



WEST OKOBOJO IOWA



Prepared with planning assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa

2018 Zoning Ordinance

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ACKNOWLEDGEMENTS

CITY OF WEST OKOBOJI

ZONING ORDINANCE

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TABLE OF CONTENTS

ARTICLE 1: BASIC PROVISIONS	
1.1. Short Title	2
1.2. Jurisdiction	2
1.3. Repeal and Saving Clause	2
1.4. Validity and Severability Clause	2
1.5. Conflict with Other Laws	2
1.6. General Purpose	3
1.7. Comprehensive Plan Relationship	3
ARTICLE 2: DEFINITIONS	
2.1. General Zoning Definitions	4
2.2. Specific Land Use Definitions	18
ARTICLE 3: ZONING DISTRICTS ESTABLISHED	
3.1. Zoning Districts	27
3.2. Boundaries and Official zoning map	27
3.3. Interpretation of District Boundaries	28
3.4. Road or Public Right-of-Way Vacation	28
3.5. Annexed Lands	28
3.6. General Regulations	28
ARTICLE 4: AGRICULTURE DISTRICT (AG)	
4.1. Intent	30
4.2. Principal Permitted Uses	30
4.3. Conditional Uses	30
4.4. Accessory Uses, Buildings and Structures	31
4.5. Site Development Regulations	31
4.6. Off-Street Parking	32
4.7. Sign Regulations	32
4.8. General Regulations	32
4.9. Zoning Permit Required	32
ARTICLE 5: CONSERVATION DISTRICT (CN)	
5.1. Intent	33
5.2. Principal Permitted Uses	33
5.3. Conditional Uses	33
5.4. Accessory Uses, Buildings and Structures	34
5.5. Site Development Regulations	34
5.6. Off Street Parking	34
5.7. Sign Regulations	35
5.8. General Regulations	35
5.9. Zoning Permit Required	35
ARTICLE 6: LAKESHORE RESIDENTIAL DISTRICT (LR)	
6.1. Intent	36
6.2. Principal Permitted Uses	36
6.3. Conditional Uses	36
6.4. Accessory Uses, Buildings and Structures	36
6.5. Site Development Regulations	37
6.6. Lakeshore Yard (Front Yard) Setback Determination	38
6.7. Additional Development Requirements in LR District	40
6.8. Erosion Control and Silt Control Plan	41
6.9. Construction Within the Lakeshore Bank	42
6.10. Off-Street Parking	43
6.11. Sign Regulations	44
6.12. General Regulations	44

6.13. Zoning Permit Required	44
6.14. Residential Purposes in the LR District	44
ARTICLE 7: RESIDENTIAL DISTRICT (R)	
7.1. Intent.....	45
7.2. Principal Permitted Uses.....	45
7.3. Conditional Uses.....	45
7.4. Accessory Uses, Buildings and Structures.....	46
7.5. Site Development Regulations.....	46
7.6. Off-Street Parking.....	47
7.7. Sign Regulations.....	48
7.8. General Regulations	48
7.9. Zoning Permit Required	48
7.10. Residential Purposes in the R District	48
ARTICLE 8: COMMERCIAL DISTRICT (C)	
8.1. Intent.....	49
8.2. Principal Permitted Uses.....	49
8.3. Conditional Uses.....	50
8.4. Accessory Uses, Buildings and Structures.....	50
8.5. Site Development Regulations.....	51
8.6. Off-Street Parking.....	51
8.7. Sign Regulations.....	51
8.8. General Regulations	51
8.9. Zoning Permit Required	51
Quick Reference Guide – District Setback Regulations	52
ARTICLE 9: SITE PLANS	
9.1. Intent.....	53
9.2. Scale	53
9.3. Legal Information	53
9.4. Site Plan.....	53
ARTICLE 10: GENERAL REGULATIONS	
10.1. Intent.....	55
10.2. Lot of Record.....	55
10.3. Relocated Residential Dwellings	55
10.4. One Residential Dwelling per Lot	56
10.5. Multiple Principal Buildings or Structures per Lot.....	56
10.6. Basic Yard Regulations	56
10.7. Steps, Decks, Patios and Other Concrete Structures.....	57
10.8. Fences, Hedges, Walls and Retaining Walls.....	58
10.9. Buildings to Have Access	59
10.10. Use of Public Right-of-Way	59
10.11. Lot Frontage Continuity	60
10.12. Height Exemptions	60
10.13. Accessory Buildings, Structures and Uses.....	60
10.14. Portable Accessory Buildings and Storage Structures	62
10.15. Temporary Buildings and Uses.....	63
10.16. Service Stations, Auto Repair Shops, or Convenience Stores	63
10.17. Home Occupations.....	64
10.18. Minimum Residential Dwelling Standards	64
10.19. Adult Entertainment Businesses	65
10.20. Solar Regulations.....	67
10.21. Communication Towers.....	67
10.22. Apiary Regulations	68
10.23. Site Plans	69
10.24. Sale of Fireworks Regulations	69

ARTICLE 11: BUFFERS REQUIRED

11.1. Intent.....	72
11.2. Conditions for Requiring a Buffer	72
11.3. Permissive Buffers.....	72
11.4. Burden of Provision of a Buffer	72
11.5. Waiver of Buffer Requirements.....	73

ARTICLE 12: MILFORD FULLER AIRPORT LAND USE & HEIGHT OVERLAY REGULATIONS

12.1. Intent.....	74
12.2. Authority.....	74
12.3. Statement of Purpose and Findings	74
12.4. Applicability	75
12.5. Airport Zoning Definitions	75
12.6. Air Space Obstruction Zoning	79
12.7. Airport Zoning Regulations	79
12.8. Airport Zoning Nonconformities	79
12.9. Land Use Safety Zones	80
12.10. Land Use Compatibility.....	82
12.11. Airport Zoning Administration	85
12.12. Zoning Compliance Permit Review.....	85
12.13. Hazardous Markings and Lighting	85
12.14. Height Limitations	85
12.15. Board of Adjustment Review	86
12.16. Airport Zoning Variances	86
12.17. Judicial Review.....	86
12.18. Penalties and Fines	86

ARTICLE 13: OFF STREET PARKING

13.1. Intent.....	89
13.2. General Parking Area and Surface Requirements.....	89
13.3. Computation of Parking Spaces.....	89
13.4. Off Street Parking Requirements	90
13.5. Recreational Vehicle Parking	91
13.6. Off Street Loading Requirements	91

ARTICLE 14: SIGN REGULATIONS

14.1. Intent.....	92
14.2. Sign Definitions	92
14.3. Sign Types	93
14.4. Exempt Signs.....	94
14.5. Sign Requirements.....	95
14.6. General Sign Regulations	97
14.7. Conditional Use Signs	97
14.8. Variances for Signs.....	97
14.9. Nonconforming Signs.....	98
14.10. Sign Maintenance and Obsolete Signs.....	98

ARTICLE 15: NONCONFORMING BUILDINGS AND USES

15.1. Intent.....	99
15.2. Nonconforming Lots of Record	99
15.3. Nonconforming Uses of Land.....	99
15.4. Nonconforming Uses of Buildings or Structures	99
15.5. Replacing Damaged Buildings or Structures	100
15.6. Change in Tenancy or Ownership	100

ARTICLE 16: ZONING ENFORCEMENT

16.1. Zoning Administrator	101
16.2. Zoning Compliance	101

16.3. Zoning Permits Required.....	101
16.4. Application for Zoning Permit.....	101
16.5. Site Plans	102
16.6. Construction and Use as in Application, Plans, and Permit.....	102
16.7. Fees.....	102
16.8. Conditional Uses.....	102
16.9. Administrative Appeals	102
ARTICLE 17: VIOLATION AND PENALTY	
17.1. Violation and Penalty	103
17.2. Restraining Order	103
ARTICLE 18: PLANNING AND ZONING COMMISSION	
18.1. Confirmation of the Planning & Zoning Commission.....	104
18.2. Membership and Terms of Office.....	104
18.3. Quorum.....	104
18.4. Meetings	104
18.5. Officers	105
18.6. Powers and Duties	105
ARTICLE 19: BOARD OF ADJUSTMENT	
19.1. Board of Adjustment.....	106
19.2. Proceedings of the Board of Adjustment	106
19.3. Stay of Proceedings	106
19.4. Powers and Duties	107
19.5. Decisions of the Board of Adjustment.....	107
19.6. Appeals from the Board of Adjustment	107
ARTICLE 20: VARIANCES	
20.1. Intent.....	108
20.2. Application	108
20.3. Procedures	108
20.4. Lapse of Variance	110
20.5. Revocation of Variance	110
20.6. Appealing a Variance Decision	110
20.7. Variance to Run with the Land or Structure	110
ARTICLE 21: CONDITIONAL USES	
21.1. Requirements	111
21.2. Responsibilities.....	111
21.3. Application for a Conditional Use Permit	111
21.4. Procedures	112
21.5. Standards	113
21.6. Revocation.....	114
21.7. Conditional Use to Run with the Land	114
21.8. Uses Under Conditional Use Provisions.....	114
21.9. Supplemental Standards.....	114
ARTICLE 22: CHANGES AND AMENDMENTS	
22.1. Application for Rezoning or Text Amendment	116
22.2. Procedures	116
22.3. Initiation	117
22.4. Protest Provision.....	117
22.5. New Application.....	117
ARTICLE 23: EFFECTIVE DATE	
23.1. Effective Date	118

Ordinance No. ____

ZONING ORDINANCE OF THE CITY OF WEST OKOBOJI, IOWA

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the planning and zoning commission and board of adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa.

WHEREAS, the city council of the City of West Okoboji, Iowa deems it necessary to preserve and protect area lakes, wetlands, waterways, and natural lands; prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, recreational open space, schools, parks, and other public requirements; to conserve the value of property and buildings, to promote the conservation of energy resources; to promote reasonable access to solar and wind energy resources; to control land use in a way that will minimize the number of conflicting land uses while preserving the separate character of developed areas; to recognize the community's economic development potential; and encourage the most appropriate use of land throughout the city, all in accordance with the West Okoboji Comprehensive Plan,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST OKOBOJI, IOWA:

ARTICLE 1. BASIC PROVISIONS

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Jurisdiction
- Section 1.3. Repeal and Saving Clause
- Section 1.4. Validity and Severability Clause
- Section 1.5. Conflict with Other Laws
- Section 1.6. General Purpose
- Section 1.7. Comprehensive Plan Relationship

Section 1.1. SHORT TITLE.

This ordinance shall be known and may be cited and referenced as the “West Okoboji Zoning Ordinance” to the same effect as if the full title were stated.

Section 1.2. JURISDICTION.

In accordance with the provisions of Chapter 414 Code of Iowa, and amendatory acts thereto, this ordinance is adopted by the City of West Okoboji, Iowa, governing the zoning of all lands within the incorporated area of the city.

Section 1.3. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previous West Okoboji Zoning Ordinance and amendments thereto are hereby repealed. The repeal of said ordinance shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof; and such ordinance and all parts thereof shall be treated as remaining in force for instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

Section 1.4. VALIDITY AND SEVERABILITY CLAUSE.

If any court of competent jurisdiction shall declare any section or provision of this ordinance to be invalid, such ruling shall not affect the validity of the ordinance in its entirety or any part thereof not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Section 1.5. CONFLICT WITH OTHER LAWS.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where any condition imposed by any provision of this ordinance imposes a greater restriction than is imposed or required by law or other rules or regulations or ordinances, the provision which is more restrictive, or which imposes a higher standard or requirements shall apply. This ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

Section 1.6. GENERAL PURPOSE.

The various zoning districts, created by this ordinance and the various articles and sections of this ordinance, are adopted for the purpose among others to:

1. The principal building or dwelling on every lot shall have access onto a public street.
2. No yard, or other open space provided for any building or structure for the purposes of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building or structure, nor shall the lot area per building be reduced in any manner except for in conformity with the minimum lot area requirements established for the district in which such building and property are located.
3. The depths of front yards or rear yards and the widths of side yards shall be measured from the lot line to the nearest point of the principal use building on the property.
4. Any portion of a building that is covered by a roof shall be considered a part of the building.
5. Promote public health, safety, morals, comfort, general welfare, and preserving the natural resources, and historically significant areas of the city.
6. Help achieve greater efficiency and economy of land development by promoting the grouping of those activities which are compatible.
7. Encourage classification of land use and distribution of land development within the city to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements.
8. Ensure all residential, commercial, and industrial structures as well as other types of structures will be accessible to firefighting and other emergency equipment.
9. Promote the development of residential neighborhoods in which each dwelling is assured the provision of light, air, and open spaces.
10. Discourage nonconforming uses of land, buildings, and structures.
11. Minimize the effects of nuisance producing activities.
12. Preserve the taxable value of the land and buildings throughout the city.
13. Define the powers and duties of city council, board of adjustment and zoning administrator.
14. These regulations shall be required in addition to any applicable state and city health and building codes.

Section 1.7. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement and support various elements of the city's comprehensive plan as required by Iowa Code. Any amendment to the district regulations or zoning map should conform to the West Okoboji Comprehensive Plan or the city's general plan for development.

ARTICLE 2. DEFINITIONS

Article 2: Definitions

Section 2.1. General Zoning Definitions

Section 2.2. Specific Land Use Definitions

Section 2.1. GENERAL ZONING DEFINITIONS.

For interpreting this ordinance, certain words, terms and expressions are hereby defined:

- Words used in the present tense shall include the future
 - Singular shall include the plural and the plural includes the singular
 - The word "may" is discretionary and the word "shall" is always mandatory
 - The word "person" includes, but is not limited to a firm, association, organization, partnership, trust, company, limited liability corporation, or corporation as well as an individual
 - The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied
 - The word "lot" includes the words plot or parcel and all other words or phrases used to denote an individual building site that complies with the minimum requirements of this ordinance
 - The word "includes" means including but is not limited to
1. **ACCESSORY BUILDING (OR STRUCTURE):** Any building or structure subordinate to the principal building or structures on the lot, not attached thereto and used for purposes customarily incidental to those of the principal building. Examples include, but not limited to, antennas, solar collectors, satellite dishes, gazebos, storage sheds, and detached garages.
 2. **ACCESSORY USE:** A use which is incidental to the principal use of the premises; subordinate in extent or purpose to the principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal use; and is located on the same zoning lot as the principal building, structure or use.
 3. **ADDITION:** Any construction that increases the site coverage, height, length, width, or gross floor area of a structure.
 4. **ALLEY:** A public or private thoroughfare which affords only a secondary means of access to abutting properties.
 5. **ALTERATION (OR STRUCTURAL ALTERATION):** Any replacement or change, except those required by law or ordinance, in the type of construction or the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders beyond ordinary repairs and maintenance, but not including openings in bearing walls.
 6. **APARTMENT:** See Dwelling, Multi-Family. An occupied room or set of rooms which is part of a multi-family building containing cooking and housekeeping facilities for each individual unit.
 7. **ATTACHED:** Having one or more walls in common with a principal building or joined to a principal building by a covered roof, porch, or passageway.
 8. **ATTIC:** A space under any roof, the finished floor of which is at or entirely above the level of the wall plates of at least two (2) exterior walls.
 9. **BASEMENT:** That portion of a building that is either partly or completely below grade.
(*Building Officials and Code Administrators (BOCA) Basic/National Building Code*).

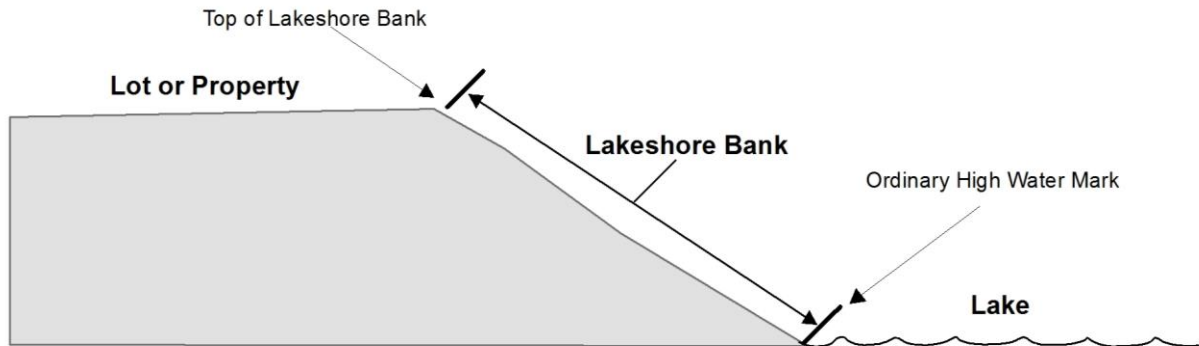
10. **BLOCK:** Property abutting on one side of a street and lying within the two nearest intercepting or intersecting streets, or property lying within the nearest intercepting or intersecting streets and an unsubdivided acreage or railroad right-of-way.
11. **BUILDABLE AREA:** The portion of a lot or parcel remaining after required yard setbacks are provided.
12. **BUILDING:** Any roofed structure supported by posts, columns, supports, walls or other structure and intended for the shelter, support, enclosure, or housing of persons, animals, or property of any kind. When any portion thereof is separated by fire rated division walls from the ground up without openings, each portion of such structure is deemed a separate building. The permanent connection or physical attachment of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures with a roof or walls shall make them one building.
13. **BUILDING, DETACHED:** A building having no structural connection with another building.
14. **BUILDING, PRINCIPAL:** A building in which the principal use of the lot or parcel, on which it is located, is conducted.
15. **BUILDING LINE:** A line established by setbacks from the front property line, rear lot line, and side lot lines to the nearest portion of a building or structure as provided by this code.
16. **BUILDING WALL:** The wall of the principal building forming a part of the main or primary structure. The foundation walls of uncovered porches, decks, steps, walks, and retaining walls or similar structures are not considered building walls under the provisions of this ordinance.
17. **BUILDING WIDTH:** The shortest dimension between two parallel walls of a building.
18. **BUSINESS (OR COMMERCIAL):** The engaging in the purchase, sale or exchange of goods or services, the operation of offices or businesses, or recreational amusement enterprises.
19. **CARPORT:** Space for the parking, housing, or storage of vehicles enclosed on not more than two sides by affixed or semi-permanent walls and a roof. Those structures identified as hoop buildings, portable or foldable buildings, tent buildings or fully enclosed steel buildings shall not be considered a carport for purposes of this ordinance. Carports attached to the principal building are considered a part of the principal building and shall be of similar appearance or materials to the principal building. Freestanding carports are considered an accessory building.
20. **CITY:** The City of West Okoboji, Iowa.
21. **COMMISSION (PLANNING COMMISSION):** The West Okoboji Planning and Zoning Commission.
22. **COMPREHENSIVE PLAN (MASTER PLAN):** A compilation of policy statements, goals, standards, maps, and pertinent data relative to the past, present and future development trends of West Okoboji, including but not limited to population, housing, economics, social patterns, land use, transportation, utilities, and public facilities as prepared by the Planning and Zoning Commission for the City Council.
23. **CONTIGUOUS:** Being in actual contact or touching along a boundary or at a single point. Contiguous properties are touching or connected along an unbroken sequence. Similar to the definition of “adjoining” which also means touching or bounding at a point or line. For purposes of this definition, contiguous shall also apply to two or more properties separated by an alley.
24. **COUNCIL:** The West Okoboji City Council.
25. **CRITICAL AREA:** A natural feature in need of preservation from encroaching land uses. Such areas could but would not have to include prime agricultural soils, areas of excessive slope, natural marshes or wetlands, woodlands and floodplains and vegetative covered buffers.

