishable food as well as convenience and household goods and having a gross floor area of 60,000 square feet or more.~~

548. “Surface waters” means all waters within the jurisdiction of the State, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

~~—549. “Surplus sales” means businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.~~

~~—550. “Swimming pool, private” means a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.~~

~~—551. “Tanning studio” means any business that uses artificial light systems, spraying systems to produce a tan on an individual’s body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment as defined in [Chapter 128](#) of this Code of Ordinances.~~

~~—552. “Tattoo parlor/body piercing studio” means an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.~~

~~—553. “Tavern” see “bar.”~~

~~—554. “Taxidermy services” means an operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.~~

555. “Temporary use” means impermanent uses of an occasional nature. Temporary uses involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent structure shall not be considered temporary uses.

~~—556. “Terrace” means a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.~~

~~557. “Theater” means a building or structure used for dramatic, operatic, motion pictures, or other performances, for admission to which entrance money is received and limited audience participation or meal service.~~

~~—558. “Tiny home or house” means a residential dwelling built to State and local building codes, not to exceed 400 square feet.~~

(Ord. 682—Sep. 19 Supp.)

559. “Tower” means a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also see “antenna.”

~~—560. “Townhouse” see “dwelling, townhouse.”~~

561. “Tract” means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

~~—562. “Trailer, automobile” means a licensed vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.~~

~~563. “Transit facility” means a small-scale covered waiting area for buses, taxis, and mass transit stops, typically with a separate loading lane.~~

564. “Tree” means any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.

565. “Tree cover” means an area directly beneath the crown and within the dripline of the tree.

566. “Truck repair” means the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

~~—567. “Truck wash” means a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.~~

~~568. “Unit,” within residential uses, means the specific apartment, dwelling unit, or condominium.~~

569. “Upper story housing” means one or more dwelling units located above the first floor where allowed within a commercial district.

570. “Up-zoning” means a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple-family residential district.

~~—571. “Use” means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.~~

~~—572. “Use, best” means the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.~~

~~—573. “Use, highest” means an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.~~

~~—574. “Used materials yard” means any lot or a portion of any lot used for the storage of used materials. This does not include junk yards or automobile wrecking yards.~~

~~—575. “Utilitarian structure” means a structure or enclosure relating to mechanical or electrical services to a building or development.~~

~~—576. “Utility easement” see “easement.”~~

~~—577. “Utility hardware” means devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.~~

578. “Utility service” means any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, wastewater and communications into a building or development.

~~—579. “Value” means the estimated cost to replace a structure in kind, based on current replacement costs.~~

580. "Variance" means a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the ZBA according to the provisions of this Zoning Code.

~~581. "Vegetation" means trees, shrubs, and vines.~~

582. "Vehicle," for the purposes of this Zoning Code only, shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land or water, including (but not limited to) automobiles, trucks, bicycles, motorcycles, snowmobiles, ATVs, boats (on a trailer), trailers of all kinds, campers, wagons, and farm implements.

(Ordinance 659, dated August 3, 2017)

~~583. "Vehicle, motor" see "motor vehicle."~~

~~584. "Vehicle body shop" means a facility which provides vehicle collision repair services, including body frame straightening, replacement of damaged parts, and painting, but does not include mechanical engine or power train repair.~~

~~585. "Vehicle sales" means the storage and display for the retail or wholesale sale, rental, or lease of more than two new or used vehicles, and which may include facilities for the incidental repair or body work of vehicles.~~

~~586. "Vehicle service or repair" means a facility providing major vehicle repair such as tire capping, bodywork, frame straightening, welding, painting, storage of non-operable vehicles and the sale of motor fuels, tires and lubricants for retail sale directly to the motorist consumer. As an accessory use, the selling of vehicles with salvage titles may occur on a limited basis provided they are stored in a building. Vehicles with salvage titles may be stored in the rear yard of the property provided the vehicles are not stacked on top of other vehicles and materials and are permanently screened from view to a height of at least six feet with at least 50 percent opacity. The sale of used parts other than as an incidental part of the business is prohibited.~~

~~587. "Vending machine" means any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise, or services.~~

~~588. "Vending machine, reverse" means an automated mechanical device that accepts at least one or more types of empty beverage containers, including (but not limited to) aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.~~

~~589. "Veterinary services" means services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.~~

590. "Visual obstruction" means any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limits the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of five feet.

