

165.02 DEFINITIONS.

For the purpose of these zoning regulations, certain terms and words are hereby defined. The words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied,” and the word “lot” includes the words “plot or parcel.”

1. “Accessory use or structure” means a use or structure subordinate to the principal use of another building on the lot or site with, and serving a purpose customarily incidental to, the use of the principal building.
2. “Administrative official” means the City official or his or her designee appointed by the Council to administer these zoning regulations. Administrative official and Zoning Administrator shall mean the same thing.
3. “Adult,” as used in these zoning regulations, refers to a person who has attained the age of 18 years.
4. “Adult entertainment business” means a place or business that displays, or otherwise offers to its visitors or patrons specified sexual activities or specified anatomical areas and includes any of the following:
 - A. “Adult book store” means an establishment or business having a substantial part of its stock in trade, books, magazines, photographs, pictures, videos, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein.
 - B. “Adult motel” means a motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
 - C. “Adult motion picture arcade” means any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
 - D. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas for observation by patrons therein.
 - E. “Adult nightclub” means any club, cabaret, nightclub, bar, restaurant or similar establishment where an enclosed building or open air facility is used for live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas, as defined herein.

F. “Sexual encounter center” means a place provided by any business, agency or person where, for any form of consideration or gratuity, persons who are not all members of the same household, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas, as defined herein.

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

H. “Specified sexual activities” means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

I. “Substantial” means more than 25 percent of the book, magazine, film or video tape inventory is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(Subsection 4 – Ord. 3089 – Aug. 23 Supp.)

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

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

7. “Assisted living residential facility” means a building consisting of individual dwelling units where means and assistance for daily living activities are provided for residents, who are primarily elderly persons. Such facility must be licensed as a residential care facility or skilled nursing facility under Chapter 135C of the Code of Iowa.

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

9. “Balcony” means a platform that projects from the wall of a building and is surrounded by a railing or balustrade. A balcony can be covered or uncovered and enclosed or unenclosed.

10. “Barrier” means a permanent fence, wall, building, or combination thereof that completely surrounds a pool or spa and obstructs access to the pool or spa that cannot be

[removed, lifted, or relocated without the use of a tool. A listed and labeled ASTM F 1346 safety cover can serve as the required barrier for a hot tub/spa in lieu of a fence or wall.](#)

110. “Basement” means a story having part, but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulation.

121. “Bed and breakfast home” means a private single-family residence that provides lodging and meals for guests, in which the host and/or hostess resides and in which no more than three guest families are lodged at the same time; and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations, and serves food only to overnight guests.

132. “Board” means the Board of Adjustment of the City.

143. “Boarding house” means a building other than a hotel or motel where, for compensation, meals, or lodging and meals are provided for four or more persons.

154. “Buffer zone” means an area of land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

165. “Building” means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

176. “Building, height of” means the vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (See Section 165.20 of these zoning regulations for illustrations.)

187. “Building line” means the outer boundary of a building established by the location of its exterior walls or any projections other than steps, unenclosed balconies, or unenclosed porches.

198. “Building, temporary” means a building that is not permanently affixed to the property, and is permitted to exist for a specific reason for no more than two years.

2019. “Bulk stations” means distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

210. “Brewpub” means a restaurant that brews ales, beers and similar beverages on site for either consumption on premises or offsite in hand capped or sealed containers in quantities up to one-half barrel or 15.5 gallons sold directly to the consumer.

221. “Café” means an informal establishment engaged in the preparation of food and beverages for consumption on premises that may or may not have an outdoor seating area.

232. “Carport” means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of these zoning regulations, a

carport attached to a principal building is considered as part of the principal building and subject to all yard requirements of these zoning regulations.

243. “Cellar” means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

254. “Clinic, medical or dental” means a building or buildings in which physicians, dentists, or physicians and dentists, and allied professionals are associated for the purpose of carrying on their profession.

265. “Commission” means the Planning and Zoning Commission of the City.

276. “Consumer fireworks” means first-class consumer fireworks and second-class consumer fireworks as set forth under Chapter 100 of the Code of Iowa.

287. “Consumer fireworks sales” means an establishment used for the retail display and sale of consumer fireworks. For the purposes of the Zoning Ordinance, a retail operation in which less than 50 percent of the retail floor space is devoted to the sale or display of second-class consumer fireworks shall not be considered a consumer fireworks sales use.

298. “Convenience store” means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores but not including the repair or sale of vehicles.