26. CURB LEVEL: The established curb grade adjacent to a lot.
27. DECK: A non-roofed structure open on two or more sides free-standing or projecting from a wall of a building. Decks higher than twelve inches (12”) above the average grade of the adjoining ground are subject to required yard setbacks.
28. DETACHED: Fully separated from any other structure. Not attached.
29. DOMESTICATED ANIMALS: Those animals that are tamed and made fit to live in a human environment. Those animals considered pets such as dogs, cats, birds, or other tamed animals which serve a purpose for its owner or others.
30. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport). A driveway shall be of the same width or less as the designated parking area, building or structure intended for parking or housing of vehicles.
31. DWELLING: Any building or portion thereof designed or used exclusively for residential purposes and is built on a permanent foundation. Dwellings shall not include a tent, camper, camping trailer, or factory-built home not located within a manufactured home subdivision or mobile home park. However, a dwelling shall include any factory-built home constructed to comply with the Iowa State Building Code for modular factory-built structures.
32. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for, or intended to be occupied exclusively by one (1) family.
33. DWELLING, TWO FAMILY: A detached building that is arranged, designed for, or intended to be occupied exclusively by two (2) families or family units living independently of each other with separate living, cooking and bathroom facilities. Two family units may be placed side by side or one upon the top of the other.
34. DWELLING, MULTIPLE-FAMILY: A building or group of buildings arranged, designed for, or intended to be used or occupied as the residence of three (3) or more family units living independently of each other with separate living, cooking and bathroom facilities.
35. EASEMENT: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.
36. ENCLOSED STRUCTURE: Any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
37. ENCROACHMENT: Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, easements, adjacent lands, or designated yard setback area.
38. ENGINEER, CITY: A duly qualified licensed engineer or engineering firm designated by the city council.
39. ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by developers, public or private utilities, or governmental agencies of underground or overhead electrical, telecommunication, water, wastewater, stormwater or gas transmission or distribution systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories which are necessary for the furnishing of adequate services by such public utilities, governmental agencies and/or for the public health, safety or welfare, but not including buildings.
40. FAÇADE: The exterior walls of a building exposed to public view.

41. **FACTORY-BUILT STRUCTURE:** Any structure, building, component, assembly, or system that is made or assembled in manufacturing facilities for installation or assembly on the building site. Factory-built structures also mean, any structure or building made or assembled in manufacturing facilities off the building site for installation, or assembly and installation, on the building site.
42. **FACTORY-BUILT HOUSING:** A factory-built structure designed for residential use. For purposes of these regulations, factory-built housing may consist of three types: modular homes, mobile homes, and manufactured homes.
43. **FAMILY:** An individual or group of persons related to the second degree of collateral consanguinity by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship as verified by official public records such as drivers licenses, birth or marriage certificates living together on the premises as one housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.
44. **FENCE:** Any artificially constructed barrier of approved fencing material or combination of materials erected to enclose or screen areas of land. Fences shall not be classified as a structure but shall be deemed a separate and distinct use of the land to allow their placement on a portion of a lot in which a structure or accessory building may not be located. All fences shall be constructed in accordance with the regulations identified in Section 10.8.
45. **FLOOR AREA:** The square feet of floor space within the outside line of walls and/or supports, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space that is not finished living space or used for storage or other incidental uses.
46. **FRONTAGE:** The distance of a front lot line as measured along the public way or street.
47. **FOUNDATION:** The lowest and supporting part or member of a wall, including the base course and footing courses.
48. **FOUNDATION, PERMANENT:** A permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer (for mobile or manufactured home) or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such mobile or manufactured home shall be installed in accordance with the requirements of the State Building Code. (*Code of Iowa, Sec. 103A.10 & 414.28*)
49. **GARAGE, COMMERCIAL:** A building or portion thereof, other than a private or a storage garage, designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles.
50. **GARAGE:** A building or portion thereof in which one or more motor vehicles are owned and used by the occupants of the building or the renting or leasing of space as provided herein, but in which no business service or industry connected with the motor vehicles is carried on.
51. **GARAGE, ATTACHED:** A private garage attached to a main building by means of a common wall, breezeway, or roof.
52. **GOVERNMENTAL ENTITY:** The state, political subdivisions of the state, public schools, corporations, and all officers, boards, or commissions empowered by law to enter into contracts of public improvements, excluding the state board of regents and the state department of transportation.
53. **GRADE:** The lowest horizontal elevation of a finished surface of the ground prior to landscaping, paving, or sidewalk at a point where the height is to be measured.

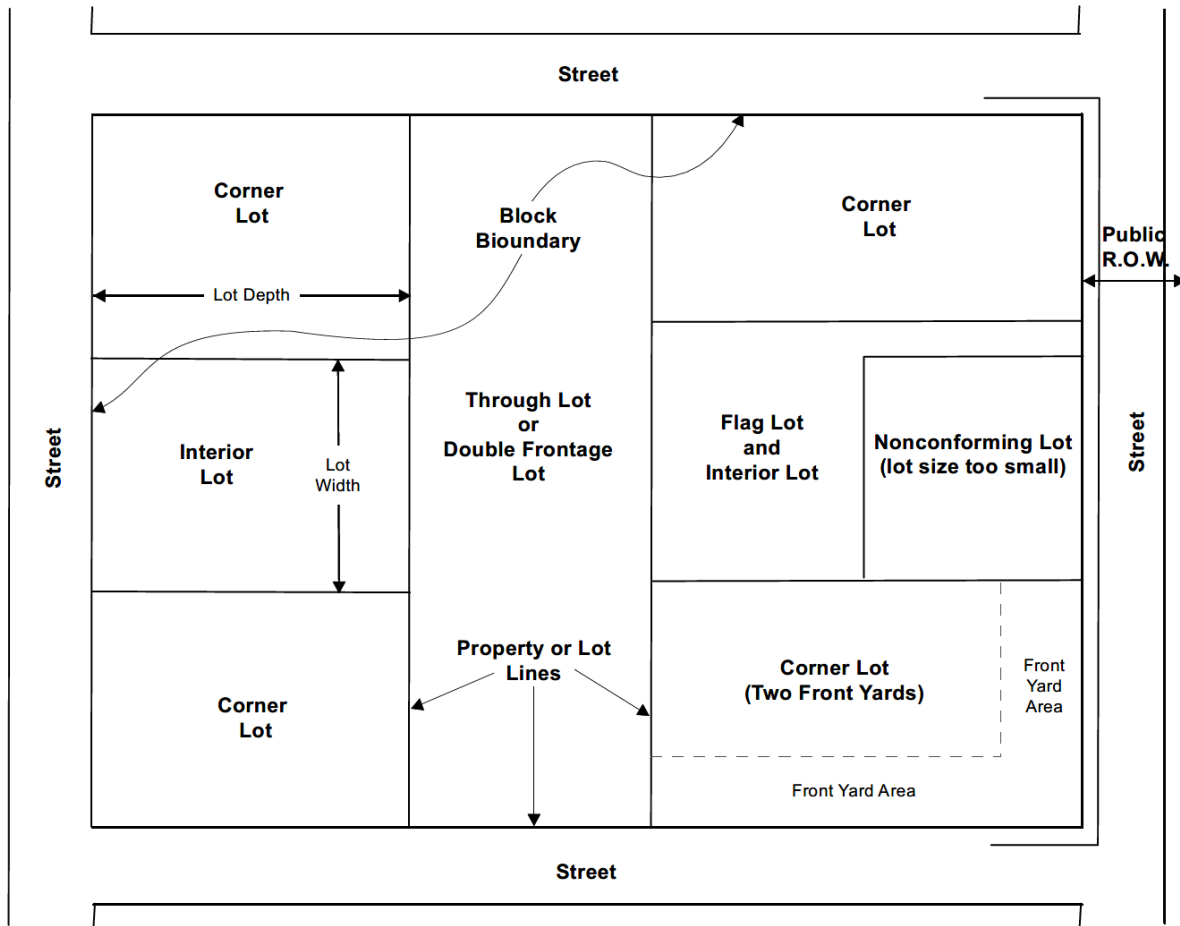
54. **HEDGE:** Growth of vegetation planted to form a barrier to enclose or screen areas of land.
55. **HEIGHT:** The vertical distance in a straight line at the middle of the building wall facing the street from the street or curb level to the highest point of the building, excluding chimneys and other non-structural decorative or ancillary devices. Where a building is situated on ground above the curb level, or where no curb grade is established, the total height shall be measured from the natural ground surface adjacent to the building wall facing the street prior to landscaping. In the Lakeshore Residential district, the total height shall be measured from the natural ground surface adjacent to the building wall facing the lake prior to landscaping.
56. **HIGH WATER MARK:** As used in this ordinance, high water mark means the line located as such by the Iowa Department of Natural Resources.
57. **HOME OCCUPATION:** An accessory business, occupation, profession, or activity conducted entirely within or carried on in a dwelling unit or accessory buildings by the inhabitants thereof; and such use is incidental and secondary to the residential use and complies with the provisions of Section 10.17 of this ordinance.
58. **HOUSEHOLD:** A family living together in a dwelling with common access to all living and eating areas and all facilities within the dwelling.
59. **HOUSING UNIT:** See DWELLING.
60. **IMPERVIOUS SURFACE:** Any material preventing absorption of stormwater into the ground.
61. **INCIDENTAL:** Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
62. **INSTITUTION:** A building or premises occupied and intended for public use.
63. **JUNK (OR SALVAGE):** Any scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Junk shall also mean waste, reclaimable material or debris whether stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other disposition. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
64. **JUNK VEHICLE OR JUNK MACHINERY:** Shall mean any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Dickinson County, or any other non-operating vehicle or machinery located in open view to the public for a period of more than 30 days which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health, welfare, or safety.
65. **JUNK YARD (or SALVAGE YARD):** Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment, or dismantling or “wrecking” of machinery, motor vehicles, or other vehicles, or parts thereof. Junkyards include but not limited to wrecking yards, used, or abandoned lumber yards, auto salvage yards and places utilized or intended for the storage of salvaged and structural steel materials and equipment; but not including those areas where such uses occur entirely within a completely enclosed building. A solid waste transfer station, recycling bin area, recycling center, or sanitary landfill is not considered a junk yard or salvage yard for purposes of this ordinance.

66. **KENNEL, PRIVATE:** Any building or land designed or arranged for the care of, not to exceed two (2), dogs and/or cats over the age of 6 months belonging to the owner of the principal building, kept for purposes of show, hunting, or pets.
67. **KEYHOLING:** The use of a waterfront property, (whether littoral or non-littoral) as a common open space giving waterfront access to a larger development located away from the waterfront.
68. **LAKESHORE BANK:** The lakeshore bank of West Okoboji Lake for the purpose of this ordinance shall include any real property within a LR Lakeshore Residential district which is above the ordinary high water mark as established by the Iowa DNR and which is below the existing grade of the lot or property of which the shoreline bank is a part. *See Diagram Below.*

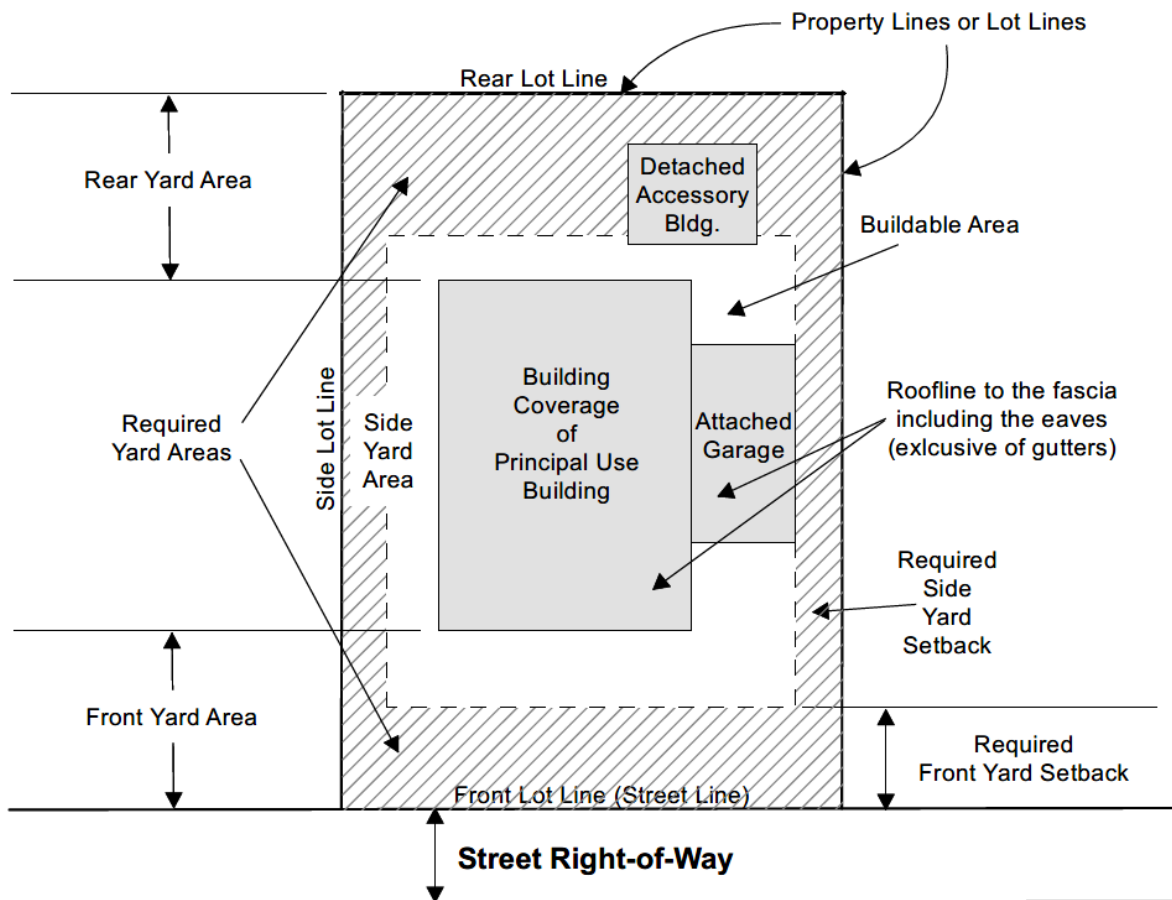


69. **LAND USE:** A description of how land is occupied or utilized.
70. **LANDSCAPING:** The comprehensive array of activities in which rock or soil is cut into, dug, quarried, uncovered, displaced or relocated; including the removal of viable plant life, rock or soil deposited by persons in the past or by natural means, and replaced by any manner of terracing by rock, timbers, retaining walls or other conventional means. Landscaping shall not mean excavation for a foundation or preparing the site for construction or erection of a dwelling or other building.
71. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle for the use of the site on which such space is located.
72. **LOT:** A parcel of land established by plat, subdivision or as otherwise permitted by law which may be owned, used, developed, or built upon. A lot may be 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. A lot may be a parcel of land described by metes and bounds provided that no division of land creates a lot or parcel which does not meet the requirements of this ordinance. A lot may be defined as a single lot of record.
73. **LOT AREA:** The horizontal area bounded by the front, side, and rear lot or property lines.
74. **LOT COVERAGE:** The area of a lot covered by roofed areas of buildings, structures, and impervious paving or landscaping; but excluding projecting eaves and gutters, balconies and similar features, pervious landscaping, and all other pervious or permeable surfaces.
75. **LOT, CORNER:** A lot fronting on two (2) or more intersecting streets.
76. **LOT, INTERIOR:** A lot other than a corner lot having frontage on one street or public thoroughfare.
77. **LOT, THROUGH:** An interior lot having frontage on two parallel or approximately parallel streets, and also known as a double frontage lot.

78. **LOT DEPTH:** The mean horizontal distance between the front and rear lot lines. In the case of an irregular shaped lot, the mean (or average) depth shall be the lot depth.



79. **LOT OF RECORD:** A lot which is a part of a legal subdivision of the City of West Okoboji, Iowa, the plat of which has been recorded in the office of the County Recorder of Dickinson County, Iowa; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder prior to the effective date of this ordinance.
80. **LOT LINES:** The property lines bounding a lot, tract, or parcel.
81. **LOT LINE, FRONT:** The property line separating a lot from a street or road right-of-way or easement. In the case where a lot abuts a lake, harbor, canal, or any water source, the front lot line of such lot is the line abutting such lake, harbor, canal or any other water source.
82. **LOT LINE, REAR:** A property line which is opposite and most distant from the front lot line.
83. **LOT LINE, SIDE:** A property line not considered a front lot line or a rear lot line.
84. **LOT LINE, THROUGH LOT:** The zoning administrator shall decide which of the property lines fronting a street shall be determined as the front lot line.
85. **LOT WIDTH:** The horizontal distance between the side lot lines. In the case of any irregular or non-parallel shaped lots, the front lot width and rear lot width shall be added together and divided by two (2) to determine the official lot width of irregular shaped lots.



86. **MANUFACTURED HOUSING:** A factory-built structure built under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, that is required by law to display a seal from the United States Department of Housing and Urban Development and was constructed on or after June 15, 1976 (*Code of Iowa, Sec. 435.1*). If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.
87. **MANUFACTURED HOME COMMUNITY:** The same as land-leased community defined in Sections 335.30A and 414.28A Code of Iowa. (*Code of Iowa, Sec. 435.1*) Any site or tract of land upon which two (2) or more occupied manufactured homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any building, structures, or enclosure used or intended for use as part of the equipment of such manufactured home community. A manufactured home community or 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 their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a “residential” or “recreational” manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, Code of Iowa, only applies to “residential” manufactured home community or mobile home park. (*Code of Iowa, Sec. 435.1*)
88. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation

by one or more persons; and also includes any such vehicle with motive power not registered as a motor vehicle. A mobile home shall not be considered a dwelling unless converted to real property as described in Section 435.26 of the Code of 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. (*Code of Iowa, Sec. 435.1*). All mobile homes shall be located only within a mobile home park, as herein defined in this ordinance.