~~591. "Warehouse" means a building used primarily for the storage of goods and materials.~~

~~592. "Warehouse club operation" means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.~~

~~593. "Warehouse and distribution" means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.~~

~~594. "Warehousing (enclosed)" means uses including storage, warehousing, distribution, and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and van and storage companies.~~

~~595. "Warehousing (open)" means uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards, open storage.~~

~~596. "Wastewater lagoon" see "lagoon."~~

~~597. "Watercourse" means natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks, and other natural waterways. This definition includes waterways that have been channelized, but does not include man-made channels, ditches, and underground drainage and sewage systems.~~

~~598. "Waters of the State" means all waters within the jurisdiction of this State, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the State.~~

~~599. "Wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated-soiled conditions, commonly known as hydrophytic vegetation.~~

~~600. “Wholesale club” means a retail store that sells a limited assortment of merchandise to customers who are members of the club.~~

~~601. “Wholesale establishment” means an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.~~

~~602. “Wholesale trade” means the selling of merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.~~

~~603. “Wildlife conservation area” means an area dedicated to conservation of wildlife and wildlife habitat.~~

604. “Wireless communication tower” means a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

605. “Xeriscaping” means landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

606. “Yard” means any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Zoning Code.

607. “Yard, required front” (**red**) means an open space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.

608. “Yard, required rear” (**green**) means an open space between the rear yard setback line and the rear lot line, extending the full width of the lot.

609. “Yard, required side” (**blue**) means an open space extending from the front yard, or from the front lot line where no front yard is required by this Zoning Code, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

~~610. “Zero lot line” see “lot, zero lot line.”~~

611. “Zoning Administrator” means the person or persons authorized and empowered by the City to administer and enforce the requirements of this Zoning Code.

~~612. “Zoning district” see “district.”~~

613. “Zoning district, change of” means the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map of the City.

1. “**Abandonment** - the act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, premises, a right of way, contract rights, a vehicle or animal”
2. “**Abut or Abutting** – Making contact with or separated only by public right-of-way, railroad or other public utility, the condition of two adjoining properties having a common property line or boundary”
3. “**Access**” or “**access way**” means the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.
4. “**Accessory living quarters**” means living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.
5. “**Accessory building or structure**” means a detached subordinate building or structure located on the same lot with the principal building or structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory buildings and structures include farm buildings, garages, carports, and storage sheds but not portable storage containers.
6. “**Accessory dwelling unit**” means **an in-law or mother-in-law unit, secondary dwelling unit, granny flat or carriage house, it has its own kitchen, living area, and a separate entrance; it may be attached to a house or garage, or it can be built as a stand-alone unit, it shall make use of the water and energy connections of the main house**”
7. “**Accessory use**” means **A use that is incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects**”
8. “**Agent**” means any person showing written verification that said person is acting for, and with the knowledge and consent of, a property owner.
9. “**Agriculture**” means land suitable for use in farming and which is or will be operated as a farm, including the raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use.
10. “**Alley**” means a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
11. “**Alteration**” means any change, addition, or modification to the construction or occupancy of an existing structure.
12. “**Amendment**” means a change in the wording, context, or substance of this Zoning Code, or an addition, deletion, or change in the district boundaries or classifications upon the Official Zoning Map.
13. “**Antenna**” means any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also see “satellite dish antenna and tower.”
14. “**Applicant**” means the owner or duly designated representative of land proposed to be subdivided, or for which a special use permit, conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits have been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.
15. “**Base flood**” means the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.
16. “**Base flood elevation**” means that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.
17. “**Base zoning district**” means a district established by this Zoning Code which prescribes basic regulations governing land use and site development standards.
18. “**Block**” means a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.
19. “**Block frontage**” means that section of a block fronting on the street right-of-way line between two intersecting streets or other block boundary.
20. “**Board of Adjustment**” means that board that has been created by the City and which has authority under the *Code of Iowa* to hear and determine appeals from and interpretations of variances, and to grant conditional use permits.
21. “**Brownfield/brownfield site**” means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.
22. “**Buffer**” means a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road.”