3029. “Day nursery” or “nursery school” means any private or public agency, institution, establishment, or place that provides supplemental parental care and/or educational work, other than lodging overnight, for six or more unrelated children of the owners or operators, of preschool age, for compensation.

310. “Display fireworks sales” means an establishment used for the manufacturing, storage or distribution of any firework classified as a 1.3G Firework by the American Pyrotechnics Association.

321. “Distillery” means a place where alcoholic beverages (whiskey, vodka, gin, etc.) are produced typically in small quantities.

332. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

343. “Driveway” means a permanently surfaced area providing vehicular access between a street and an off-street parking or loading area.

354. “Dwelling” means any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

365. “Dwelling, 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 owner having an undivided interest in the common real estate.

~~376~~. “Dwelling, multiple” means a residence designed for or occupied by three or more families, with separate housekeeping, bathroom, and cooking facilities for each.

~~387~~. “Dwelling, row” means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls, and is also referred to as a “townhouse.”

~~398~~. “Dwelling, single-family” means a detached residence designed for or occupied by one family only.

~~4039~~. “Dwelling, single-family, split foyer” means a dwelling in which living space is on two levels with a foyer between the two levels.

~~410~~. “Dwelling, single-family, split level” means a dwelling having living space on three or more levels, no part of which is more than two stories in height, and in which each successive level is less than a full story higher than the next.

~~421~~. “Dwelling, townhouse” means a dwelling unit which is detached or attached horizontally, and not vertically, to one or more other dwelling units, wherein the land or lot beneath each dwelling, may be individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements, which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by member of the homeowners association to assure access to the structural exterior of each townhouse unit by the individual owner.

~~432~~. “Dwelling, two-family” means a residence designed for or occupied by two families only, with separate housekeeping, bathroom, and cooking facilities for each.

~~443~~. “Dwelling unit” means a room or group of rooms arranged, designed, or used as living quarters for the occupancy of one family and containing bathroom and kitchen facilities.

~~454~~. “Family” means a person living alone or in a group living as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities up to a maximum occupant dwelling load as provided in Chapter 169 of this title. For the purposes of this definition, anyone who spends more than 90 nights within a 12 month period will be counted as an occupant. The definition of family does not include and is not intended to provide an exclusion for any of the following:

More than eight people who are:

- (1) Residents of a “family home” as defined in section 414.22 of the Code of Iowa;” or
- (2) “Handicap” as defined in the Fair Housing Act, 42 USC Section 3602(h).

Any group of individuals who are in a group living arrangement as a result of criminal offenses;

Any group of individuals whose association is temporary, seasonal in nature or limited to the duration of an educational school year cycle;

Any society, club, fraternity, sorority, association, lodge or like organization.

[465](#). “Feed lot” means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of livestock. Livestock includes cattle, horses, sheep, swine, poultry, goats, rabbits, and any other animals or fowl that are being produced primarily for use as food or food products for human consumption, or for laboratory or testing purposes. The feed lot does not include areas that are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

[476](#). “Fences, walls and hedges” means decorative and/or enclosing devices used along boundary lines of lots. Fences, walls, and hedges may be constructed up to the lot line in accordance with the height rules set out in these zoning regulations.

[487](#). “Garage, private” means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building. A private garage, of less than four-car capacity, may be rented for the private vehicles of persons not resident on the premises.

[498](#). “Garage, public” means a structure, other than a private garage, used for the shelter or storage of motor powered vehicles and in which the care, minor servicing, and washing are accessory to the principal use.

[5049](#). “Grade” means the average elevation of the finished ground at the exterior walls of structures.

[510](#). “Home occupation” means a business, profession, occupation, or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

[52](#). “Hot tub/Spa” means a product that is intended for the immersion of persons in a temperature-controlled water circulated in a closed system, not intended to be filled or drained with each use.

[531](#). “Hotel/motel” means a building or buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

[542](#). “Junk” means old and dilapidated automobiles, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractors’ equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade.

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

564. “Interior self-storage” means a building containing varying sizes of individualized compartmentalized, and controlled stalls or lockers for the storage of customers’ goods or wares, excluding explosive or flammable materials, and other noxious or dangerous materials, which shall only be accessed from the interior of the building with not individual unit doors being visible from adjoining properties.

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

586. “Living space” means that part of the building which is enclosed and supported upon the main foundation system of the structure excluding garage and cellar.

597. “Lodging or rooming house” means a building where a room or rooms are provided for compensation for four or more persons.

6058. “Lot,” for the purpose of these zoning regulations, is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or

D. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these zoning regulations.

~~6159~~. “Lot, corner” means a lot abutting upon two or more streets at their intersection.