89. **MOBILE HOME PARK:** Any site, lot, field, or tract of land under single ownership upon which three (3) 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. (*Code of Iowa, Sec. 435.1*)
90. **MANUFACTURED HOUSING CONVERTED TO REAL ESTATE:** An unencumbered manufactured home attached to a permanent foundation on real estate owned by the manufactured home owner, which has had any vehicular or transportation frame destroyed, rendering it impossible to reconvert to a mobile structure. 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. (*Code of Iowa, Sec. 435.2*)
91. **MOBILE OR MANUFACTURED HOME SUBDIVISION:** A subdivision designed per the West Okoboji Subdivision Regulations and designed only for the location of mobile or manufactured homes on lots owned by the mobile or manufactured home owner.
92. **MODULAR HOME:** A factory-built structure which is manufactured or constructed to be used as a place of human habitation and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7, Code of Iowa; and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22, Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
93. **MUNICIPAL INFRACTION:** A civil offense and shall not include any offense provided for under state law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapter 687 through 747, both inclusive of the Code of Iowa. (*Code of Iowa, Sec. 364.22(1) and (3)*)
94. **NONCONFORMING USE:** A lawful use of any land, building, or structure not conforming with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
95. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location which was lawful prior to the adoption, revision, or amendment to the zoning regulations codified in this ordinance, but which fails to conform to present requirements of the zoning district.
96. **NUISANCE:** Anything injurious to health, indecent or offensive to the senses, or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.
97. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

98. **OPEN SPACE:** Any parcel or area of land essentially unimproved, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the public. Open spaces are not primarily occupied by structures or impervious surfaces.
99. **PARKING:** The grass or unpaved portion of the public right-of-way in the city not covered by sidewalk or paved or unpaved roadway; and lying between the lot or property line and the curb line or that portion of the paved or unpaved roadway usually traveled by vehicular traffic.
100. **PARKING LOT:** A parcel of land devoted to unenclosed parking spaces.
101. **PARKING FACILITY:** A designated area on a lot or within an enclosed building, or both, including more than one parking space together with driveways, turning and maneuvering areas, clearances, and similar features while meeting the requirements of this ordinance. The term “parking facility” shall include parking lots, garages, and parking structures.
102. **PARKING SPACE:** A surfaced area, enclosed or unenclosed, having not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a vehicle, and connected with a street or alley that affords satisfactory ingress and egress for vehicles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces to meet the requirements of this ordinance.
103. **PATIO:** Any area less than 12” in height covered with impervious materials such as brick, stone, wood blocks, concrete, compacted gravel or crushed rock, etc., with the material being placed directly on the ground and intended for an outdoor living space. A patio area may be built up with fill to provide for a level base. No vertical supports of any type are allowed.
104. **PERSONAL UTILITY STORAGE:** Storage primarily for personal effects and household goods within enclosed storage areas having individual access, and including use as personal workshops and hobby shops, but excluding manufacturing or commercial activity
See also: Convenience Storage (Section 2.2: Use Classifications)
105. **PERVIOUS (OR PERMEABLE):** Having pores, openings, or the ability to permit liquids or gases to pass through a surface.
106. **PORCH, OPEN:** A roofed structure, open on two (2) or more sides, projecting from the front, side, or rear wall of the building.
107. **PRINCIPAL BUILDING (OR STRUCTURE):** The main building or structure on any lot or subdivision.
108. **PROHIBITED USE:** Any use that is not permitted in a zoning district.
109. **PROJECTING OVERHANG:** That part of a roof, including accessories or devices located on or attached to the roof, exclusive of gutters, which extends beyond the façade of a lower wall.
110. **PROPERTY:** A lot, parcel, or tract of land together with buildings and structures located thereon.
111. **PUBLIC ACCESS:** An open or unoccupied public space which is permanently reserved for the purpose of access to abutting property.
112. **PUBLIC NOTICE:** The publication of the time and place of any public hearing for zoning purposes not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.
113. **RECREATIONAL VEHICLE:** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or

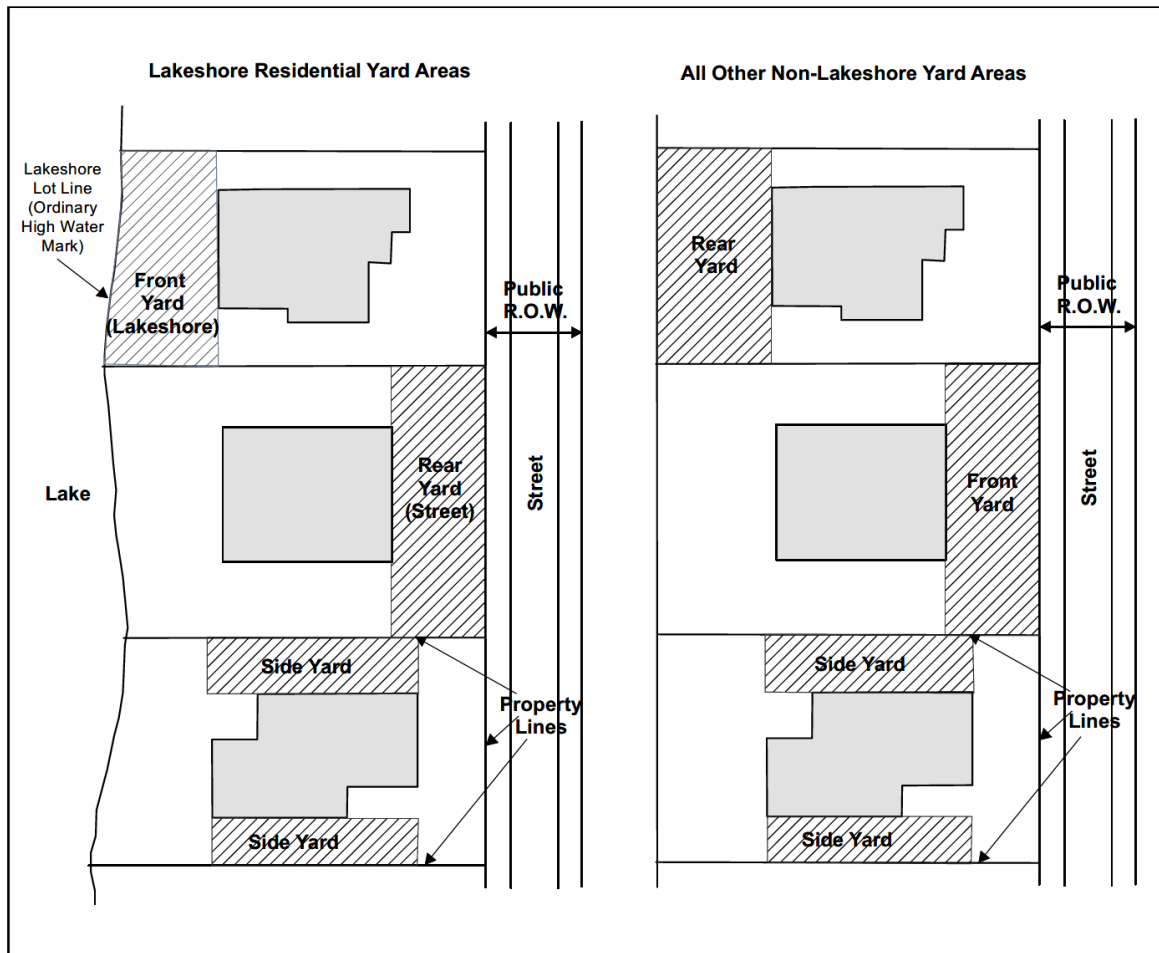
sporting purposes; but not intended for permanent human occupancy. The term recreational vehicle shall include, but not limited to campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, snowmobiles, off-road vehicles, ATV's, jet skis, etc.

114. **RECREATIONAL VEHICLE PARK:** Any area providing developed spaces for three (3) or more recreational vehicles for temporary occupancy for revenue purposes.
115. **REMODELED:** *See* ALTERATION.
116. **RESIDENT:** One who resides or is domiciled in a place for a period of time and maintains a permanent place within the City of West Okoboji. A resident of the City of West Okoboji is one who meets one or more of the following criteria:
 - a) Maintains a residence or place of abode in West Okoboji for more than 183 days per year
 - b) Claims a Homestead credit or military tax exemption on a home in West Okoboji, Iowa
 - c) Is registered to vote in West Okoboji, Iowa
117. **RESIDENTIAL PURPOSES:** The intent to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons on a permanent or semi-permanent bases of an intended tenure of 30 days or longer.
118. **RESIDENTIAL CONVENIENCE SERVICE:** A use or activity of a commercial nature conducted as an accessory use to multiple family residential or mobile home park residential use and intended solely for the convenience of residents thereof.
119. **RETAINING WALL:** A device constructed and erected between lands of different elevations to protect buildings and/or to prevent erosion.
120. **ROAD OR STREET LINE:** The dividing line between a lot, tract, or parcel of land and a contiguous road, street, or alley.
121. **ROADSIDE STAND:** A temporary structure designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of products.
122. **ROOMS HABITABLE:** A room that provides the required area and window area to provide necessary light and ventilation for occupants, and shall be clean and sanitary at all times.
123. **SETBACK:** The required distance between any lot line and the supporting walls or associated structural supports of any building, deck, or other above ground structure.
124. **SETBACK LINE:** A line parallel to and measured from a corresponding lot line, forming the boundary of a required yard indicating the placement of buildings, structures and uses on the lot.
125. **SIDEWALK:** All permanent public walkways in business, residential or suburban areas.
126. **SIGHT TRIANGLE:** An area forming a triangle bounded by the street right-of-way lines or property lines of a corner lot and a straight line joining points twenty-five feet (25') from the point of intersection of the right-of-way or property lines. (See Section 10.6.2)
127. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of site development regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
128. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensions, all buildings, structures and uses, and principal site development features including parking, access, landscaping and screening proposed for a specific parcel of land.

129. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
130. **STEPS:** A projection from a structure to provide a transition between ground level and floor level used and intended for entering or exiting a structure.
131. **STORY:** That portion of a building contained between the surface of any floor and the surface of the next floor or a ceiling above.
132. **STORY, HALF:** A space under a sloping roof, which has the line of intersection of roof decking and exterior wall not more than four and one-half (4½') feet above the finished floor of the top floor level.
133. **STREET:** Any public thoroughfare other than an alley, which affords a primary means of access to abutting property.
134. **STREET LINE:** The dividing line between a lot, tract, or parcel of land and the right-of-way line of a road, street, or highway.
135. **STRUCTURE:** Anything built, constructed, moved, located, or erected the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things structures include, but not limited to, buildings, mobile or manufactured homes not converted to real estate, billboards, decks, permanent landscaping components including retaining walls taller than 12" above grade, carports, etc. Fences are not to be considered structures.
136. **SUBDIVISION:** Shall mean the division of any parcel of land into three (3) or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
137. **SUBSTANDARD LOT (NONCONFORMING LOT):** A lot of record that does not comply with current minimum area, width, or depth requirements for the district in which it is located.
138. **SURFACED:** The exterior, external or upper layer of any natural or manufactured object or the natural ground. For purposes of this ordinance, surfaced typically refers to concrete, cement, asphalt, compacted gravel or rock, or any other impervious or impenetrable surface preventing the absorption of rainwater or stormwater runoff.
139. **SWIMMING POOL:** Any artificially constructed structure capable of being used for swimming or bathing, having a depth of more than two feet (2') or circumference of greater than five feet (5'). This includes in-ground and above-ground pools, hot tubs, and spas. Portable wading pools smaller than the listed dimensions shall not be considered "swimming pools."
140. **TEMPORARY BUILDING OR STRUCTURE:** A building or structure without any foundation or footings, or not permanently attached to the ground; and is removed when the designated time, activity, or use has ceased.
141. **TOWNHOUSE:** A dwelling having a common wall with or abutting adjoining dwellings in a group of at least three (3) dwellings together.
142. **TRAVEL TRAILER:** See RECREATIONAL VEHICLE.
143. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or structure.
- a. **Principal Use:** The main use of land or structures of a lot or property as distinguished from an accessory use.

- b. Permitted Use: Any use permitted as a matter of right when conducted in accordance with the regulations established by this ordinance; which fulfills the primary function of a household, establishment, institution, or other entity.
 - c. Conditional Use: A use allowable on a discretionary and conditional basis subject to a conditional use permit authorized by the board of adjustment, and all other regulations of this ordinance.
 - d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building on the same site.
144. **UTILITY**: A utility owned and operated by any public or private entity or franchised by any public or private entity.
145. **VACANCY**: Any unoccupied land, structure, or part thereof available or suitable for occupancy.
146. **VALUATION**: The estimated cost to replace a building based on one hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.
147. **VARIANCE**: A relaxation of the terms of zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, and size of building, structure, or size of yards and open spaces. Establishment or expansion of a use prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district.
148. **VEHICLE**: Every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, boat or utility trailer, boat, motorhome, camper, or any combination thereof.
149. **VIOLATION**: The doing of any act prohibited or declared to be unlawful by the Code of Ordinances, the omission or failure to do, or perform any act or duty required by the Code of Ordinances or any rule, regulation, ordinance or code herein adopted by reference or the failure to obtain a license required by the Code of Ordinances or any rule, regulation, ordinance or code herein adopted by reference.
150. **WATER SYSTEM, PUBLIC**: A public water distribution system and necessary water treatment.
151. **YARD**: An open space containing buildings, structures, landscaping, and other such uses, unobstructed by any portion of a structure from the ground upward, except as those provided for in this ordinance. In measuring a yard for determining the depth of a front yard or rear yard or the width of a side yard, the least distance between the lot line and the main building shall be used. A yard shall be measured exclusive of any public right-of-way.
- a. **FRONT YARD**: An area of yard extending across the full width of the lot and measured between the front lot line and the closest projecting point of the principal building including typical eaves, fascia, bay or bow windows, chimneys, balconies, or any other projecting structure from the main building wall, except for gutters.
 - b. **REAR YARD**: An area of yard extending across the width of a lot and measured between the rear lot line and the nearest point of the principal building. The rear yard is considered the opposite end of the lot from the front yard on both corner lots and interior lots.
 - c. **SIDE YARD**: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest point of the principal building.

- d. **STREET SIDE YARD:** An area of yard extending between the principal dwelling and the lot line abutting a street (not designated as the front yard) on a corner lot.



152. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
153. **ZONING ADMINISTRATOR:** The individual appointed by the city council of West Okoboji, Iowa, and responsible to administer and enforce compliance with the provisions of this ordinance; and to issue zoning permits.
154. **ZONING COMPLIANCE PERMIT:** A permit issued and enforced by the zoning administrator, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance, conditional use, or authorized variance.
155. **ZONING DISTRICT:** A designated land classification, in which all lots and parcels are subject to a unified group of use and site development regulations set forth in this zoning ordinance.
156. **ZONING LOT:** A tract of land, parcel, or multiple contiguous parcels of land under single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.
157. **ZONING MAP:** A map delineating the boundaries of zoning districts.

SECTION 2.2. SPECIFIC LAND USE DEFINITIONS.

The purpose of specific land use definitions is to provide a consistent set of terms encompassing and defining land uses permitted by right or allowed by conditional use, and to provide a procedure for determination of the applicable land use definitions of any activity not clearly within any defined land use classification. In the event of any question as to the appropriate use definition of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the definition, subject to the right of appeal pursuant to Section 16.9. In making such determinations, the zoning administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of land use definitions.

2.2.1. AGRICULTURE & CONSERVATION LAND USE DEFINITIONS:

Conservation or environmental use types may include, but not limited to, biological productivity or uniqueness that may significantly alter the ecological integrity or character of the area. Agricultural use types may include but are not limited to the following:

1. *Agriculture*: Any land, farm houses, farm barns, farm out-buildings, or other buildings or structures, which are primarily adapted, by reason of nature and area, for agricultural purposes, while so used.
2. *Animal Husbandry*: The care and breeding of domestic animals, cattle, swine, poultry, horses, sheep, goats, or other similar animals. Such uses conducted in confined animal feeding operations are not permitted within the city limits of West Okoboji. Agricultural animals (not including usual domesticated pets) are only permitted within AG district in West Okoboji.
3. *Apiary (or Apiaries)*: Any place where one or more bee colonies are maintained. Bee colonies are defined as a queen bee and more than one worker bee located on beeswax combs and enclosed in a contained. The term “bee” refers to Honeybees belonging to the genus *Apis*.
4. *Critical Area*: A natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service (NRCS), areas of excessive slope, natural marshes, wetlands, woodlands, floodplains as defined by FEMA, and land involved in other types of conservation or areas with restricted uses.
5. *Crop Production*: The raising and harvesting of row crops, field crops or tree crops on an agricultural or commercial basis, including incidental packing and processing.
6. *Farm*: An area used for the growing of usual farm products such as vegetables, fruit and grain and their storage; as well as for the raising of the usual farm poultry and farm animals. The term farming includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or the commercial feeding of animals or poultry or confined animal operations.
7. *Farmstead*: A tract of land with a farm dwelling and/or related agricultural outbuildings, yards, windbreaks, wells, or other improvements which are held and operated in conjunction with agricultural purposes. An existing farmstead shall be defined as the combination of farm dwelling, support dwelling and any farm accessory buildings.
8. *Farm Dwelling, Support Housing*: The occupancy of living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs in association with agricultural labor.
9. *Farm Dwelling*: A dwelling located on a farm and occupied by the owner, operator, or renter.

10. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
11. *Horticulture*: The growing of horticultural and floricultural, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.
12. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to boarding stables or public stables.
13. *Undeveloped or Unimproved Land*: Land in its natural state before development, including land used for agricultural pasturage or in agricultural conservation practices.
14. *Water Control Structures, Irrigation, or Retention Basins*: Manufactured structures intended to direct and/or control the water flow, drainage, and percolation rate to aid in the prevention of flooding or to direct water away from developments or agricultural land.
15. *Wetland*: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
16. *Wildlife Refuge/Preserve*: Areas designated for the protection and sustaining of wildlife habitat in which human activities are limited and the natural environment is protected.

2.2.2. RESIDENTIAL LAND USE DEFINITIONS:

Residential use types include the occupancy of living accommodations on primarily non-transient basis for consecutive periods of not less than 30 days, but excludes institutional living involving those providing forced residence such as prisons.

1. *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.
2. *Condominium*: The use of a site for three (3) or more dwelling units intended for separate ownership; whereas the units are held in common ownership by the owners of each unit having an undivided interest in the common real estate.
3. *Congregate or Senior Housing*: A residential facility for four (4) or more persons fifty-five (55) years or over providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational and social facilities for the exclusive use of all residents including resident staff who may occupy a room in the facility.
4. *Cottage or Vacation Home*: A single family dwelling used for seasonal purposes, vacations, or vacationers' occupancy, and not used as a residence for the entire year.
5. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home licensed as a residential care facility under Chapter 135C of the Iowa Code or as a child foster care facility under Chapter 237 of the Iowa Code to provide room and board, personal care, habilitation services, and supervision in an environment exclusively for not more than eight (8) persons with developmental disabilities and any support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
6. *Group Residential*: The residential occupancy of living accommodations by groups of more than

five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls, group homes, or shelters.

7. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks or subdivisions and manufactured housing communities.
8. *Multiple Family Residential*: Three (3) or more dwelling units, within one or more buildings.
9. *Nursing Home*: A building or facility equipped for the accommodation of individuals not requiring hospital care, but needing skilled nursing care, rehabilitative care, or related medical services prescribed by and performed under the direction of persons licensed to provide such care or services in accordance with the law.
10. *Personal Recreational Facilities (as an accessory use to residential uses)*: Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, trampolines, residential play equipment, swings, and slides.
11. *Relocated Residential*: An existing, previously built residential building, intended for occupancy, which has been moved into the community from a location outside of West Okoboji, or an existing residential structure that has been relocated from another location from within the community to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular, or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and moving and zoning permits prior to moving a building or structure into West Okoboji.
12. *Residential Healthcare Facilities*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
13. *Single Family Residential*: The use of a site for only one (1) dwelling.
14. *Townhouse Residential*: The use of a site for three (3) or more dwellings constructed with common or adjacent walls and each located on a separate parcel within the total development site.
15. *Two Family Residential (duplex)*: The use of a site for two (2) dwellings on a single lot or parcel.

2.2.3. COMMERCIAL LAND USE DEFINITIONS:

Commercial land use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

1. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, offices of public utilities or associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
2. *Agricultural Sales and Services*: Establishments or businesses engaged in sale of feed, grain, fertilizers, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms.
3. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment

and parts. Typical uses include but not limited to new and used car dealerships; motorcycle, boat, trailer, and recreational vehicle dealerships; automotive and vehicle repair shops, etc.

4. *Automotive Sales and Rental*: Sales or rental of automobiles, noncommercial trucks, motorcycles, motor homes, trailers, and recreational vehicles including boats. Typical uses include but not limited to new and used auto dealerships, motorcycle or recreational vehicle dealerships, auto rental agencies, or trailer sales and rental agencies.
5. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck (semi-tractor trailer and agricultural equipment) cleanouts/wash outs.
6. *Bar*: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Such uses include, but not limited to taverns, cocktail lounges, night clubs, and similar uses.
7. *Bed & Breakfast*: A private, owner-occupied dwelling, or portion thereof, providing sleeping rooms for rent to the public. In any residential district, meals shall only be served to those provided lodging and the owners or employees of the operation. Individual units designed as rentals shall contain no cooking facilities.
8. *Boarding or Lodging House*: A building, other than a hotel, motel, club, or fraternity house where for compensation, and by arrangement, lodging is provided for three (3) or more persons, not including family members.
9. *Building Maintenance/Support Services*: Establishments primarily engaged in the provision of maintenance and custodial services to businesses, along with businesses engaged in the sale, rental or repair of equipment and supplies used by professional establishments. Typical uses include but not limited to janitorial, maintenance and cleaning services, office equipment supply, business machine repair, or hotel equipment and supply firms.
10. *Building Reclamation and Retail Services*: Establishments or places of business primarily engaged in reclamation activities and incidental storage as well as the retail or wholesale of reclaimed or salvaged building parts, lumber, scrap, metal or other second-hand merchandise. Outside display and storage incidental to the operation of the business is permitted but shall not include junk or salvage determined to constitute a nuisance.
11. *Business or Trade School*: 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.
12. *Campground or RV Park*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks or camps.
13. *Community Center*: 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.
14. *Commercial Auction Yards and Barns*: A place or structure where primarily, but not exclusively, livestock, fowl, poultry, or other animals are offered for sale for profit to persons who bid in competition with each other.
15. *Commercial Cottage Dwelling*: Any dwelling rented to the public for periods of less than 30 consecutive days.