23. "Buffer area" means an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.
24. "Buffer yard" means a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
25. "Buffer zone" means an area of land that separates two zoning districts and/or land uses and which acts to soften or mitigate the effects of one use on the other.
26. "Buildable area" means that part of a zoning lot not included within the required yards or subject to other restrictions herein required.
27. "Building" means any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment, or chattels of any kind.
28. "Building, commercial or industrial" means a building or buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings.
29. "Building, residential" means a building enclosed by a continuous wall regardless of the existence of platted lot lines through the area occupied by such building.
30. "Building area" means the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
31. "Building code" means the various adopted codes of the City which regulate the construction of building, electrical, mechanical, plumbing, and other codes adopted by the City which pertain to building construction.
32. "Building coverage" means the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
33. "Building envelope" means the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
34. "Building height" means the distance measured from the mean elevation of the grade of the front face of the building to the highest point on the roof or parapet of the building.
35. "Building inspector" means the official appointed by the administration or the City Council, and charged with the responsibility of enforcing this Zoning Code.
36. "Building line" means the outer boundary of a building established by the location of its exterior walls.
37. "Building permit" means a document issued under the authority of the Building Inspections and Code Enforcement Department, which permit authorizes the construction or modification of a structure on a property.
38. "Building setback line" means the required zoning distance between a building and the lot line.
39. "Bulk regulations" means an indication of size and setback of buildings and their location with respect to one another, including lot area, lot frontage, lot coverage, required front yard, required side yard, required rear yard, and building height.
40. "City Administrator" means the City Administrator of the City of Sergeant Bluff, as appointed by the administration and City Council.
41. "City Attorney" means the City Attorney of the City of Sergeant Bluff or an authorized deputy, agent or representative.
42. "City Engineer" means the City Engineer as hired or appointed by the Mayor and City Council or an authorized deputy, agent or representative.
43. "City limits" means the established corporate boundary of the City of Sergeant Bluff.
44. "Commission" means the Sergeant Bluff Planning and Zoning Commission.
45. "Common area or property" means a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.
46. "Common development" means a development proposed and planned as one unified project not separated by a public street or alley.
47. "Common open space" means land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
48. "Compatibility" means harmony in the appearance of two or more external design features in the same vicinity.
49. "Compatible use" means the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
50. "Comprehensive Plan" shall mean the Comprehensive Development Plan of Sergeant Bluff, Iowa, as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare.

51. “Conditional use” means a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare and which is permitted upon findings of the Board.
52. “Conditional use permit” means a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Sections 165C.01 and any additional conditions placed upon or required by said permit.
53. “Conflicting land use” means the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.
54. “Conservation” means the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.
55. “Conservation area” means environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in the case of an overriding public interest, including (but not limited to) wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
56. “Conservation easement” means an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
57. “Conservation subdivision” means, wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided: (i) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district; and (ii) the remaining land area is used for common space.
58. “Construction yards” means establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractors’ yards.
59. “Convent” means a place of residence for bona fide members of a religious order who carry on religious, medical, educational or charitable work.
60. “Corporate limits” means all land, structures, and open space that has been annexed into the City’s jurisdiction. This does not include the extraterritorial jurisdiction of the City.
61. “Date of substantial completion” means the date certified by the local building inspector or Zoning Administrator when the work, or a designated portion thereof, is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.
62. “Density” means the number of dwelling units per gross acre of land.
63. “Developer” means any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
64. “Development” means any man-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
65. “Development concept plan” – see “site plan.”
66. “Development review” means the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.
67. “Development review committee” means a committee as defined in Section 165E.08 established to review site plans, planned developments and development proposals prior to any other required action.
68. “Disability” means physical or mental impairment that substantially limits one or more of such person’s major life activities so that such person is incapable of living independently, a record of having such an impairment, or being regarded as having such impairment.
69. “District or zone” means any zoning district created for the purpose of regulating specific uses within a defined area.
70. “Downzoning” means a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple-family residential district to single-family residential district.
71. “Drainageway” – see [Chapter 157](#) of this Code of Ordinances.