~~620~~. “Lot, depth” means the mean horizontal distance between the front and rear lot lines.

~~631~~. “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

~~642~~. “Lot, interior” means a lot other than a corner lot.

~~653~~. “Lot lines” means the lines bounding a lot, including the right-of-way line of any public road, highway, or alley acquired by easement.

~~664~~. “Lot of record” means a lot that is part of a subdivision, or a plat of survey, the deed of which is recorded in the office of the County Recorder of Dallas County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

~~675~~. “Lot, reversed frontage” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear. (See Section 165.20 of these zoning regulations for illustrations of lot types.)

~~686~~. “Lot width” means the width of a lot measured at the building line and at right angles to its depth.

~~697~~. “Manufactured home” means a factory-built, single-family structure, which is manufactured or constructed under the authority of 42 USC Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. For the purpose of these zoning regulations, “manufactured home” shall be considered the same as any site built single-family detached dwelling.

~~7068~~. “Massage” means any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.

(Ord. 3089 – Aug. 23 Supp.)

~~7169~~. “Massage establishment” means any establishment having a fixed place of business where massages are administered for any form or consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing: (i) persons licensed by the State of Iowa under the provisions of Chapter 148, 148A, 148B, 151, 152, 157 or 158 of the Code of Iowa, when performing massage services as a part of the profession or trade for which licensed; (ii) persons performing massage therapy or massage services under the

direction of a person licensed as described in (i) above; (iii) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (iv) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C or 145A of the Code of Iowa, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in (i) above; (v) an athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the area.

(Ord. 3089 – Aug. 23 Supp.)

~~720.~~ “Mini warehouse” means a building or group of buildings not more than one story and 20 feet in height and not having any other dimension greater than 150 feet per building, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers’ goods or wares, excluding junk, explosive or flammable materials, and other noxious or dangerous materials, including if any, caretaker’s or supervisor’s quarters as an accessory use. No business activities other than rental of storage units shall be conducted on the premises.

~~731.~~ “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 or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in these zoning regulations shall be construed as permitting a mobile home in other than an approved mobile home park.

~~742.~~ “Mobile home park” means any lot or portion of a lot upon which one or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation. (See Section 165.20 of these zoning regulations for illustration of mobile home park setback lines.)

~~753.~~ “Modular home” means factory-built housing certified as meeting the State Building Code and federal requirements applicable to modular housing. Once certified, modular homes shall be subject to the same standards as site built homes.

~~764.~~ “Motel motor lodge” means a building or a group of attached or detached buildings containing individual sleeping or living units for overnight tourists, with garage attached or parking facilities conveniently located to each such unit.

775. “Nonconforming use” means use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

786. “Nonprofit institution” means a nonprofit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granaries, equipment sales, etc., are not considered nonprofit institutions under these zoning regulations.

797. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for three or more invalid, infirmed, aged, convalescent, or physically or mentally disabled or injured persons.

8078. “Parabolic or dish type antenna” means a concave, circular or dish-shaped device designed for receiving communications or television signals from a satellite.

8179. “Parking space, off-street” means a permanently surfaced area of not less than 171 square feet (9' x 19') plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or leaving the parking space, shall not encroach upon any public right-of-way. (See Section 165.20 of these zoning regulations for parking illustration.)

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

831. “Principal building” means any structure designed and used (or intended to be used) for one of the principal permitted uses listed in each of the zoning districts as set out in these zoning regulations.

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

85. Public Swimming Pool” means a pool other than a residential swimming pool that is intended to be used for swimming or bathing and is operated by an owner, lease, operator, licensee, or concessionaire, regardless of whether a fee is charged for use.

86 “Residential Swimming Pool” means a pool that is intended for use that is accessory to a residential dwelling and is available only to the household and its guests.

873. “Restaurant” means an establishment that is principally engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment’s gross income.

884. “Rooming house” means a building where a room or rooms are provided for compensation to four or more persons.

[895](#). “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling or roof next above it is considered a story.

[9086](#). “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level.

[9187](#). “Street line” means the right-of-way line of a street, alley, or road.

[9288](#). “Street or road, private” means any private right-of-way 20 feet or more in width which is approved by the Council after recommendation by the Commission.

[9389](#). “Street or road, public” means any thoroughfare or public way not less than 20 feet in width, which has been dedicated to the public or deeded to or acquired by the City or County for street purposes; and also, any such public way as may be created after enactment of these zoning regulations, provided it is 50 feet or more in width.