16. *Commercial Garage*: A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, or storing motor vehicles, including incidentals.
17. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include but not limited to commercial parking lots or parking garages.
18. *Communication Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished using electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
19. *Condominium or Business Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned on a proportional basis or single ownership. These storage units are designed for individual storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance. No sewer or water service is permitted to condominium storage units.
20. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale of materials used in construction of building or other structures other than retail sale of paint, fixtures, and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
21. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
22. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
23. *Convenience Store*: An establishment engaged in the retail sale of food and household products, including gasoline. The repair, storage or servicing of vehicles shall be prohibited.
24. *Entertainment and Recreation (Indoor)*: Uses conducted within an enclosed building. Typical uses include but are not limited to bowling alleys, ice and roller skating rinks, arcades, motion picture theatres, dance halls.
25. *Entertainment and Recreation (Outdoor)*: Uses conducted in open or partially enclosed spaces. Typical uses include but are not limited to sporting venues, pools, aquatic centers, outdoor activity courts, racing facilities, go-kart track, amusement park or driving range.
26. *Equipment Sales or Repair*: Sale or repair of trucks, tractors, construction equipment, agricultural implements, mobile homes, motor homes, and similar heavy equipment. Typical uses include but not are limited to truck dealerships, construction or farm implement dealerships, truck or implement repair services, and machine shops, but exclude dismantling or salvage.
27. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.

28. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial, arranging, and managing funerals. Typical uses include but not limited to funeral homes, crematoriums, or mortuaries.
29. *General Retail Sales or Store*: An enterprise offering goods, products, or services for sale to the consumer for direct consumption and not for resale. Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, grocery stores, apparel stores, furniture stores, or establishments providing cleaning products; drugs, cards, stationery, books, tobacco, cosmetics, flowers, plants, hobby materials, toys, jewelry, fabrics, cameras, photography, electronics, sporting goods, kitchen supplies, home furnishing, appliances, art supplies, antiques, paint and wallpaper, floor coverings, decorating services, office supplies, bicycles, and automotive parts.
30. *Golf Course*: Land area and buildings containing golf course, club house, pro shop, restaurant and lounge, swimming pool and tennis courts and other services or buildings typically associated with a golf course.
31. *Health Recreation Facility*: An indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa or sauna, and athletic or recreation clubs.
32. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
33. *Hotel or Motel*: A building or group of buildings containing guest rooms primarily intended or used for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
34. *Kennel, Commercial*: Any premises on which three (3) or more dogs or three (3) or more cats or other domesticated non-farm animals and/or domesticated pets over the age of six months are housed, groomed, bred, boarded, trained, or sold all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.
35. *Laundry, Self-Service*: Establishments primarily engaged in the provision of home-type washing, drying, and or ironing facilities for customers on the premises.
36. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning plants, diaper services, or linen supply services.
37. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
38. *Lumber, Landscaping and Home Improvement Services*: Establishments or businesses selling lumber, wood-related products, landscaping products or services, or other building and home improvements materials. Outside display and storage incidental to the operation of the business is permitted but shall not include junk or salvage determined to constitute a nuisance.
39. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services, contracting or industrial activities.

40. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
41. *Personal Improvement Services*: Establishments primarily engaged in instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, reducing salons, dance studios, handicraft, or hobby stores.
42. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, or apparel cleaning.
43. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.
44. *Professional Office*: Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, medicine, engineering, and other occupations customarily considered a profession.
45. *Restaurant*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, soda fountains, ice cream parlors, sandwich shops, cafes, coffee shops, and other similar establishments with incidental alcoholic service.
46. *Resort Enterprise*: Any building or group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include guest quarters for the boarding of employees. Resorts may also contain other such ancillary or secondary commercial uses such as restaurants, event facilities, bar, etc. in support of such resort enterprise.
47. *Service Station*: Any building or premises used for the dispensing and sale of automotive fuels, oils, tires, accessories, and other items associated with the sale of such products, but not for making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises is classified as an automotive repair service.
48. *Shopping Center*: A grouping of business and service uses on a single site with common parking.
49. *Solar Panels and Devices*: A panel or device and associated structures and equipment designed and installed to absorb the sun's rays as a source of energy for generating electricity or heating.
50. *Solar Farm*: An installation or area of land in which solar panels are installed and operating to generate electricity for more than an individual property or personal use.
51. *Timeshare*: The ownership of any dwelling rented to the public for periods not exceeding 30 days.
52. *Vehicle Storage*: Long term storage of operating or non-operating vehicles, including but not limited to automobiles, trucks, heavy equipment, motorcycles, boats, recreation vehicles and any other motor powered vehicles. Typical uses include but not limited to private parking lots, paid long term storage, lots marketing the sale of vehicles, but excludes dismantling or salvage.
53. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
54. *Wind Energy Devices*: Any wind energy conversion system or other similar wind machines including but not limited to wind charger, windmill, wind turbine or wind generators that converts wind energy to a form of usable energy.

2.2.4. INDUSTRIAL LAND USE DEFINITIONS:

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

1. *Bulk Station/Fuel Storage*: The storage of any fuel source in above or below ground tanks for purposes of distribution, storage or for sale. Such uses may include, but are not limited to gasoline storage facilities, bulk storage, propane storage or natural gas storage sites.
2. *Custom Manufacturing*: Establishments primarily engaged in on-site production of goods by hand manufacturing and the incidental direct sale to consumers of those goods produced on-site. Typical uses include but not limited to custom jewelry, ceramics, candles, gun or sporting goods assembly.
3. *Fertilizer or Chemical Storage and/or Processing*: Those uses which promote the sale, storage, transfer, or processing of agricultural, industrial, or other chemicals used primarily as fertilizers for agricultural purposes.
4. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or manufacturing processes which involves hazardous or commonly recognized offensive conditions.
5. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
6. *Renewable Energy/Renewable Resources Industries*: Those industries or businesses engaged in the manufacture, production, distribution or storage of products that are sustainable in the environment or in harnessing or capturing of renewable resources for energy purposes. Typical uses include but are not limited to biofuels, biomass, wind, solar, hydro power, and geothermal.
7. *Recycling Plant*: A facility, other than a junkyard, where recoverable resources such as paper products, glass, metal cans, and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.
8. *Research and Production Services*: Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research laboratories.
9. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to, quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
10. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale or dismantling of used or waste materials not intended for reuse. Typical uses include but not limited to automotive scrap or storage yards, junkyards, or salvage yards.
11. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include but not limited to animal stockyards.
12. *Warehousing & Distribution (Limited)*: Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
13. *Warehousing & Distribution (General)*: Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

2.2.5. CIVIC & PUBLIC LAND USE DEFINITIONS:

Civic use types include the performance of educational, recreational, cultural, medical, safety, governmental, and other uses strongly vested with public or social importance.

1. *Cemetery*: Land used or intended for the burial of the dead including columbiums, crematoriums, mausoleums, and mortuaries when operated in conjunction with such cemetery.
2. *Charitable Institution*: A public or semi-public institutional use of a charitable, philanthropic, benevolent, or religious character, but not including sheltering or caring of animals.
3. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit associations, primarily for use by members and guests.
4. *Community Recreation*: Recreational facilities or areas designated or intended to be used for both indoor and outdoor uses. Typical uses include snow skiing, shooting range, hiking or equestrian trails, outdoor fitness course, frisbee golf, etc.
5. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation, or exhibition of objects of permanent interest in the arts and sciences.
6. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals, or as regulated by the State of Iowa. This term may include day care centers for children or adults, and similar uses.
7. *Detention Facilities*: Any use providing housing and care for individuals confined by law.
8. *Educational Facilities*: A public, private, or parochial school, nonprofit institution or facility offering academic instruction at the elementary, secondary, and collegiate levels.
9. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, public libraries, or other public or non-profit organizations directly benefiting the public.
10. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles, transformers, and control devices.
11. *Major Utility Facilities*: Facilities, buildings or structures dedicated primarily to public sector uses, but including privately owned or operated businesses, organizations, or other uses similar in nature, but not limited to, generating plants, electrical plants/facilities, substations, refuse collection, transfer stations, waste disposal, water and wastewater treatment plants, wastewater lagoons, etc.
12. *Park and Recreation Services*: Publicly or privately owned and operated parks, playgrounds, open spaces, swimming pools, and other related athletic fields or facilities.
13. *Pre-Kindergarten, Preschool, or Nursery School*: Any private agency, institution or place that provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of pre-school age.
14. *Public Assembly*: Facilities intended for assembly, recreation, sports, amusement, or entertainment, including civic or community auditoriums, convention facilities, and exhibition facilities.
15. *Religious Assembly*: Any use in a permanent building or drive-in service providing regular organized worship and religious education incidental thereto, excluding primary/secondary educational facilities.
16. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
17. *Treatment Services*: Counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance due to mental illness, alcoholism, detention, drug addiction, etc.

ARTICLE 3. ZONING DISTRICTS ESTABLISHED

Article 3: Zoning Districts Established

- Section 3.1. Zoning Districts
- Section 3.2. Boundaries and Official Map
- Section 3.3. Interpretations of Districts Boundaries
- Section 3.4. Road or Public Right-of-Way Vacation
- Section 3.5. Annexed Territory
- Section 3.6. General Regulations

SECTION 3.1. ZONING DISTRICTS.

The city council shall approve an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the planning commission and enacted by the city council. For the purpose and intent of this ordinance the City of West Okoboji, Iowa is hereby divided into zoning districts as follows:

Agricultural District	AG
Conservation District	CN
Lakeshore Residential District	LR
Residential District	R
Commercial District	C

SECTION 3.2. BOUNDARIES AND OFFICIAL ZONING MAP.

1. *Boundaries.* The boundaries of the districts are established as shown upon the map designated as the Official Zoning Map of West Okoboji, Iowa. This map with all its notations, designations, references, and other information shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein.
2. *Zoning Map Amendments.* Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending the West Okoboji Zoning Ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.
3. *Replacement of Zoning Map.* The official zoning map shall be on file in the city clerk's office and made a part of this ordinance. The official zoning map shall become effective upon adoption and publication of this ordinance. In the event the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of use or the nature or number of changes and additions, the city council may, by resolution, adopt a new official zoning map to supersede the prior official zoning map. The new map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

SECTION 3.3. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to a district's boundaries as shown on the official zoning map, the following rules shall apply:

1. Boundaries shown as approximately following the center lines of street, highway, alley, or other public rights-of-way lines shall be interpreted to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
5. Boundaries indicated as approximately following the center line of streams, rivers, canals, or other bodies of water shall be construed as following such center lines.
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in shoreline so shall the boundaries move with the actual shoreline.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1-7 above, the board of adjustment makes the final decision on zoning district boundaries.

SECTION 3.4. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

Whenever the city council takes official action to vacate any road, street, or other public way, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and thereafter be subject to all appropriate regulations of the extended zoning district(s).

SECTION 3.5. ANNEXED LANDS.

All land which is hereafter annexed into to the City of West Okoboji after the effective date of this ordinance shall automatically be zoned (AG) Agriculture district, until a time the annexed land may be reviewed by the planning commission and recommended to the city council to approve an appropriate zoning classification based on the current use of the land.

SECTION 3.6. GENERAL REGULATIONS.

1. Buildings or structures, or parts of thereof, shall not be erected, constructed, reconstructed, remodeled, converted, structurally altered, enlarged, extended, raised, moved, or used which does not comply with the purpose or use, height and site development regulations, yard area, density requirements and other provisions of this ordinance for the district in which the building or land is located.
2. Every yard or lot existing at the time of passage of this ordinance shall not be reduced in dimension or area below the minimum required by this ordinance, except for use for public or utility purposes. No part of a yard or other open space, for purposes of complying with the

provisions of this ordinance shall be considered as providing a yard or open space required under this ordinance for another building, structure, or use.

3. Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and there shall not be more than one principal building per one lot unless otherwise provided in this ordinance.
4. Every building hereafter erected or structurally altered shall be done in conformity with the off-street parking regulations of this ordinance.
5. Any portion of a building covered by a roof shall be considered a part of the building.
6. The principal building on all lots shall front on a street or public place.

These regulations shall be required in addition to any applicable federal, state and city health and building regulations.

ARTICLE 4. AGRICULTURE DISTRICT (AG)

Article 4: Agriculture District

- Section 4.1. Intent
- Section 4.2. Principal Permitted Uses
- Section 4.3. Conditional Uses
- Section 4.4. Accessory Uses, Buildings and Structures
- Section 4.5. Site Development Regulations
- Section 4.6. Off Street Parking
- Section 4.7. Sign Regulations
- Section 4.8. General Regulations
- Section 4.9. Zoning Permit Required

SECTION 4.1. INTENT.

The intent of the Agriculture District (AG) is to preserve land best suited for agriculture from the encroachment of incompatible land uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities, and other community facilities which may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

SECTION 4.2. PRINCIPAL PERMITTED USES.

Within the (AG) Agriculture District, unless otherwise specified in this ordinance, only the following principal uses, buildings or structures shall be permitted by right.

Agricultural & Conservation Uses (Sec. 2.2.1)		Civic Uses (Sec. 2.2.5)
Agriculture	Critical Area	Cemetery
Crop Production	Floodplain	Local Utility Services
Farmstead	Undeveloped or unimproved lands	Government/Public Services
Farm Dwelling	Water control structures, irrigation, or retention basins	Parks & Recreation Services
Horticulture	Wetlands	
Farms, including usual farm buildings and structures, but excluding commercial auction yards and barns and animal confinement facilities	Wildlife refuge	

Section 4.3. CONDITIONAL USES.

Certain uses may be permitted in the (AG) Agriculture district subject to specific conditions and requirements as outlined and approved by the board of adjustment intending to make them compatible with and acceptable to adjacent uses.

Ag & Cons. Uses (Sec. 2.2.1)	Residential Uses (Sec. 2.2.2)	Industrial Uses (Sec. 2.2.4)
Apiaries (<i>See Section 10.23</i>) Farm Dwelling, Support Housing	Relocated Residential - When it is the owner or renter of a farm or associated with agricultural purposes.	Fuel Storage Resource Extraction
Commercial Uses (Sec. 2.2.3)		Civic Uses (Sec. 2.2.5)
Commercial Auction Yards or Auction Barns Communication Services (<i>See Section 10.21</i>) Golf Course Kennel, public Outdoor Entertainment and Recreation		Major Utility Facilities Religious Assembly

Section 4.4. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses shall also comply the provisions of Section 10.13. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Private parking lots
5. Radio, television, satellite dish, solar panels or associated structures, and other similar receiving antennas for personal use. Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 10.21.
6. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
7. Roadside stands for the sale of agricultural products or products produced on the premises.
8. Kennels intended for private and personal use of domesticated animals.
9. Home occupations in compliance with Section 10.17.
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 10.15.
11. Accessory uses, buildings and structures customarily incidental and subordinate to the permitted or conditional uses, as approved by the zoning administrator.

Section 4.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional use buildings and structures in the (AG) Agricultural District, and subject to the General Regulations contained in Article 10 of this ordinance.

- Lot Area - 1 acre (43,560 sq.ft.) minimum lot area
- Lot Width - 125 feet minimum lot width

Front Yard -	50 feet minimum required setback
Rear Yard -	50 feet minimum required setback
Side Yard -	30 feet minimum required setback
Street Side Yard (Corner Lot) -	50 feet minimum required setback
Height -	No height requirements for agricultural buildings 35 feet maximum height for dwellings and non-agricultural buildings and structures, unless otherwise provided in this ordinance or specifically exempted in Section 10.12 and in accordance with Article 12, Milford Fuller Airport Land Use and Height Overlay Regulations.
Residential Density -	Not more than one (1) principal dwelling per lot, and not more than one (1) agricultural support dwelling per lot.

No minimum requirements for local utility facilities and essential services. Utility structures, poles, and other ancillary equipment necessary for the conduct of such public use utility are exempt from yard setback requirements.

All residential dwellings shall be constructed in compliance with the Residential Dwelling Standards outlined in Section 10.18.

Section 4.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (AG) Agricultural district in accordance with the provisions of Article 13 of this ordinance.

Section 4.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (AG) Agricultural district in accordance with the provisions of Article 14 of the ordinance.

Section 4.8. GENERAL REGULATIONS.

Certain uses, buildings, or structures in the (AG) Agriculture district may be subject to supplemental general zoning regulations identified in Article 10 of this ordinance.

Section 4.9. ZONING PERMIT REQUIRED.

A zoning permit shall be required in accordance with the provisions of Section 16.3 of this ordinance.

ARTICLE 5. CONSERVATION DISTRICT (CN)

Article 5: Conservation District

- Section 5.1. Intent
- Section 5.2. Principal Permitted Uses
- Section 5.3. Conditional Uses
- Section 5.4. Accessory Uses, Buildings and Structures
- Section 5.5. Site Development Regulations
- Section 5.6. Off Street Parking
- Section 5.7. Sign Regulations
- Section 5.8. General Regulations
- Section 5.9. Zoning Permit Required

SECTION 5.1. INTENT.

The intent of the Conservation (CN) district is to provide for water conservation, erosion control, protect natural drainageways, and to generally provide for ecologically sound land use of environmentally sensitive areas. This district is also intended to prevent such development as would result in a hazard to health or safety, or be otherwise incompatible with the public welfare.

SECTION 5.2. PRINCIPAL PERMITTED USES.

Within the (CN) Conservation district, unless otherwise specified in this ordinance, only the following principal uses, buildings or structures shall be permitted by right.

Ag & Conservation Uses (Sec. 2.2.1)	Civic Uses (Sec. 2.2.5)
Critical Area Floodplain Undeveloped or unimproved lands Water control structures, irrigation, or retention basins Wetlands	Local Utility Services Government/Public Services Parks & Recreation Services

Section 5.3. CONDITIONAL USES.

Certain uses may be permitted in the (CN) Conservation district subject to specific conditions and requirements as outlined and approved by the board of adjustment intending to make them compatible with and acceptable to adjacent uses.

Ag & Cons. Uses (Sec. 2.2.1)	Civic Uses (Sec. 2.2.5)	Commercial Uses (Sec. 2.2.3)
Apiaries (<i>See Section 10.22</i>) Crop Production Horticulture	Community Recreation Major Utility Facilities	Campground or RV Park Communication Services (<i>See Section 10.21</i>)

Section 5.4. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Permitted accessory uses shall not be the principal building or structure on any lot. Accessory uses, buildings and structures are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses, buildings or structures shall also comply with the provisions of Section 10.13. The following shall be permitted.

1. Essential services
2. Private parking lots
3. Agricultural or recreational buildings or structures that are not located within a floodplain, are flood proofed, or are not subject to damage from flood events.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 10.15.
5. Accessory uses and buildings customarily incidental and subordinate to the permitted uses and buildings, as approved by the zoning administrator.

Section 5.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings, and structures in the (CN) Conservation district, and subject to the General Regulations contained in Article 10 of this ordinance.

Lot Area -	No minimum lot area for conservation uses 1 acre minimum lot area for non-conservation uses
Lot Width -	No minimum lot width for conservation uses 100 feet minimum lot width for non-conservation uses
Front Yard -	50 feet minimum required setback
Rear Yard -	50 feet minimum required setback
Side Yard -	30 feet minimum required setback
Street Side Yard (Corner Lot) -	50 feet minimum required setback
Height -	35 feet maximum height, unless otherwise provided in this ordinance or specifically exempted in Section 10.12 and in accordance with Article 12, Milford Fuller Airport Land Use and Height Overlay Regulations.
Building Coverage -	20 percent of the lot area maximum coverage
Impervious Surface Coverage -	40 percent of the lot area maximum coverage
Usable Open Space -	60 percent of the lot area minimum coverage

No minimum requirements for local utility facilities and essential services, except that above ground buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements. Utility structures, poles, and other ancillary equipment necessary for the conduct of such public use utility is exempt from yard setback requirements.