72. **Dwelling** – means a building, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.
73. **Dwelling, Apartment** – means a room or a group of rooms, among similar sets in one building, designed for use as a dwelling usually rented and not owned by the occupant.
74. **Dwelling, Condominium/Condo** – means an apartment house, office building, or other multiple-unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell.
75. **Dwelling, Duplex** – means a multi-family home that has one legal description and one owner and is made up of two individual homes on one shared lot. Duplex buildings also have two separate entrances for each unit.
76. **Dwelling, Manufactured (formerly known as mobile home)** – means a factory-built, single-family structure, which is built to the Manufactured Home Construction and Safety Standards (HUD Code) and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axels. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.
77. **Dwelling, Mobile Home** – (see also factory-built housing; manufactured housing) means any manufactured home built prior to June 15, 1976; they are now obsolete due to HUD policy changes in 1976; a transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.
78. **Dwelling, Modular** – means a home constructed to the same state, local or regional building codes as site-built homes on a permanent chassis or on a temporary one; it is not designed to be moved once erected or installed at the site.
79. **Dwelling, Multi-Family** – is a classification of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex. Units can be next to each other (side-by-side) or stacked on top of each other (top and bottom units). A common form is an apartment building.
80. **Dwelling, Seasonal or Cabins** – means a dwelling which is designed or intended for seasonal or recreational use and is not intended for use as permanent living quarters.
81. **Dwelling, Single-family** – means a structure that is usually occupied by just one household or family; open on all sides from any other structure.
82. **Dwelling, Single-family attached** – means a housing unit connected to another housing unit, generally with a shared wall, that provides living space for one household or family. Townhouses, rowhouses, and duplexes are considered single-family attached housing units, as long as there is no household living above another one within the walls extending from the basement to the roof to separate the units. This includes modular homes but does not include manufactured homes.
83. **Dwelling, Single-family detached** – just like a single-family dwelling; permanent dwelling, usually set up on a separate lot and includes ownership rights to the land on which it is situated. A detached home is almost always considered a single-family home, meaning all internal areas are shared and in common. Also called single detached dwelling.
84. **Dwelling, Tiny Home/House** – means a dwelling no larger than 400 square feet and placed on a permanent foundation with standard utility connections as prescribed by local or state code.
85. **Dwelling, Townhouse/Townhome** – means an attached, privately owned single-family dwelling unit which is a part of and adjacent to other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.
86. **Dwelling, Twin Homes** – means a home with a shared wall, each having its own legal description, classified as a single-family home with two owners.
87. **Dwelling, Two-family** – means a detached residential building containing two dwelling units, designed for occupancy by not more than two families, but not including a single-family dwelling with an approved accessory dwelling unit.
88. **Dwelling, Upper Story** – means a single-family living space one or more stories above ground level of an unused space above a commercial business; the space remodeled for use as dwellings.
89. **“Easement”** means an authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property.