[940](#). “Structural alterations” means any replacement or change in the type of construction or in the shape or size of a building or of the supporting members of a building or structure such as bearing walls, columns, beams, arches, girders, floor joists, or roof trusses, beyond ordinary repairs and maintenance.

[951](#). “Structure” means anything constructed or erected with a rigid or fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences (more than six feet in height), billboards, solar collectors, and dish antennas.

[962](#). “Travel trailer” means a recreational vehicle, with or without motive power, designed as a temporary dwelling, not exceeding eight feet in width and 40 feet in length, exclusive of separate towing unit. The term “travel trailer” includes pickup coach, motor home, camp trailer, tent trailer, or other similar mobile and temporary dwellings commonly used for travel, recreation, or vacation quarters.

[973](#). “Travel trailer park” means a parcel of land upon which two or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes.

[984](#). “Vehicle, antique” means a motor vehicle 25 years old or older, as provided and regulated by Section 321.115 of the Code of Iowa.

[995](#). “Vehicle, inoperable” means any motor vehicle that lacks current registration or two or more wheels or other component parts the absence of which renders the vehicle unfit for legal use on streets.

[10096](#). “Vehicle, motor” means a self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.

[10197](#). “Yard” means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 36 inches above the general ground level of the graded lot upward, except as may be provided by other sections of these zoning regulations. In measuring a yard for the purpose of determining the depth

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

[10298](#). “Yard, front” means a yard extending across the full width of the lot and measured between the front lot line and the front of the building other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot is considered the front lot line regardless of where the building entrance is located. See the definition of “yard” for eaves or overhang limitations.

[10399](#). “Yard, rear” means a yard extending across the full width of the lot and measured between the rear lot line and the building other than steps, unenclosed balconies or unenclosed porches. An unenclosed balcony or porch is one in which 50 percent or less of the side walls of said balcony or porch are enclosed by screen, glass, or other material and includes a deck. On both corner lots and interior lots, the rear yard is the opposite end of the lot from the front. See definition of “yard” for eaves and overhang limitations.

[1040](#). “Yard, side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. See definition of “yard” for eaves or overhang limitations.

169.07 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-1 District is established to provide for single-family residential uses and areas where similar residential development seems likely to occur.

1. Principal Permitted Uses. Only the uses of structures or land listed in this section are permitted in the R-1 District:

- A. Churches, chapels, temples, and similar places of worship.
- B. Elder group homes as permitted by and as limited by Section 231B.4 of the Code of Iowa.
- C. Family homes as permitted by and as limited by Section 414.22 of the Code of Iowa.
- D. Golf courses, country clubs, club houses, tennis courts, and similar recreational uses; provided, any such use not be operated primarily for commercial gain.
- E. Municipal facilities utilized by the City for services provided to the community.
- F. Museums, libraries, parks and playgrounds, community center, and similar uses operated by the City.
- G. Public and parochial schools, elementary and secondary, and other educational institutions having established current curriculum the same as ordinarily given in the Waukee public school system, but excluding boarding schools.

H. Single-family dwellings.

2. Permitted Accessory Uses.

A. Clubhouses within a residential subdivision where ownership is maintained under a homeowners association. Clubhouses shall be constructed of materials similar to the principal structures within the development and shall meet all setback requirements as specified later in this title.

B. Home occupations as permitted in and as limited by Section 165.11 of these zoning regulations.

C. Parabolic or dish-type antennas larger than 18 inches in diameter shall be placed in the rear yard and must be a minimum of 10 feet from all property lines and shall not be larger than eight feet in diameter if of opaque construction or 10 feet in diameter if of wire or mesh construction. All such parabolic or dish-type antennas shall be mounted at ground level. The erection and construction of a parabolic or dish-type antenna shall require obtaining a building permit from the administrative official prior to the commencement of any work.

D. Private garage or carport.

E. Private plant nurseries and greenhouses, not to exceed 240 square feet and not involving retail or wholesale sales.

F. ~~Private swimming pools, when enclosed with a non-climbable fence at least 48 inches in height, or any enclosure designed for wading or swimming, which shall be deemed to be a swimming pool if it is capable of holding 24 inches depth of water.~~ Residential swimming pools or any enclosure designed for wading or swimming which shall be deemed to be a swimming pool, if it can hold 24 inches depth of water, shall be enclosed with a fence of at least 48-inches in height. A hot tub/spa, when provided with a lockable cover complying with ASTM F 1346, shall be exempt from the fence requirement.

G. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side, or rear yard at a height no greater than the peak of the roof of the principal structure. The mounting of solar collectors shall be in accordance with the requirements of the Building Code. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.