Section 5.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (CN) Conservation district in accordance with the provisions of Article 13 of this ordinance.

Section 5.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (CN) Conservation district in accordance with the provisions of Article 14 of the ordinance.

Section 5.8. GENERAL REGULATIONS.

Certain uses, buildings, or structures in the (CN) Conservation district may be subject to supplemental general zoning regulations identified in Article 10 of this ordinance.

Section 5.9. ZONING PERMIT REQUIRED.

A zoning permit shall be required in accordance with the provisions of Section 16.3 of this ordinance.

ARTICLE 6. LAKESHORE RESIDENTIAL DISTRICT (LR)

Article 6: Lakeshore Residential District

- Section 6.1. Intent
- Section 6.2. Principal Permitted Uses
- Section 6.3. Conditional Uses
- Section 6.4. Accessory Uses, Buildings and Structures
- Section 6.5. Site Development Regulations
- Section 6.6. Lakeshore Yard (Front Yard) Setback Determination
- Section 6.7. Additional Development Requirements in LR District
- Section 6.8. Erosion Control and Silt Control Plan
- Section 6.9. Construction within the Lakeshore Bank
- Section 6.10. Off Street Parking
- Section 6.11. Sign Regulations
- Section 6.12. General Regulations
- Section 6.13. Zoning Permits Required
- Section 6.14. Residential Purposes in the LR District

SECTION 6.1. INTENT.

The intent of the Lakeshore Residential (LR) district is to provide for special restrictions to protect the amenities and aesthetic qualities of residential properties abutting West Okoboji Lake.

SECTION 6.2. PRINCIPAL PERMITTED USES.

Within the (LR) Lakeshore Residential district, unless otherwise specified in this ordinance, only the following principal uses, buildings or structures shall be permitted for by right.

Residential Uses (Sec. 2.2.2)	Civic Uses (Sec. 2.2.5)
Single Family Residential	Local Utility Services Park & Recreation Services

Section 6.3. CONDITIONAL USES.

Certain uses may be permitted in the (LR) Lakeshore Residential district subject to specific conditions and requirements as outlined and approved by the board of adjustment intending to make them compatible with and acceptable to adjacent uses.

Residential Uses (Sec. 2.2.2)	Civic Uses (Sec. 2.2.5)
Relocated Residential (Single Family)	Major Utility Facilities Government/Public Services

Section 6.4. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Permitted accessory uses shall not be the principal building or structure on any lot, and accessory uses, buildings and structures are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses, buildings and structures shall also comply with the provisions of Section 10.13. The following shall be permitted.

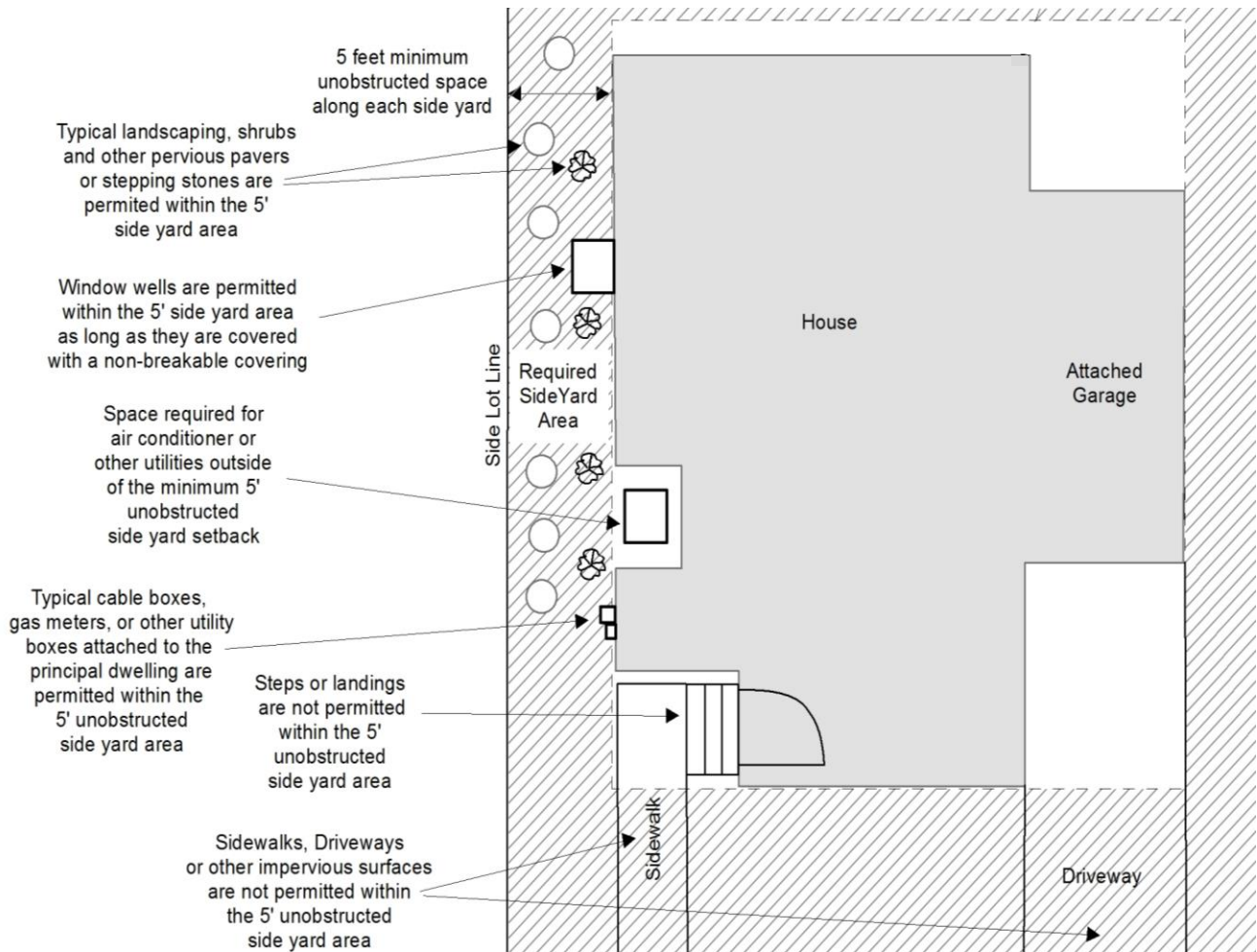
1. Essential services
2. Private garage or carport
3. Private parking lots
4. Private swimming pools, tennis courts or other personal recreational facilities for use by residents (trampolines, play equipment, etc.)
5. Radio, television, satellite dish, and other similar receiving or communication antennas for personal use. Communication towers and other structures intended for commercial use are not permitted within the LR district.
6. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
7. Solar collectors intended for private residential use
8. Home occupations, in compliance with Section 10.17.
9. The keeping of dogs, cats or similar domesticated animals in a non-commercial kennel.
10. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 10.15.
11. Accessory uses and buildings customarily incidental and subordinate to the permitted uses, building and structures, as approved by the zoning administrator.

Section 6.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional use buildings and structures in the (LR) Lakeshore Residential district, and subject to the General Regulations contained in Article 10 of this ordinance.

Lot Area -	10,000 sq.ft. – minimum lot area for all uses
Lot Width -	50 feet - minimum lot width for all uses
Front Yard (lakeshore side) -	25 feet - minimum setback Line of sight setback as specified in Section 6.6 of this Article if buildings are present on one or more sides of the property
Rear Yard (street side) -	25 feet - minimum required setback
Side Yard -	5 feet minimum required setback, of which must be unobstructed open space and contain pervious surfaces. Typical pervious landscaping and ground cover is permitted within the required side yard area. Please refer to the Side Yard Clearance map below for additional information.
Street Side Yard (Corner Lot) -	25 feet - minimum required setback
Height -	35 feet maximum height for all uses, unless otherwise provided in this ordinance or specifically exempted in Section 10.12 and in accordance with Article 12, Milford Fuller Airport Land Use and Height Overlay Regulations.
Minimum Open Space -	30 percent pervious area or natural greenspace

Side Yard Clearance Diagram



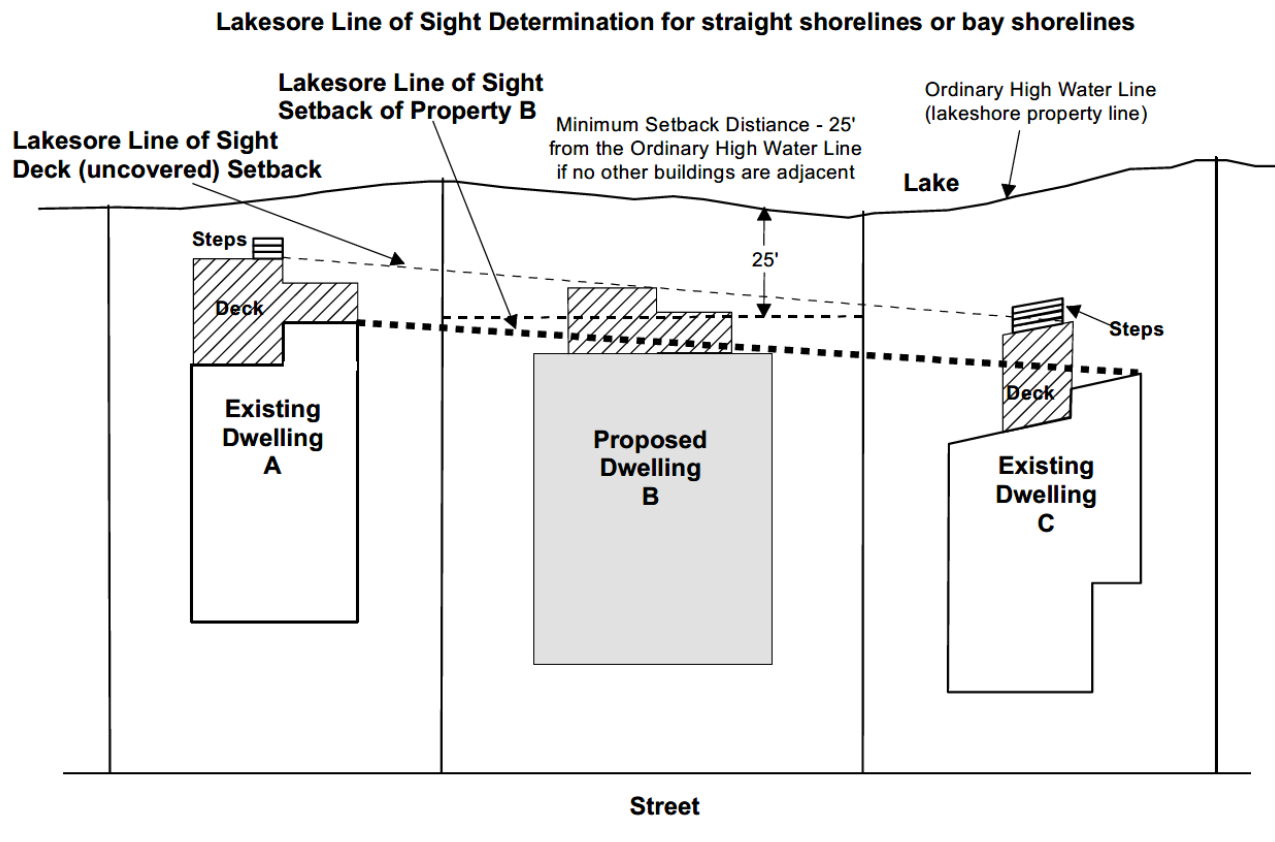
No minimum requirements for local utility facilities and essential services, except that above ground buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements. Utility structures, poles, and other ancillary equipment necessary for the conduct of such public use utility is exempt from yard setback requirements.

All residential dwellings shall be constructed in compliance with Residential Dwelling Standards outlined in Section 10.18. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Iowa Code § 435.26.

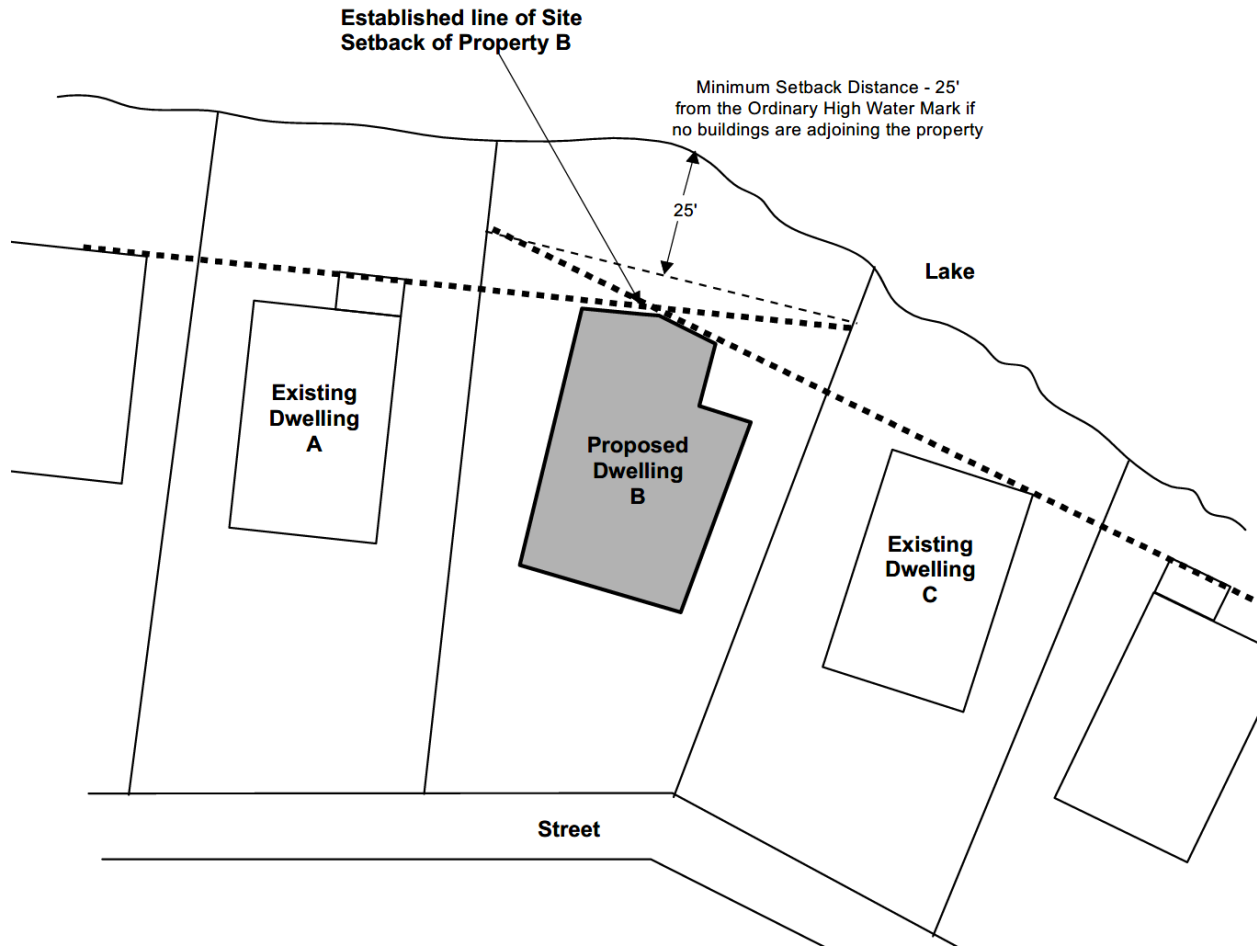
Section 6.6. LAKESHORE YARD (FRONT YARD) SETBACK DETERMINATION.

On any property within the LR Lakeshore Residential district there shall be a minimum lakeshore yard (front yard) setback established for each property based upon the relationship of developed adjoining properties. The line of sight method for establishing a lakeshore yard setback is used to protect the view of the lakes as much as possible and to prevent lakeshore creeping of new buildings or structures. With that stated, any property owner is not guaranteed a view of the lake any more than the perpendicular projection, the same width of any property owner's lakeshore lot.

1. Line of sight for dwellings or principal buildings on straight or bay shorelines. The setback line is determined by a line of sight joining the farthest projecting building wall (closest point of the principal building to the ordinary high water mark) of the nearest buildings on either side of the property. Existing steps, decks, railings, or other non-permanent ancillary structures or attachments not considered a part of the building wall shall not be used in determining the line of sight.
2. Line of sight for decks. The setback line for establishing a deck is determined by a line of sight joining the farthest projecting deck points greater than 12" above the adjacent ground (closest to the ordinary high water mark) of the two nearest adjacent dwellings. Existing steps shall not be used in determining the line of sight. Decks permitted within the front yard setback (in front of the building line of sight) shall not include any roofed deck, pergola, permanent fireplace, or any permanent structures other than a 36" or shorter railing. Such permanent deck structures including the aforementioned attributes shall be restricted to behind the line of sight setback established for the principal dwelling or building on the property.



3. Line of sight for dwellings or principal buildings on a point or curved shorelines. When a new structure is built on a lakefront or shoreline point or outside curve the line of sight determination shall be made by extending the sight lines from the farthest projecting building wall (closest point of the principal dwelling or building to the ordinary high water mark) of the nearest buildings on both sides of the subject property, until such projecting lines intersect each other.



It shall be the responsibility of the property owner or applicant to provide the city with, at a minimum, a survey plat completed by a certified land surveyor showing the location of lot pins, property lines, and indicating the lakeshore line of sight setback for the owner's property to be used in calculating the lakeshore setback.

4. When there is no building within two hundred feet (200') on one side of a lot, the actual setback of the nearest building on the other side shall establish the line of sight setback.
5. If there is no building within two hundred feet (200') on either side of the lot, the minimum required setback for the zoning district shall apply.
6. A vacant or empty lot, or any structure located entirely on the rear one-half ($\frac{1}{2}$) of a lot shall not be considered in determining a front yard setback. This lot shall be skipped, and the next adjacent lot used in determining the lakeshore yard setback.

Section 6.7. ADDITIONAL DEVELOPMENT REQUIREMENTS IN LR DISTRICT.

1. In this district, no swamp or marshland that retains water seasonably or permanently shall be filled, graded, or dredged, unless approved by the board of adjustment.

2. To protect the Iowa Great Lakes from the entry of petroleum products no street, driveway, or parking lot shall be constructed to drain directly into the lakes.
3. The City of West Okoboji strongly encourages any property owner who proposes new construction projects of more than 1,000 square feet to consider implementing and utilizing storm water management features which are designed and sufficient to manage and filter a water quantity volume of 1.25 inches of rainfall in a twenty-four (24) hour period. Storm water management features shall utilize infiltration elements to provide for the maximum filtration of suspended solids, to maximize detention time and to reduce the amount and period of runoff, all pursuant to the Iowa Storm Water Management Manual.

Section 6.8. EROSION CONTROL AND SILT CONTROL PLAN.