90. "Encroachment" means an advancement or intrusion beyond the lines or limits as designated and established by this Code of Ordinances.
91. "Enlargement" means the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
92. "Existing and lawful" means the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.
93. "Expansion" means the enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
94. "Exterior building component" means the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
95. "Extraterritorial jurisdiction" means the area beyond the corporate limits, in which the City has been granted the powers by the State to exercise subdivision review and is exercising such powers.
96. "Exurban" means the area that lies beyond the corporate limits and its suburbs.
97. "Findings of fact" means those factual items determined and recorded for either approving or denying any type of application as it pertains to the Planning and Zoning Commission, Board of Adjustment, Development Review Committee, and City Council.
98. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation of runoff of surface waters from any source.
99. "Floodplain" means any land area susceptible to being inundated by water from any source as determined by the FIRM map.
100. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
101. "Floodway" means the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
102. "Frontage" means that portion of a parcel of property or block that abuts a dedicated public street or highway.
103. "Frontage road" means a street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.
104. "Grade" means the mean elevation of the ground measured along the wall of a building or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.
105. "Groundwater" means water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
106. "Hard surfaced" means any surface used for movement of vehicular and/or pedestrian traffic that is designed and paved with either asphalt, concrete, permeable pavement, or pavers to City standards, but shall not include surfacing materials such as crushed rock, gravel, cinder, or surface sealants.
107. "Height, maximum" means the total height of any structure including any signage or other attachments to a structure.
108. "Historic district" means an area designated as a historic district by ordinance and which contains within definable geographic boundaries, properties, or buildings, that may or may not be landmarks but which contribute to the overall historic character of the designated area.
109. "Home-based business/occupation, general" means a business, occupation, or profession carried on within a residential dwelling by the resident thereof.
110. "Impermeable surface" means a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roofs, sidewalks, parking lots, and driveways.
111. "Improvement" means a any change to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways, and other public works and appurtenances.

112. “Incidental use” means a use that is subordinate to the main use of a premises.
113. “Industrial, heavy” means enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
114. “Industrial, light” means establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
115. “Infill development” means the construction of a building or structure on a vacant parcel located in a predominantly built up area.
116. “Infill site” means any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools, and fire protection have already been constructed or are provided a predominantly built up area.
117. “Infrastructure” means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.
118. “Intensification of use” means any change, alteration, extension, expansion or enlargement of a use or use of structure in combination where the off-street parking requirements of this Zoning Code would be calculated at a higher ratio and/ or would require that additional off-street parking spaces be provided.
119. “Intensity” means the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.
120. “Irregular tract” means a parcel of land that has not been subdivided through adopted plat procedures, but nonetheless has been assigned a number for identification purposes.
121. “Lagoon” means a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the IDNR.
122. “Landfill” means a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with State and federal requirements.
123. “Lot” means a distinct parcel, tract or portion of a subdivision, the location, dimensions, and boundaries of which are determined by a plat.
124. “Lot, corner” (**blue**) means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot is considered an “interior lot.”
125. “Lot, double frontage, or through” (**red**) means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
126. “Lot, flag” (**orange**) means an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.
127. “Lot, interior” (**green**) means a lot other than a corner lot.
128. “Lot area” means the total horizontal area included within the boundaries of the lot lines of a lot.
129. “Lot coverage” means that portion of a lot covered by principal and accessory uses and/or buildings expressed as a percentage of the lot area.
130. “Lot depth” means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
131. “Lot frontage” means the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.
132. “Lot line” means the property line bounding a lot.
133. “Lot line, front” means the property line abutting a street.
134. “Lot line, rear” means a lot line not abutting a street which is opposite and most distant from the front lot line.
135. “Lot line, side” means any lot line not a front lot line or rear lot line.
136. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or lot or parcel described by metes and bounds, the description to which has been so recorded.