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

I. Use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

J. Use of a temporary building, within a newly platted subdivision with a minimum final plat size of 10 acres, as a real estate office subject to approval of a temporary site plan. A temporary building permitted to exist shall be subject to the following minimum standards and requirements:

(1) Temporary building shall be designed to be compatible with a residential neighborhood, including (but not limited to) the use of pitched roof elements and exterior building materials customarily used in residential development, which may include stone, brick, vinyl, or wood lap siding. Skirting shall be provided around the base of the temporary building to match the exterior building materials provided on the building structure. Metal skirting shall not be considered an acceptable material for purposes of meeting the requirements of this section.

(2) Temporary building shall meet all building setback requirements of the applicable zoning district.

(3) On-site parking areas constructed for use by visitors to the temporary building shall be constructed of asphalt or concrete but shall not be required to provide concrete curb and gutter.

(4) A minimum of 20 percent open space shall be provided on the site. A minimum of one tree and six shrubs shall be provided per every 1,500 square feet of required open space.

(5) Temporary building shall not be permitted to be constructed within any planned development overlay district that has an underlying commercial zoning classification.

(6) Temporary building shall meet all minimum requirements of the Building Code as adopted by the City.

(7) Any proposed signage shall be subject to the requirements of Chapter 168 of these zoning regulations.

(8) The use of the site for a temporary building shall be allowed for one year. Prior to expiration of the temporary site plan, the applicant shall be allowed to request approval of a one-year extension of the temporary site plan, but in no event should the extension be granted if the granting of the same would no longer be consistent with the surrounding built environment, Chapters 160 through 163 of this Code of Ordinances (Site Plan Requirements), and the provisions of this section.

(9) A cash deposit or surety bond shall be provided in a form approved by the administrative official in an amount sufficient to guarantee to the City the removal of the temporary building and restoration of the site within 60 days after the temporary building site plan has expired. If, after 60 days, no action has been taken to restore the site or premises, the City may take action to restore the site by utilizing the bond or monies deposited or other methods at its disposal.

K. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Section 165.19 of these zoning regulations:

Lot Area	10,000 square feet for each dwelling plus its accessory building 20,000 square feet where no public sewer facilities are available
Lot Width	80 feet; or 100 feet where no public sewer facilities are available Corner lots shall be 10 feet wider
Front Yard	30 feet
Rear Yard	30 feet for dwelling; 40 feet for other principal permitted uses
Side Yard	A total of 15 feet; one side may be reduced to not less than 7 feet; 15 feet for any other principal permitted uses.
Maximum Height	3 stories or 40 feet for principal building 1 story or 14 feet for accessory building
Floor Area	1,050 square feet for single-story dwelling If two or more stories, 1,400 square feet with a minimum first floor square footage of 700 square feet If a split level, each level shall be a minimum of 400 square feet

If a split foyer, 1,050 square feet per story

4. Dwelling Occupant Load: The maximum permitted occupant load within a dwelling unit in any residential district shall not exceed the following:

Room Type	Room Area	Maximum Occupant Load
Bedroom room	At least 70 sq. ft. but less than 120 s. f.t	1 per room
Bedroom room	120 sq. ft. to 180 sq. ft.	2 per room
Bedroom room	180 sq. ft. or more	3 per room
Multipurpose room	At least 70 sq. ft.	1 per room, not more than 2 per dwelling unit

For the purposes of this section, a “bedroom” is defined as a space primarily designed and intended for use as a sleeping room which shall include all of the following characteristics:

- A. A room with a minimum floor area of 70 square feet of area is capable of being secured by a door.
- B. A room with an enclosed closet space of a minimum floor area of six square feet.
- C. A room with the provisions for emergency escape and natural light in accordance with the adopted version of the International Residential Code or International Building Code as applicable for the dwelling type.
- D. For the purposes of this section, a multipurpose room may include a living room, den, study, or other similar room that by design or layout is not primarily intended to be used as a bedroom, but that is otherwise habitable and provides accommodations for sleeping such as a bed, daybed, couch, futon or other similar multipurpose sleeping furniture.

5. Minimum Width. The minimum dimension of the main body of the principal building shall not be less than 24 feet.

6. Perimeter Foundation Requirement. A permanent perimeter foundation meeting Waukee Building Code standards is required for all principal buildings.

7. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 168, for all permitted uses.

8. Site Plan Requirements. For site plan requirements, see Chapter 160 of this Code of Ordinances.

(Section 169.07 – Ord. 3094 – Sep. 23 Supp.)