Removal of vegetation and/or surface cover, re-grading of the property, or any other land disturbing development shall be done in such a manner to minimize soil erosion due to construction. Seeding temporary cover vegetation or other surface control measures shall be applied to minimize soil erosion on land exposed for periods of more than thirty (30) days. Such erosion and silt control plan shall comply with the following directives:

1. The plan must describe the nature and extent of the work.
2. Silt Screen Fence: A silt screen fence shall be installed below the direction of run-off in a manner to be most effective in preventing siltation of soil onto downstream adjacent properties, streets or into a public lake or storm sewer.
 - a. The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence to protect the adjacent properties, streets, public lake, or storm sewer from siltation from the entire land disturbing activity area. Silt fence should be spaced so that not more than one-fourth acre of land drains into 100 feet of silt fence run. The bottom edge of a silt fence should equal the top elevation of the next fence downstream, especially when the slope is steep or the flows are concentrated. The spacing of silt fence on a slope should never be more than 100 feet to keep drainage areas to one-fourth acre per 100 foot of run.
 - b. The silt screen shall have a minimum width of 24" and be installed in such a manner so that the bottom of the screen is tucked into the surface of the lot a minimum of 6" by digging a narrow slit and simultaneously tucking the fabric into the ground and compacting the slit, thus reducing the chance of piping under the fence.
 - c. The silt screen fence support posts shall be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and to provide adequate support of the silt screen.
 - d. Silt screening shall also be constructed around any storm sewer or drain intakes that could receive dirt or silt from the land disturbing activity.
3. Alternative Methods of Erosion Control: An alternative solution to erosion control and siltation management may be proposed to the zoning administrator such as the use of compost blankets. Approved erosion control methods defined in the Iowa DNR erosion control manuals (including Construction Site Erosion Control Manual and How to Control Streambank Erosion) or the Iowa Stormwater Management Manual may be used if erosion is

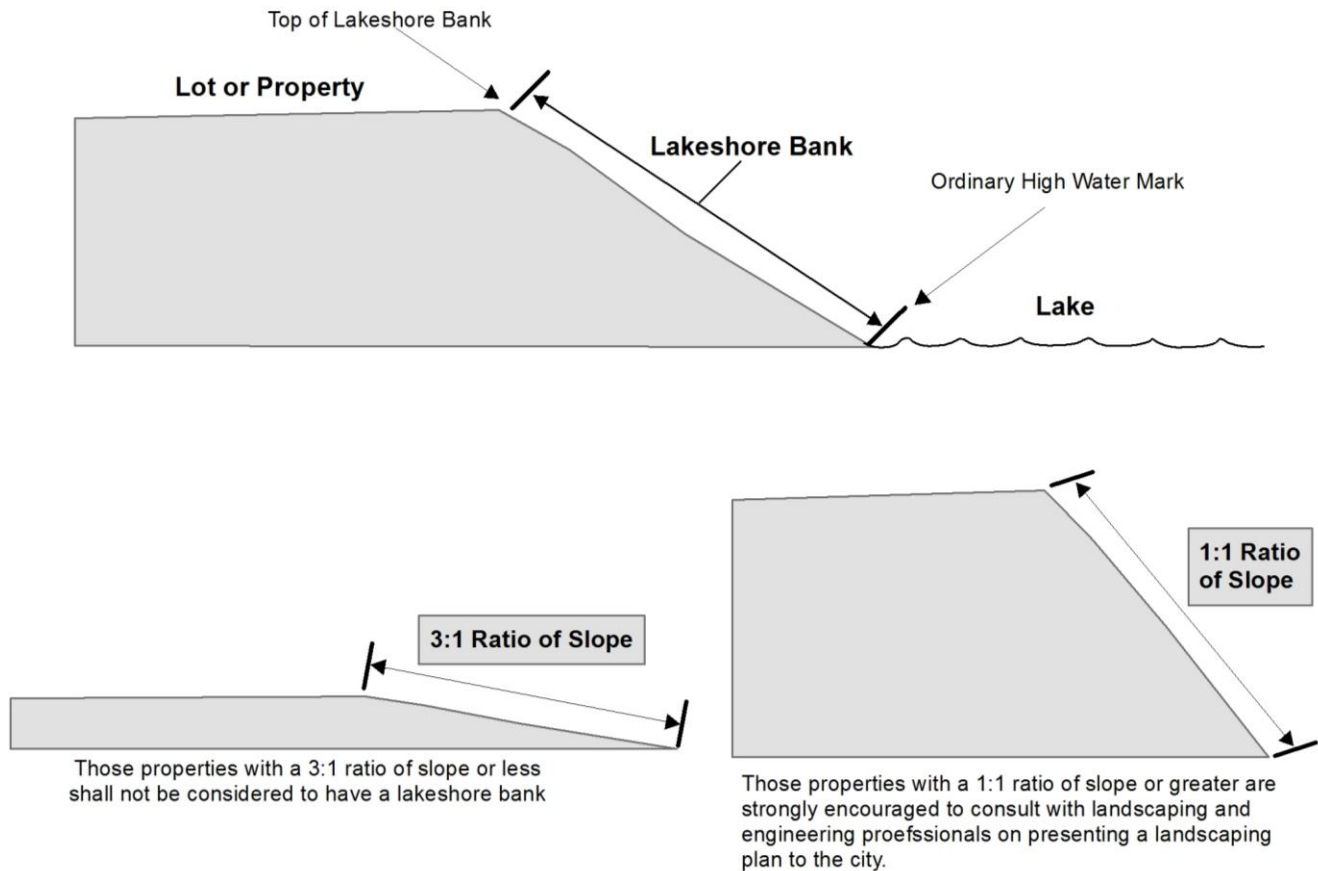
kept to acceptable levels and sediment is contained on site. Section 402 of the U.S. Clean Water Act, which contains the National Pollution Discharge Elimination System (NPDES) regulations, should be referenced.

4. Duration: The silt screen fence or alternative method of erosion control shall be installed before any land disturbing activity begins and shall remain in place and be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation stabilization exists to prevent any run-off. National Pollution Discharge Elimination System (NPDES) considers the site stabilized when 70% of the soil surface is vegetated. Before the silt screen fence or alternate method of erosion control is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of siltation.
5. With a development of one (1) acre or more, it is required to exhibit to the city a copy of the NPDES permit before approval of a plat can be made.

Section 6.9. CONSTRUCTION WITHIN THE LAKESHORE BANK.

The lakeshore bank regulations within the City of West Okoboji are intended to preserve and protect the natural shoreline of West Okoboji Lake within the city limits of West Okoboji.

1. For purposes of this ordinance the term “Lakeshore Bank” shall include any real property within an LR Lakeshore Residential district which is above the ordinary high water mark and below the existing grade of the lot or lots of which the lakeshore bank is a part.
2. Stairways and rest landings permitting access to lake docks or boat hoists may be constructed within the lakeshore bank. Stairs and walkways shall be no wider than four feet (4’) and provide the most direct and/or safest route down the lakeshore bank to the water. Rest landings, if needed or desired by the property owner, shall be no larger than 24 sq.ft.
3. The installation, operation and maintenance of an ADA compliant chair lift or other motorized device to provide access down the lakeshore bank shall be permitted provided such lift is installed providing the most direct and/or safest route down the lakeshore bank to the water. Rest landings, if needed or desired by the property owner, shall be no larger than 24 sq.ft.
4. Any new construction or enlargement of buildings, decks, patios, fences, any other permanent structures or buildings above ground, and impervious improvements in the lakeshore bank is prohibited.
5. The lakeshore bank shall not be raised or lowered by landscaping involving earth movement, excavation, filling, or construction unless such ground altering activities are shown by an engineer or landscaping specialist to be consistent with the protection and preservation of such lakeshore bank and prevent the bank from further or future erosion and bank failure.
6. If any existing boat house, lakeshore bank deck, patio, or other permanent impervious structure existing within the lakeshore bank becomes deteriorated to the point of major repairs or replacement, such structures located along the lakeshore bank and within the required front yard setback within the LR district shall be permitted to rebuild and replace such structures so long as the size, shape, cubic content, or change in elevation of the structure does not increase. The major repair or replacement must be of the exact same size as the original structure. This provision does not allow for any permanent structures located above the lakeshore bank and within the required front yard area of any lot or parcel.



Lakeshore Landscaping Permit

It shall be unlawful for any individual, corporation or other entity to landscape a lakeshore bank in any manner without a valid landscaping permit from the zoning administrator. Upon written application and upon payment of the permit fee in an amount set by the city council, the zoning administrator may issue a lakeshore landscaping permit upon demonstration of the following.

- Erosion of the lakeshore bank is occurring or likely to occur because of the drainage of surface water from the subject property and adjacent property into the lake; or
- Erosion of the lakeshore bank is occurring or likely to occur because of the wave action of the lake against the lakeshore and the landscaping of the lakeshore bank will prevent erosion from occurring.
- Erosion must be documented by either a public or private agency professionally trained in the area of soil conservation (i.e. IDNR, County Engineer, NRCS, etc.).

Applications shall be accompanied by a plan which shall set out the necessity for the proposed landscaping, as well as the corrective measures proposed and the materials to be used. Corrective measures proposed in the plan shall minimize, as far as reasonably possible, any change in the level of finished grade of the ground proposed to be landscaped, and minimize permanent removal of vegetation or plant cover.

Section 6.10. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (LR) Lakeshore Residential district in accordance with the provisions of Article 13 of this ordinance.

Section 6.11. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (LR) Lakeshore Residential district in accordance with the provisions of Article 14 of the ordinance.

Section 6.12. GENERAL REGULATIONS.

Certain uses, buildings, or structures in the (LR) Lakeshore Residential district may be subject to supplemental general zoning regulations identified in Article 10 of this ordinance.

Section 6.13. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 16.3 of this ordinance.

Section 6.14. RESIDENTIAL PURPOSES IN THE LR DISTRICT

The intent of residential uses within this zoning district is to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons, on a permanent or semi-permanent basis for an intended tenure of 30 days or longer. It is also prohibited within this zoning district to provide for or permit the rental of residential property for any incidental term of less than 30 consecutive days, or for any commercial rental use.

ARTICLE 7. RESIDENTIAL DISTRICT (R)

Article 7: Residential District

- Section 7.1. Intent
- Section 7.2. Principal Permitted Uses
- Section 7.3. Conditional Uses
- Section 7.4. Accessory Uses, Buildings and Structures
- Section 7.5. Site Development Regulations
- Section 7.6. Off Street Parking
- Section 7.7. Sign Regulations
- Section 7.8. General Regulations
- Section 7.9. Zoning Permit Required

SECTION 7.1. INTENT.

The intent of the Residential district is to provide for low density residential development with a limited number of civic/public and recreational facilities permitted.

Section 7.2. PRINCIPAL PERMITTED USES.

Within the (R) Residential district, unless otherwise specified in this ordinance, only the following principal uses, buildings or structures shall be permitted for by right.

Residential Uses (Sec. 2.2.2)	Civic Uses (Sec. 2.2.5)
Cottage or Vacation Home (Single Family) Single Family Residential	Government/Public Services Local Utility Services Park and Recreation Services Religious Services Safety Services

Section 7.3. CONDITIONAL USES.

Certain uses and buildings may be permitted in the (R) Residential district subject to specific conditions and requirements as outlined and approved by the board of adjustment intending to make them compatible with and acceptable to adjacent uses.

Residential Uses (Sec. 2.2.2)	
Assisted Living Residential Congregate or Senior Housing Family Home	Nursing Home Relocated Residential (single family only) Residential Healthcare Facility
Civic Uses (Sec. 2.2.5)	Commercial Uses (Sec. 2.2.3)
Daycare Center Educational Facilities Major Utility Services Pre-Kindergarten, Preschool or Nursery School Treatment Services	Communication Services (<i>See Section 10.21</i>)
	Ag & Open Space Uses (Sec. 2.2.1)
	Apiaries (<i>See Section 10.22</i>)

Section 7.4. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Permitted accessory uses shall not be the principal building or structure on any lot, and accessory uses, buildings and structures are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses, buildings and structures shall also comply with the provisions of Section 10.13. The following shall be permitted.

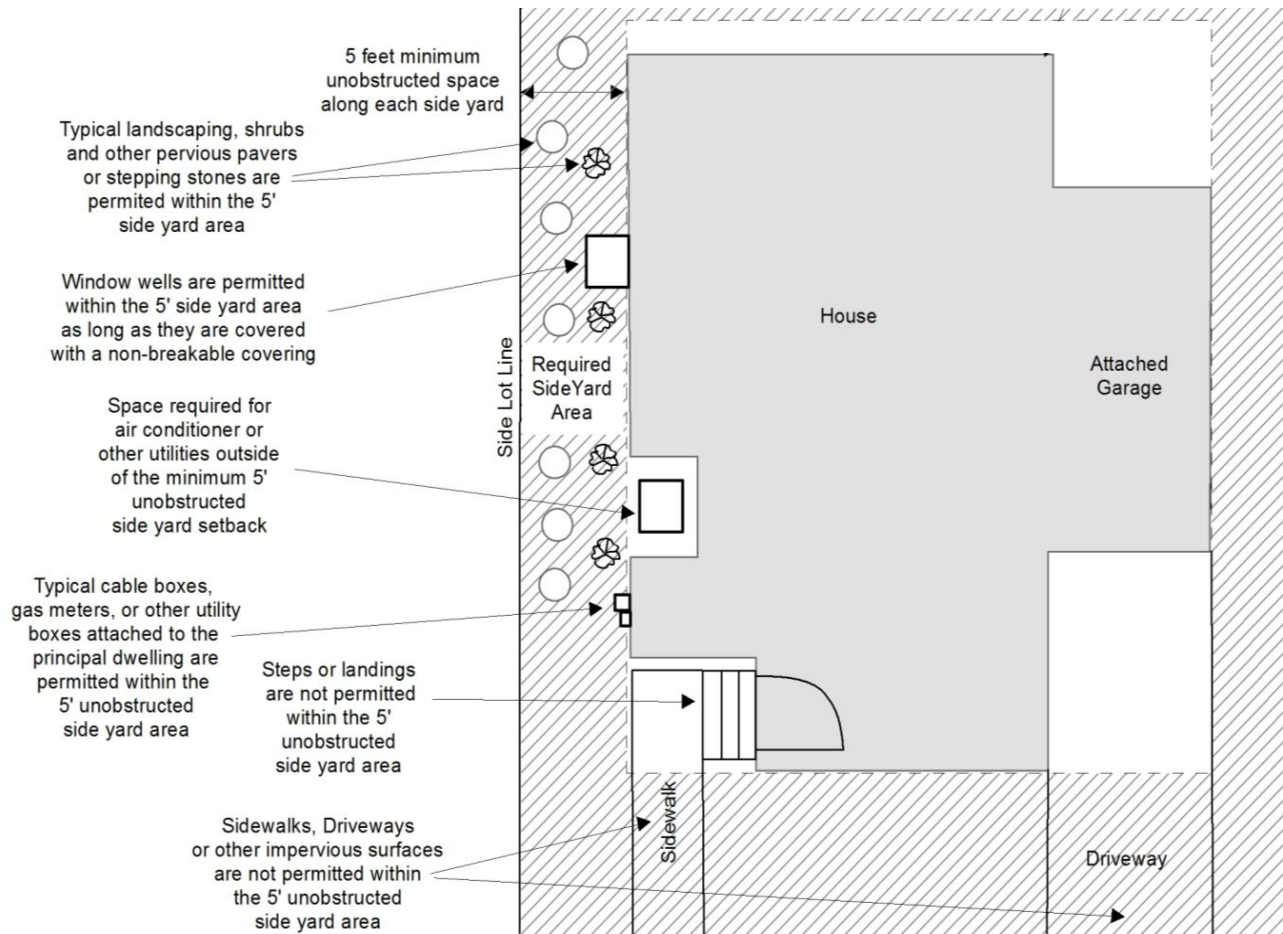
1. Essential services
2. Private garage or carport
3. Private parking lots
4. Personal recreational facilities for use by residents, and as defined as Residential Land Use Definition #10 in Section 2.2.2.
5. Radio, television, satellite dish, and other similar receiving or communication antennas for personal use. Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 10.21
6. Patios, cabanas, porches, gazebos, pergolas, and other incidental household storage buildings or structures
7. Personal utility sheds, garden buildings or greenhouses not used for commercial purposes
8. Solar collectors intended for private residential use
9. Home occupations, in compliance with Section 10.17
10. Water retention ponds and/or stormwater basins
11. The keeping of dogs, cats or similar domesticated animals as pets in a non-commercial kennel.
12. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 10.15
13. Accessory uses, buildings or structures customarily incidental and subordinate to the permitted uses, building and structures, as approved by the zoning administrator.

Section 7.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings, and structures in the (R) Residential district, and subject to the General Regulations contained in Article 10 of this ordinance.

Lot Area -	10,000 sq.ft. – minimum lot area for all uses
Lot Width -	75 feet - minimum lot width for all uses
Front Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Side Yard -	5 feet minimum required setback, of which must be unobstructed open space and contain pervious surfaces. Typical pervious landscaping and ground cover is permitted within the required side yard area. Please refer to the Side Yard Clearance map below for additional information.
Street Side Yard (Corner Lot) -	25 feet - minimum required setback

Side Yard Clearance Diagram



Height - 35 feet maximum height for all uses, unless otherwise provided in this ordinance or specifically exempted in Section 10.12 and in accordance with Article 12, Milford Fuller Airport Land Use and Height Overlay Regulations.

Minimum Open Space - 30 percent pervious area or natural greenspace

No minimum requirements for local utility facilities and essential services, except that above ground buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements. Utility structures, poles, and other ancillary equipment necessary for the conduct of such public use utility is exempt from yard setback requirements.

All residential dwellings must be constructed in compliance with Residential Dwelling Standards outlined in Section 10.18. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with Iowa Code § 435.26.

Section 7.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (R) Residential district in accordance with the provisions of Article 13 of this ordinance.

Section 7.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R) Residential district in accordance with the provisions of Article 14 of the ordinance.

Section 7.8. GENERAL REGULATIONS.

Certain uses, buildings, or structures in the (R) Residential district may be subject to supplemental general zoning regulations identified in Article 10 of this ordinance.

Section 7.9. ZONING PERMIT REQUIRED.

A zoning permit shall be required in accordance with the provisions of Section 16.3 of this ordinance.

Section 7.10. RESIDENTIAL PURPOSES IN THE R DISTRICT

The intent of residential uses within this zoning district is to use and/or the use of a room or group of rooms for the sleeping, living and housekeeping activities for the same person or the same group of persons, on a permanent or semi-permanent basis for an intended tenure of 30 days or longer. It is also prohibited within this zoning district to provide for or permit the rental of residential property for any incidental term of less than 30 consecutive days, or for any commercial rental use.

ARTICLE 8. COMMERCIAL DISTRICT (C)

Article 8: Commercial District

- Section 8.1. Intent
- Section 8.2. Principal Permitted Uses
- Section 8.3. Conditional Uses
- Section 8.4. Accessory Uses, Buildings and Structures
- Section 8.5. Site Development Regulations
- Section 8.6. Off Street Parking
- Section 8.7. Sign Regulations
- Section 8.8. General Regulations
- Section 8.9. Zoning Permit Required

SECTION 8.1. INTENT.

The intent of the (C) Commercial district is to designate certain areas of the community where commercial and retail businesses and service organizations can serve the convenience and shopping needs of the local consumers and seasonal visitors. Additionally, it is the intent of the Commercial district to designate areas adjacent to major traffic routes where both existing and future commercial uses cater to the motoring public are permitted.

SECTION 8.2. PRINCIPAL PERMITTED USES.

Within the (C) Commercial district, unless otherwise specified in this ordinance, only the following principal uses, buildings or structures shall be permitted by right.

Commercial Uses (Sec. 2.2.3)		
Administrative/Business Offices	Consumer Repair Services	Liquor Sales
Automotive Sales and Rental	Convenience Storage	Lumber, Landscape & Home
Automotive Repair Services	Convenience Store	Improvement Services
Automotive Washing	Ent. & Recreation (Indoor)	(indoor only)
Bed & Breakfast Inn	Financial Services	Medical Clinics/Offices
Boarding or Lodging House	Funeral Services	Personal Improvement Services
Building Maintenance/Support Services	General Retail Sales or Store	Personal Services
Building Reclamation and Retail Services (indoor only)	Golf Course	Pet Services (indoor only)
Community Center	Health Recreation Facility	Professional Offices
Commercial Off-Street Parking	Hospital Services	Restaurant (includes catering)
Condominium or Business Storage	Hotel or Motel	Service Station
	Laundry, Self-Service	Shopping Center
	Laundry Sales	
Civic Uses (Sec. 2.2.5)		
Charitable Institution	Educational Facilities	Public Assembly
Club or Lodge	Government/Public Services	Religious Assembly
Community Recreation	Local Utility Services	Safety Services
Cultural Services	Park and Recreation Services	Treatment Services
Daycare Center	Pre-K, Preschool or Nursery	

Section 8.3. CONDITIONAL USES.