137. "Lot width" means the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
138. "Lot, zero lot line" means a common lot line on which a wall of a structure may be constructed.
139. "Lot, zoning" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:
 - A. A single-lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record and portions of lots of record, or of portions of lots of record;
 - D. A parcel of land described by metes and bounds;
 provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Zoning Code.
140. "Master fee schedule" means a fee schedule maintained by the City and passed, and amended periodically, which establishes the required fees to be collected for specific planning, zoning, and subdivision activities.
141. "Mini-storage or mini-warehouse" means a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.
142. "Miscellaneous structures" means structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, and transformers.
143. "Mixed use" means properties where various uses, such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
144. "Mixed use building" means a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual base zoning district in which the building or structure is to be located.
145. "Mixed use development" means a single development that incorporates complementary land use types into a single development.
146. "Moratorium" means a temporary halting of specific development activities for a specific timeframe.
147. "Nonconforming building" means a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.
148. "Nonconforming lot" means a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Code.
149. "Nonconforming use" means a use lawful when established but which does not conform to subsequently established zoning regulations.
150. "Official zoning district map" means a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the City Council.
151. "Old Town," for the purpose of this Zoning Code, refers to an area of the City that lies within the boundaries of First Street on the south, Interstate 29 on the west, Eighth Street on the north, and all properties addressed on G Street on the east.

(Ordinance 655 dated July 20, 2017)

152. "Open space" means that part of a lot or parcel not devoted to buildings, structures, parking or loading areas, driveways, or any principal or accessory use.
153. "Open space, common" means a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots, or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
154. "Open space, usable" means an area of land or water or combination of land and water which may include complimentary structures and improvements within the site, excluding space devoted to parking, designed and intended for common use and enjoyment.
155. "Outdoor storage containers" means a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding eight feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and

transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable, and acceptable material and shall not include a foundation, electricity, plumbing, or other mechanical systems as part of its assembly or use.

156. "Overlay district" means a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original zoning district designation does not change.
157. "Parcel" means a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.
158. "Park" means any public or private land available for recreational, educational, cultural, or aesthetic use.
159. "Permeable pavement" means a hard-surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Zoning Code, this does not include gravel, cinders, crushed rock or seal coat.
160. "Permanent storage" means the long-term storage on-site within an accessory building or structure.
161. "Permitted use" means any land use allowed without condition within a zoning district.
162. "Permanently attached" means attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
163. "Planned unit development" (PUD) means a planning process and district for the purpose of providing for a unique and flexible arrangement of residential, business, or industrial uses in accordance with an approved conceptual plan.
164. "Planning and Zoning Commission" means the Planning and Zoning Commission of Sergeant Bluff, Iowa.
165. "Plat" means a map showing the location, boundaries, and legal description of individual properties.
166. "Pole building" means a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.
167. "Policy" means a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.
168. "Premises" means a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract, and includes a building or land within a prescribed area.
169. "Preservation" means the act of protecting an area, parcel of land, or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.
170. "Principal structure" means the main building or structure on a lot, within which the main or primary use of the lot or premises is located. Within a residential district, the dwelling is the primary structure.
171. "Principal use" means the main use of land or structure, as distinguished from an accessory use.
172. "Prohibited use" means any use of land, other than nonconforming, which is not listed as a permitted use, conditional use, or accessory use within a zoning district.
173. "Property line" means the legal, platted boundary of a lot or parcel of land.
174. "Public utility" means all or part of a waterworks, gasworks, sanitary sewage system, storm water drainage system, electric light and power plant and system, heating plant, cable communication or television system, telephone or telecommunications systems or services offered separately or combined with any system or service specified herein or authorized by other state law, any of which may be owned by a City, including all land, easements, rights of way, fixtures, equipment, accessories, improvements, appurtenances, and other property necessary or useful for the operation of the utility.
175. "Public utility easement" means a portion of a lot or block in which the City and all public utilities enfranchised by the City have a rite of passage and/or a right to install and maintain pipes, wires, poles, conduits, and other equipment necessary to carry out public or quasi-public services.
176. "Public way" means any sidewalk, street, alley, highway, easement, or other public thoroughfare.
177. "Quasi-public use" means a use conducted by, or a facility or structure owned or operated by, a nonprofit, religious, or eleemosynary institution that provides educational, cultural, recreational, religious, or other similar types of public services.
178. "Queue space" means a temporary waiting area for motor vehicles obtaining a service or other activity.
179. "Railroad" means the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