The following uses and structures may be permitted in the (C) Commercial district subject to this ordinance intending to make them compatible with and acceptable to adjacent uses, and upon approval of the board of adjustment.

Commercial Uses (Sec. 2.2.3)		Industrial Uses (Sec. 2.2.4)
Adult Entertainment Businesses <i>(See Section 10.19)</i> Bar Building Reclamation and Retail Services (including outside storage or salvage) Business or Trade School Campground or RV Park Communication Services <i>(See Section 10.21)</i> Commercial Cottage Dwelling Commercial Garage Construction Sales and Services Entertainment and Recreation (outdoor)	Equipment Sales or Repair Kennel, Commercial Lumber, Landscaping & Home Improvement Services (outdoor storage included) Pet Services (including outside kennels) Resort Enterprise Scrap or Salvage Services Solar Farm Timeshare Vehicle Storage Veterinary Services	Custom Manufacturing Light Industry Warehousing and Distribution (Limited)
		Civic Uses (Sec. 2.2.5)
		Cemetery Major Utility Facilities
		Residential Uses (Sec. 2.2.2)
		Assisted Living Facility Congregate or Senior Housing Group Residential Nursing Home Residential Healthcare Facilities

Section 8.4. ACCESSORY USES, BUILDINGS AND STRUCTURES.

Permitted accessory uses shall not be the principal building or structure on any lot, and accessory uses, buildings and structures are to remain incidental and secondary in size, use, and nature to the principal permitted use. Accessory uses, buildings and structures shall also comply the provisions of Section 10.13. The following shall be permitted.

1. Essential services
2. Private garage or carport
3. Private parking lots
4. Radio, television, satellite dish, and other similar receiving or communication antennas for personal use. Communication services and other devices or structures intended for commercial use are considered a conditional use and shall comply with the provisions of Section 10.21.
5. Patios, cabanas, porches, gazebos, pergolas, and other incidental storage buildings or structures
6. Solar collectors intended for private use
7. Water retention ponds and/or stormwater basins
8. Any other commercial use type not listed as a permitted use in the same district, that is not considered a separate business, and is operated primarily for the convenience of employees, clients, or customers of the principal use.
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 10.15.

10. Accessory uses, buildings or structures customarily incidental and subordinate to the permitted uses, building and structures, as approved by the zoning administrator.
11. No water or sewer service shall be connected to mini-storage/convenience storage units on a rental basis. Those storage units that are condominium in nature and that own the building and land upon which the building sits are permitted to have permanent water and sewer services.

Section 8.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and conditional uses, buildings, and structures in the (C) Commercial District, and subject to the General Regulations contained in Article 10 of this ordinance.

Lot Area -	10,000 sq.ft. - minimum lot area for all uses
Lot Width -	80 feet - minimum lot width for all uses
Front Yard -	35 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Side Yard -	10 feet minimum required setback, of which must be unobstructed open space and contain pervious surfaces. Typical pervious landscaping and ground cover is permitted within the required side yard area.
Street Side Yard (Corner Lot) -	35 feet - minimum required setback
Height -	35 feet maximum height for all uses, unless otherwise provided in this ordinance or specifically exempted in Section 10.12 and in accordance with Article 12, Milford Fuller Airport Land Use and Height Overlay Regulations.
Minimum Open Space -	15 percent pervious area or natural greenspace

No minimum requirements for local utility facilities and essential services, except that above ground buildings constructed in support of utilities or essential services must comply with minimum yard setback requirements. Utility structures, poles, and other ancillary equipment necessary for the conduct of such public use utility is exempt from yard setback requirements.

Section 8.6. OFF-STREET PARKING.

Off-street parking and loading requirements shall be required for activities in the (C) Commercial district in accordance with the provisions of Article 13 of this ordinance.

Section 8.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C) Commercial district in accordance with the provisions of Article 14 of the ordinance.

Section 8.8. GENERAL REGULATIONS.

Certain uses, buildings, or structures in the (C) Commercial district may be subject to supplemental general zoning regulations identified in Article 10 of this ordinance.

Section 8.9. ZONING PERMIT REQUIRED.

A zoning permit shall be required in accordance with the provisions of Section 16.3 of this ordinance.

WEST OKOBOJI, IOWA “QUICK REFERENCE GUIDE”

ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Rear Yard	Required Side Yard	Street Side Yard (corner lot)
AG Agriculture	35 ft. (dwellings) None for ag uses	1 acre (43,560 sq.ft.)	125 ft.	50 ft.	50 ft.	30 ft.	50 ft.
CN Conservation	35 ft.	None for conservation uses 1 acre for all other uses	None for conservation use 100 ft. for all other uses	50 ft.	50 ft.	30 ft.	50 ft.
LR Lakeshore Residential	35 ft.	10,000 sq.ft. for all uses	50 ft.	25 ft. min. or line of sight on lakeshore	25 ft. street side	5 ft. Unobstructed space	25 ft.
R Residential	35 ft.	10,000 sq.ft. for all uses	75 ft.	25 ft.	25 ft.	5 ft. Unobstructed space	25 ft.
C Commercial	35 ft.	10,000 sq.ft. for all uses	80 ft.	35 ft.	25 ft.	10 ft. Unobstructed space	35 ft.

ft. = Feet

sq.ft. = Square Feet

SF = Single Family

OU = Other Uses

ARTICLE 9. SITE PLANS

Article 9: Site Plans

- Section 9.1. Intent
- Section 9.2. Scale
- Section 9.3. Legal Information
- Section 9.4. Site Plan

Section 9.1. INTENT.

Site plans are required for review and approval for new construction of any permitted or conditional use buildings, structures, accessory buildings and structures in any district. Interior remodeling projects and those exterior projects that do not change the size, cubic content or building footprint are exempt from site plan requirements. Although site plans, per these provisions, are not required for every project, it does not imply that such uses are exempt from the zoning permit process and any site drawings or plans required in the zoning permit.

Section 9.2. SCALE.

All site plans shall be drawn at a scale that legibly shows and accurately depicts the proposed improvements, but not less than 1" = 40'. The site plan shall be submitted with a zoning permit application. Three (3) copies of the site plan shall be submitted.

Section 9.3. LEGAL INFORMATION.

The site plan shall include the following legal information:

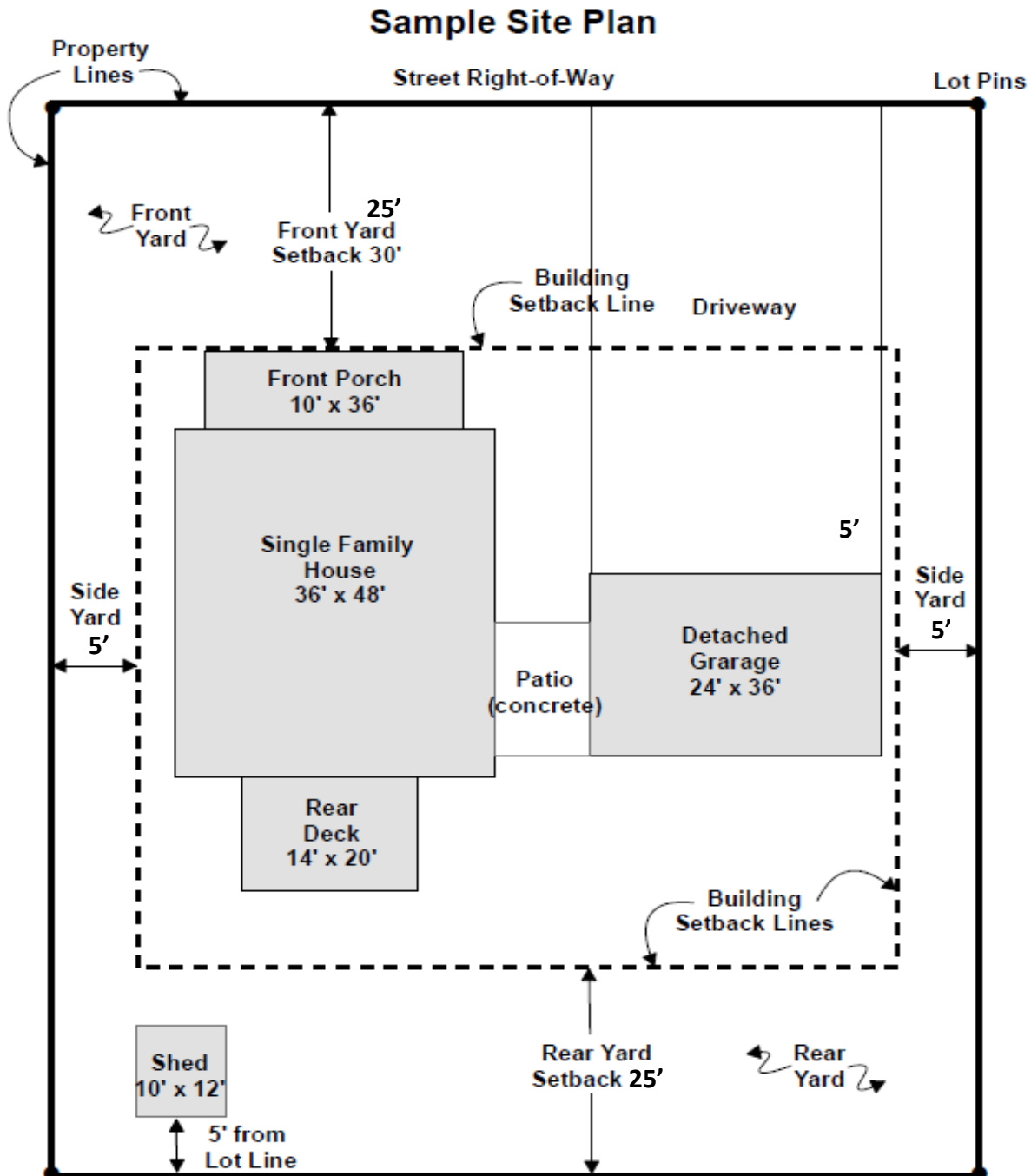
1. Owner's name, date of application and legal description of property to be improved.
2. Applicant's name, requested land use, and zoning.
3. If the applicant is other than the legal owner, the applicant's interest shall be indicated.

Section 9.4. SITE PLAN.

The site plan shall include and clearly illustrate the following information:

1. Property boundary lines, lot dimensions, and total area.
2. Dimensions of required yards and setbacks
3. If substantial topographic change is proposed, contour lines at intervals of not more than two feet (2') if requested by the zoning administrator.
4. The availability and location of existing utilities, if requested by the zoning administrator.
5. The proposed location, size, shape and type of all buildings or structures.
6. The total square feet of all proposed buildings, and individually if more than one building.
7. The number and size of dwelling units, if applicable.
8. Parking areas, number of parking spaces proposed, and type of surfacing to be used, etc.
9. Walkways, driveways, lighting, walls, fences, signs, and other man-made structures.
10. Buffers, landscaping, permanent retaining walls, and other materials used for screening purposes shall be illustrated.
11. Erosion or sediment control plan, and proposed storm water management to be used, if any.
12. Dimensions and location of open space, storm water site drainage and runoff control provisions that ensure storm water drainage does not exceed pre-development rates.
13. Traffic considerations, architectural themes, and any other considerations pertinent to the proposed use as requested by the zoning administrator.

A site plan shall be submitted, reviewed, and approved in compliance with this ordinance. A survey of property may be ordered by the zoning administrator for any property within the city that cannot show proof of capped lot pins or does not already have a certified survey of their property. If there is any doubt or question as to the location of current lot lines, such survey showing the location of such lot pins and boundary lines on the property in question shall be provided by the owner along with the zoning permit or other zoning application. In the event of an ordered survey, such survey shall be at the expense of the property owner and all lot pins are required must be located and marked by a certified land surveyor. No zoning permit will be issued until all required action is taken.



ARTICLE 10. GENERAL ZONING REGULATIONS

Article 10: General Zoning Regulations

- Section 10.1. Intent
- Section 10.2. Lot of Record
- Section 10.3. Relocated Residential Dwellings
- Section 10.4. One Residential Dwelling Per Lot
- Section 10.5. Multiple Principal Buildings or Structures per Lot
- Section 10.6. Basic Yard Regulations
- Section 10.7. Steps, Decks, Patios, and Other Concrete Surfaces
- Section 10.8. Fences, Hedges, Walls and Retaining Walls
- Section 10.9. Buildings to Have Access
- Section 10.10. Use of Public Right-of-Way
- Section 10.11. Lot Frontage Continuity
- Section 10.12. Height Exemptions
- Section 10.13. Accessory Buildings
- Section 10.14. Portable Accessory Buildings and Storage Structures
- Section 10.15. Temporary Buildings
- Section 10.16. Gas Stations, Service Stations, or Convenience Stores
- Section 10.17. Home Occupations
- Section 10.18. Minimum Residential Dwelling Standards
- Section 10.19. Adult Entertainment Regulations
- Section 10.20. Solar Regulations
- Section 10.21. Communication Towers
- Section 10.22. Apiary Regulations
- Section 10.23. Site Plans
- Section 10.24. Sale of Fireworks Regulations

Section 10.1. INTENT.

The regulations set forth in this article qualify, supplement, or modify, the zoning regulations set forth elsewhere in this ordinance.

Section 10.2. LOT OF RECORD.

Any lot of record at the time of passage of this ordinance having less lot area or lot width than herein required may be used for any use where such uses are permitted as provided in this ordinance. Only one principal building shall be permitted on one lot of record. Any lot of record at the time of passage of this ordinance shall maintain the required front, side, and rear yards as established by this ordinance on each side of the principal building or structure. However, where two (2) or more contiguous and adjoining substandard or nonconforming lots are held in common ownership, they can be combined into one (1) zoning lot and thereafter maintained in common ownership; and be considered by the city joined together to form an effective and conforming zoning lot. The combining of contiguous substandard lots for purposes of zoning conformance does not automatically mean the property is rezoned. If two or more contiguous lots are within different zoning districts, a rezoning request may be necessary to accommodate proposed uses. A lot of record at the time of passage of this ordinance having a lot depth of less than 100 feet may have the required rear yard reduced by twenty percent (20%), provided that no rear yard shall be less than 20 feet.

Section 10.3. RELOCATED RESIDENTIAL DWELLINGS.

Relocated residential dwellings shall submit a route plan and photographs of the building to be

moved with a conditional use application. All relocated residential dwellings shall be permitted as conditional use issued by the board of adjustment. Upon review of the information submitted, the board shall consider the aesthetic appearance of such submitted relocated dwelling and how the relocated dwelling fits into the character and appearance of the existing neighborhood. A conditional use permit must be obtained prior to moving a building or structure into West Okoboji.

Section 10.4. ONE RESIDENTIAL BUILDING PER LOT.

Except as provided herein, there shall not be more than one (1) principal residential building placed upon a lot, specifically within the LR and R zoning districts.

Section 10.5. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

More than one principal structure not intended to be a single family residential dwelling may be erected on a single lot, except within the LR and R districts. Multiple principal structures per lot in all other zoning districts are subject to the following conditions.

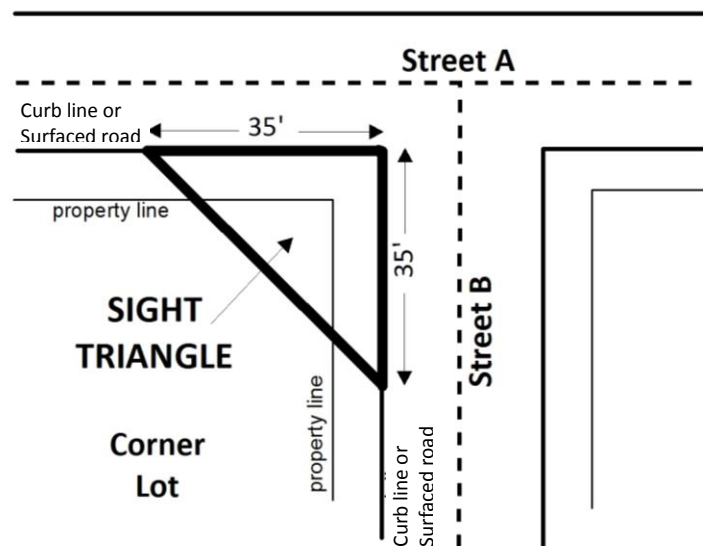
1. No principal building shall be located closer than twenty-five feet (25') in relation to another principal building on the same lot, so as to cause danger from fire.
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles, upon review and approval of West Okoboji public safety officials.
3. Each of the multiple principal buildings on the same lot shall be accessible to pedestrians via required parking and adequate ingress and egress access to each building.

Section 10.6. BASIC YARD REGULATIONS.

1. *Projecting Overhang or Structure.* The ordinary horizontal projection from buildings including eaves, sills, fascia, cornices, or other similar architectural and ornamental features, not including gutters, must stay within the required yard setback area of any lot or property.

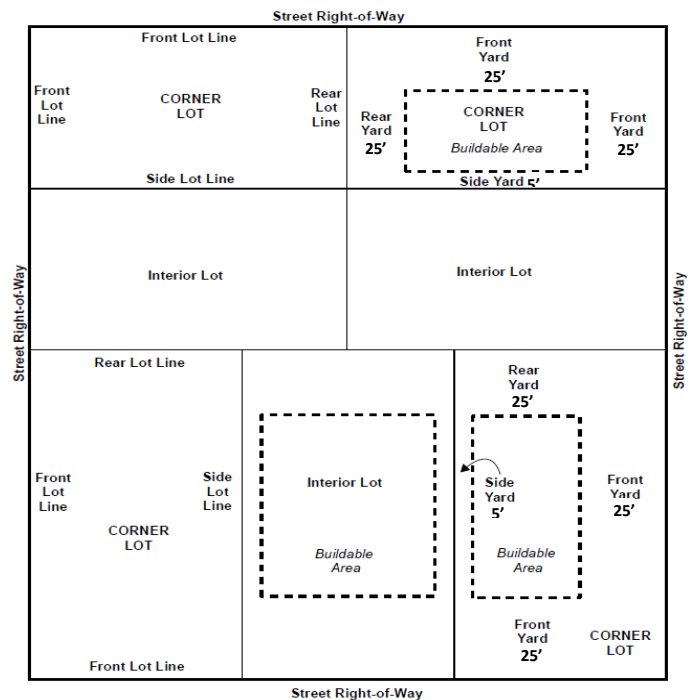
2. *Line of Sight Visibility (at intersections).*

On a corner lot in any district, no natural or manufactured objects aside from public safety or utility owned structures shall be erected, placed, or planted after the effective date of this ordinance in such a manner that will obstruct vision between a height of two feet (2') and ten feet (10') above ground within a triangular area formed by connecting at a point at the intersection of the two streets abutting the corner lot and extending that line thirty-five feet (35') in each direction from the surfaced road or curb line corner as measured along the street or surfaced roadway line. The city also reserves the right to enforce the sight triangle of visibility for public safety purposes on undeveloped lots in which a zoning permit is issued for the proposed development of new buildings or structures, if such existing obstructions are currently located within the sight triangle. (See diagram)



3. *Utilities.* Nothing in this ordinance shall have the effect of prohibiting utility service lines, utility connections, or utility boxes from encroaching into any required yard space.
4. *Corner Lots.* The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, and no accessory building shall project beyond the required front yard on either street. (See diagram)

Sample Corner
Lot Yard Areas
Diagram



5. *Through Lots.* Buildings on through lots, extending from street to street, shall provide the required front yard on both streets.
6. *Yard Encroachments.* Air conditioning units, compressor units, L.P. tanks, heat pumps, or other such similar devices may not encroach into the required side yard. Carports, bay windows, cantilevered projections, chimneys, and other permanent structures attached to the principal building may not project into the required yards. Window wells may be permitted to project into a required yard area so long as the window well is covered with a solid cover level with the abutting ground.

Section 10.7. STEPS, DECKS, PATIOS AND OTHER CONCRETE SURFACES.