180. "Recreational vehicle" (RV) means a vehicular unit designed for recreational camping or travel use under its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicles include pop-up or foldable trailers, travel trailers, toy haulers, fifth wheel trailers, and motorhomes class A, B, or C.
181. "Recreational vehicle park" means a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.
182. "Redevelopment" means the act of rehabilitation or demolition of existing buildings and/or land area irrespective of whether a change occurs in land use.
183. "Resource extraction" means a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, mining.
184. "Retention basin" means a facility for the temporary storage of storm water with a permanent water surface.
185. "Rezoning" means an amendment to or change in the Zoning Code, either to the text or map or both.
186. "Right-of-way" means an area or strip of land, either public or private, on which an irrevocable rite of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles, utilities and/or pedestrians.
187. "Screening" means a structure or planting that conceals from public view the area behind such structure or planting.
188. "Semi-hard surfaced" means any surface which is four inches thick poured concrete, asphalt, crushed concrete (with minimum one and one-half inch aggregate) or crushed asphalt.

(Ordinance 659, dated August 3, 2017)

189. "Setback" means the minimum distance, as prescribed by this Zoning Code, measured from the edge of the eave or other similar building component located closest to the lot line.
190. "Sight triangle" is an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and five feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.
191. "Simple division" means any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three lots.
192. "Site" means the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Code.
193. "Site plan" means a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.
194. "Spot zoning" means the zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group but must be in the general public interest.
195. "Street" means a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Zoning Code.
196. "Structure, temporary" means a building or structure erected for a one-time temporary use, lacking a permanent foundation, connections to water and sewer, and generally having open walls, distinct from a permanent structure which must meet adopted building codes.
197. "Subdivision" means a tract of land divided into three or more lots.
198. "Subdivision plat" means a graphical representation of the subdivision of land, prepared by a licensed land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique.
199. "Surface waters" means all waters within the jurisdiction of the State, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.
200. "Temporary use" means impermanent uses of an occasional nature. Temporary uses involve the use of permanent structures and portable signs. Uses of a seasonal nature that recur periodically on a regular basis on the same site and reoccupy the same permanent structure shall not be considered temporary uses.

201. “Tower” means a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. Also see “antenna.”
202. “Tract” means a lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.
203. “Upper story housing” means one or more dwelling units located above the first floor where allowed within a commercial district.
204. “Up-zoning” means a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple-family residential district.
205. “Utility service” means any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil, wastewater and communications into a building or development.
206. “Variance” means a relief from or variation from the strict application of the bulk regulations, as applied to a specific piece of property, which may be granted by the ZBA according to the provisions of this Zoning Code.
207. “Vehicle,” for the purposes of this Zoning Code only, shall be broadly interpreted to mean any implement of conveyance designed or used for the transportation of people or materials on land or water, including (but not limited to) automobiles, trucks, bicycles, motorcycles, snowmobiles, ATVs, boats (on a trailer), trailers of all kinds, campers, wagons, and farm implements.

(Ordinance 659, dated August 3, 2017)

208. Vehicle, Motor means every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.
209. “Visual obstruction” means any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limits the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of five feet.
210. “Wireless communication tower” means a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided, however, noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.
211. “Yard” means any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Zoning Code.
212. “Yard, required front” (red) means an open space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
213. “Yard, required rear” (green) means an open space between the rear yard setback line and the rear lot line, extending the full width of the lot.
214. “Yard, required side” (blue) means an open space extending from the front yard, or from the front lot line where no front yard is required by this Zoning Code, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
215. “Zoning Administrator” means the person or persons authorized and empowered by the City to administer and enforce the requirements of this Zoning Code.
216. “Zoning district, change of” means the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zoning map of the City.