Steps or stairs providing access to any dwelling, building or structure may not encroach into any required yard setback area. Landings higher than twelve inches (12") above the abutting ground shall not be permitted to encroach into any required yard setback area.

Decks higher than twelve inches (12") above the abutting ground surface shall comply with required yard setbacks. No covered decks, patios or any other covered structures may project into any required yard setback area.

Patios, pavers, other impervious surfaced areas, or other concrete slab structures constructed at grade level shall be allowed within the required front, side, or rear yards. However, no patio or other impervious surface shall encroach closer than two feet (2') to the side or rear property lines, except that within the LR zoning district, a paved driveway may connect the parking or storage area to the street or public access in the rear yard (street side). If a railing, wall, terrace, or any other above ground structure is built as part of the patio, all above ground structures shall comply with required yard setbacks.

Lakeshore Steps and Access may include wood, concrete, patio stones, pavers, or other natural or manufactured landscaping materials. Such materials are permitted in the LR district as a means

of a ground level walkway, steps, or access from the principal and/or accessory buildings to the lakeshore. Any walkways to the lakeshore for the purpose of access shall be no more than four feet (4') wide unless otherwise required for handicapped accessibility.

Driveways and parking areas within front yard areas of residential zoned properties (or the rear yard [street side] in the LR district) are permitted if the designated surfaced or concrete driveway is no larger than the width of the garage or designated parking space it is designated for and extends from the garage or designated parking space to the street. Furthermore, additional off street paved parking in the front yard (or rear yard in the LR district) shall be limited to no more than twelve feet (12') beyond either side of a driveway to be used for auxiliary parking spaces. A sidewalk extending the width of the lot and paved access to the front door is also permitted. All such driveways, parking areas or sidewalks also factor in as impervious surfaces (unless such pervious paving or other pervious surfaces are utilized) when calculating the open space on the lot.

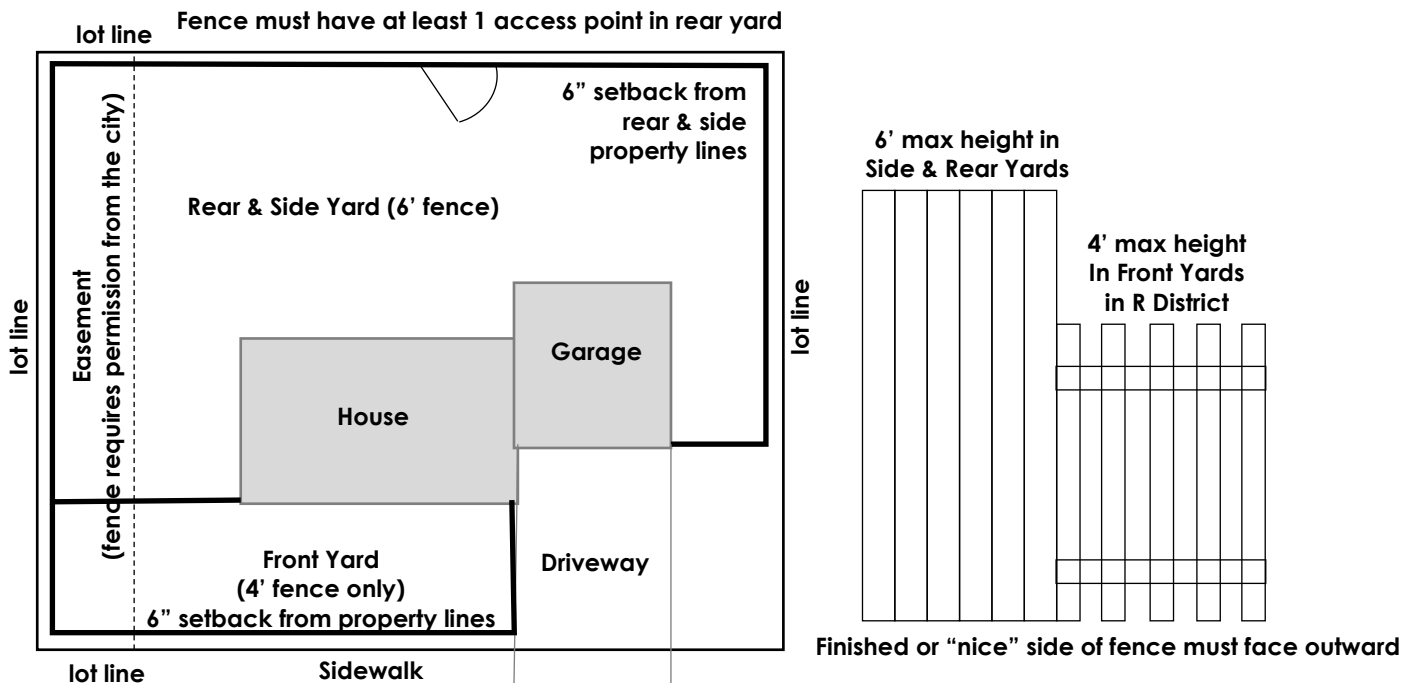
Section 10.8. FENCES, WALLS AND RETAINING WALLS

For purposes of this section, the term “fence” means a constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

1. Fences in any zoning district other than the LR district shall not exceed four feet (4') in height in any front yard. Fences less than four feet (4') may be located on any part of a lot.
2. In the LR district, no fence may be constructed within the front yard beyond the building line of sight, as indicated in Section 6.6.
3. No fences are allowed within the “sight triangle” on any lot in accordance with Section 10.6.2. No fence shall obscure clear view of traffic at street intersections or driveways so as to create a safety hazard to pedestrians or vehicular traffic.
4. Except as provided above, fences shall not exceed six feet (6') in height in any required side or rear yards. Fences more than six feet (6') may be allowed in the cases of tennis courts, swimming pools, other recreational amenities, or for commercial and industrial uses upon review and approval of a conditional use by the board of adjustment.
5. Determining the maximum height for fences and walls shall be made by measuring from the existing grade of the yard adjacent to the fence prior to construction of such fence to the top of the finished fence structure.
6. Fences or walls shall not be closer than six inches (6”) to any property line. Except that fences and walls may be placed up to the property line by written agreement of adjoining property owners.
7. If there is one side of the fence that is the decorative or “finished” side of the fencing material, such finished side of the fence shall be placed facing outward from the property it is installed on.
8. In the case of retaining walls, the height requirements specified in Part 4 above shall apply only to that part of the retaining wall above the ground surface of the retained land.
9. Retaining walls are not subject to yard setback requirements if used for terracing land, holding back failing natural slopes, or changing the contour of land for development purposes. With

that stated, all retaining walls and any subsurface structural components to support such retaining walls must be located entirely on the property of the owner of such retaining wall.

10. It is the responsibility of the property owner to locate all easements prior to constructing or placing a fence. Said fence construction over any easement requires written permission of the city or easement holder. The city or any easement holder may remove such fence at any time for necessary access to the easement, or for repairs of utilities in the easement. Replacement of any removed fence shall be at the expense of the property owner.
11. Fences shall not be constructed of non-treated or natural wood products; corrugated tin, corrugated metal, or corrugated fiberglass; or sheet metal. Fences may be constructed from chain link, non-decomposing wood products (e.g. pressure-treated, redwood, cedar, etc.), molded plastic, vinyl, or wrought iron. The zoning administrator may approve other materials.
12. Garden fences are exempt from zoning regulations, except that no garden fence shall create a traffic or pedestrian hazard or be located within the front yard or street side yard.
13. Fences in side and rear yards shall have at least one (1) access point, to allow for access for public safety and utility purposes.
14. Disputes between property owners concerning fences and/or plantings, trees, bushes, hedges or other natural or manufactured structures obstructing views, sunlight or air shall be considered a civil matter between private parties and shall be resolved in a court of law.



Section 10.9. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered shall be on a lot or parcel having frontage on a public street, road or public right-of-way; and every lot or parcel shall have the ability to be connected to public water and sewer from such developable lot.

Section 10.10. USE OF PUBLIC RIGHT-OF-WAY.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this ordinance.

Section 10.11. LOT FRONTAGE CONTINUITY.

In the case where a block front is improved with buildings amounting to more than thirty percent (30%) of the total number of lots, on one side of a street between two intersecting streets, then no part of any new building or structure shall project beyond a line joining the farthest projecting points of the two nearest buildings on either side thereof. Where there is a building on only one side, then no part of any new building shall project beyond a line projected from the corresponding adjacent corners of the nearest buildings. In all zoning districts other than the LR Lakeshore Residential district, no building shall be required to provide a front yard greater than thirty-five feet (35'). In the case where the block front improved with buildings amounts to less than thirty percent (30%) of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yard setbacks of the district shall be enforced.

Section 10.12. HEIGHT EXEMPTIONS.

No building shall exceed a height of thirty-five feet (35'), unless otherwise provided in this ordinance. Non-dwelling agricultural buildings are exempt from the height requirements of this ordinance. Height regulations shall not apply to church spires, belfries, farm buildings, tanks, water towers, fire towers, stage towers or scenery lofts, chimneys, cooling towers, grain elevators, bulk-heads, conveyors, drilling rigs, monuments, flagpoles, ornamental towers, and other necessary mechanical appurtenances may be erected to any height, not in conflict with any other applicable regulations. All buildings and structures shall be reviewed accordingly for height regulations in accordance with the Milford Fuller Airport Land Use and Height Overlay Regulations identified in Article 12 of this ordinance. Communication towers and antennas shall be built to a height in conformance with the regulations set forth in Section 10.22.

Section 10.13. ACCESSORY BUILDINGS, STRUCTURES AND USES.

Accessory buildings, structures and uses customarily incidental to the principal building or dwelling may be constructed, located or established as permitted, provided they comply with the following regulations.

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the lot. In this instance, attached shall be considered a shared or attached roof line or a shared or attached common wall.
2. Accessory buildings or structures are not permitted within the front yard, in any zoning district, except for decks according to the provisions of Section 6.6, deck line of sight in the LR Lakeshore Residential district.
3. Accessory buildings located entirely within the rear yard may be located no closer than two feet (2') of the side or rear lot lines.
4. If any overhead door faces an alley or other public right-of-way, the minimum setback must be at least fifteen feet (15').

5. Accessory buildings located on a corner lot may be located no closer to any public street right-of-way or property line, than the principal building on the same lot.
6. Accessory buildings shall be limited to a maximum of three (3) total buildings, including a detached garage; of which all total accessory buildings shall not occupy more than thirty percent (30%) of the rear yard. All accessory buildings within any zoning district, including detached garages, shall be no larger than 1,500 square feet.
7. Accessory buildings shall not be used for dwelling purposes.
8. An open unenclosed porch or any deck structure may not project beyond the deck line of sight in the LR Lakeshore Residential district and shall not project into any required front yard in all other zoning districts.
9. No accessory buildings or structures shall be constructed within any side yard.
10. Accessory buildings shall not be erected within any permanent easement unless written permission is granted by the easement holder.
11. Residential accessory buildings shall not exceed a maximum height of twenty feet (20'). Commercial accessory buildings shall not exceed a maximum height of twenty-five feet (25'). In any case, no accessory building shall exceed the height of the principal dwelling or building on the lot.
12. Accessory buildings shall not be constructed upon a lot until the construction of the main building has commenced; and accessory buildings shall not be used unless the main building on the lot is also being used.
13. Accessory buildings shall not be erected, placed, constructed or moved within six feet (6') of any principal building on the same lot or adjacent lots.
14. Accessory buildings shall not be constructed, including siding and roofing materials, from galvanized corrugated metal, galvanized sheet metal, corrugated fiberglass or plastic, and sheet fiberglass or plastic.
15. No existing accessory building shall be moved or relocated into a residential district without approval from the board of adjustment.
16. In a circumstance in which a fence, ramp, or other structure required for safety or access due to a bona fide personal physical handicap for the primary resident, occupant or owner of the premises, an accessory structure may be permitted to encroach into the required front yard provided such accessory structure is approved by the zoning administrator.
17. Accessory buildings within any residential zoned district shall not be used for the storage of commercial uses or used in support of commercial businesses or activities of any type, even home occupations. Accessory buildings located in any residential zoned district are intended to be used for the direct support and accessory of only residential purposes.
- 18.a. Accessory buildings including all garages, storage buildings, garden sheds and any other portable or permanent accessory use or buildings associated with a principal building that is removed for any reason (nuisance property, demolition, moved, destroyed by natural or man-made hazard, etc.) shall also be removed from the property and not be permitted to be used as the principal use on the lot without a house or other principal residential use.

- 18.b. In lieu of Part 18.a. above, the zoning administrator may approve and allow a property owner to retain an existing accessory building on a lot if the principal building is removed. Any accessory building remaining on an otherwise vacant lot shall be permitted to remain for only one (1) year prior to the moving or commencement of construction of a new principal dwelling on the lot. Otherwise, the accessory building will be required to be moved from the site or demolished. The property where the accessory building is located shall be maintained during all seasons as if the principal building or dwelling were still on the lot.
- 18.c. If a principal building is removed, demolished or damaged beyond repair and the adjoining property owners wish to purchase the property and remaining accessory buildings, such accessory buildings shall be permitted to remain as long as the property owner takes measures to have the two or more parcels legally combined into one new parcel, and such combining or parcels does not change the nonconforming status of any nonconforming accessory building that may be located on such lots.

Section 10.14. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. “Storage Structure” shall mean one of the following definitions:

Membrane Storage Structure: A temporary structure consisting of a frame covered with a plastic, fabric, canvas, aluminum, or other non-permanent material, which is used to provide temporary storage for vehicles, boats, recreational vehicles, or other personal property. The term also applies to structures commonly known as hoop buildings or tent garages; but shall not apply to carports permanently or physically attached to the ground or other structure or temporary tents and canopies used for special events such as weddings or graduations.

On-Demand or On-Site Storage Structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal or commercial property, which is located outside an enclosed building. The term does not include temporary or permanent sheds, garages, outbuildings, or membrane storage structures.

2. The term “storage structure” shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.
3. *Residential and Lakeshore Residential zoning districts.*
Temporary membrane storage structures are not permitted on any residential properties. A permanent storage structure with a hard roof (such as a carport structure) may be permitted on any property if the structure is permanently attached to the ground, concrete driveway, or hard surface, or permanently attached to a principal or accessory structure. A temporary portable on-demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 30 days for purposes of packing, shipping or moving materials from a permanent structure; unless otherwise authorized in accordance with Section 10.15 Part 1.g. as authorized by the zoning administrator.
4. *Commercial and all other zoning districts.*
A temporary storage structure (for periods not to exceed 30 days) for other than residential purposes is permitted as an accessory structure but shall be located on the property within the

permitted rear yard area so as not to obstruct any drive access or block required off-street parking spaces. Where a business or industry is located on a through lot or corner lot, any on-site storage structure must be screened appropriately from adjoining properties or streets. Membrane storage structures may be permitted only for temporary storage for no more than 30 days.

Section 10.15. TEMPORARY BUILDINGS AND USES.

Provisions authorizing temporary buildings and uses are intended to permit occasional, temporary uses when consistent with the purposes of this ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The zoning administrator may authorize the following temporary uses, subject to specific limitations herein.
 - a. Temporary building(s) for construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
 - b. Temporary residential occupancy on the site of an active construction project.
 - c. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - d. Outdoor sales, including swap meets, flea markets, parking lot sales, or similar activities limited to locations in commercial zoning districts.
 - e. Outdoor art and craft shows and exhibits.
 - f. Christmas tree sales lots
 - g. Temporary use of trailer or storage units, or similar portable structures, limited to a maximum period of 6 months per calendar year.
 - h. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises.
 - i. Additional similar uses determined to be temporary by the zoning administrator.
2. *Required Conditions of Temporary Use:* Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, screening or enclosure, and guarantees for site restoration and cleanup.
3. *Determination and Authorization:* The zoning administrator may authorize a temporary use when, in the zoning administrator's judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity; and will not create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity. Any temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

Section 10.16. SERVICE STATIONS, AUTO REPAIR SHOPS & CONVENIENCE STORES.

Service stations, automobile repair shops, and convenience stores shall be subject to the following regulations:

1. *Location of Ingress and Egress.* No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within one hundred-fifty feet (150') as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').
2. *Location of Oil Drainage Pits and Hydraulic Lifts.* All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.
3. *Gasoline Dispensing Pumps.* Service stations and convenience stores shall have their gasoline pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. When located in commercial districts, gasoline dispensing pumps shall not be considered as accessory structures.

Section 10.17. HOME OCCUPATIONS.

Home occupations are an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a dwelling unit for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

1. A home occupation shall be conducted entirely within a dwelling unit; or entirely within an attached accessory building (not to include a carport, driveway, yard or outside area, or detached accessory building).
2. A home occupation must be carried on by a member of the family residing in the dwelling and may employ only one (1) unrelated person living outside of the residence and members of the immediate family.
3. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term.
4. The home occupation shall not generate customer related vehicular traffic substantially more than the normal anticipated residential traffic.
5. The use must not infringe upon the right of neighboring residents to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
6. A home occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit.
7. A home occupation has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one exterior, flush mounted, non-illuminated sign not to exceed twelve (12) square feet in size.
8. Daycare facilities, as a home occupation, are permitted and regulated per state regulations.
9. The following businesses or occupations shall not be permitted as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk or salvage yards, restaurants, rental outlet, vehicular repair shops, tattoo or massage parlors, or any form of adult oriented business.

Section 10.18. MINIMUM RESIDENTIAL DWELLING STANDARDS.

All buildings intended for residential occupancy placed, erected, assembled or constructed after the effective date of this ordinance shall comply with the minimum requirements set forth below:

1. *Building Size.* All residential buildings, including site-built dwellings, factory-built (modular) houses, and mobile homes located outside of a mobile home park and converted to real estate, shall have a main body with a minimum exterior width of at least twenty-four feet (24') measured from outside of the exterior walls. A residential building may include porches, sunrooms, garages and wings of lesser dimensions and area so long as the main body meets the minimum requirements.
2. *Minimum Floor Area.* All residential buildings shall have a minimum floor area of not less than twelve hundred square feet (1,200 sq.ft.).
3. *Foundation.* All residential buildings shall have a continuous and complete frost-protected perimeter foundation or an approved frost-free permanent foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier or post foundation system designed and constructed to be compatible with the building and the site. Foundation materials may be masonry, poured concrete, wood or metal. The structure must be permanently attached to the foundation.
4. *Exterior Materials.* Exterior wall covering shall be customary residential construction material including, but not limited to, wood, masonry, concrete, vertical or horizontal grooved siding, lap siding, painted and finished metal siding, or have a typical residential appearance thereof. Roofing materials shall include, but not limited to, shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal. Smooth, unfinished, or corrugated metal or fiberglass shall not be used for exterior wall or roof covering. Soffits, eaves, window, and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl, or wood or unfinished metal, such as copper, customarily used for residential trim.
5. *Wheels, Axels, or Towing Device.* No residential building shall have attached wheels, axels, or a towing device.
6. *Minimum Residential Occupancy and Use.* All residential buildings with attached garages or other attached accessory building(s) and/or uses shall maintain a minimum residential occupancy for the entire building of at least 51 percent. This means that the occupied living space in the residential building, including but not limited to the kitchen, living, bedroom, and restroom areas must be larger in square feet than attached accessory building(s) and/or uses.

Section 10.19. ADULT ENTERTAINMENT BUSINESSES.

The City of West Okoboji finds adult entertainment businesses require special consideration to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the community. Such adult entertainment businesses, because of their very nature, have a detrimental effect on both existing uses surrounding them and adjacent residential areas. Adult entertainment businesses often have serious objectionable operational characteristics, thereby contributing to blight, and downgrading the quality of life in the adjacent area. The concern over sexually-transmitted diseases is a legitimate health concern of West Okoboji citizens that

demands reasonable regulation of adult entertainment businesses to protect the health and well-being of the community. The community wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight. It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to address the secondary effects of adult entertainment businesses as well as the problems associated with such establishments.

1. *Adult Entertainment Defined.* Adult entertainment businesses consisting of, including, or having the characteristics of any or all the following.

- a. *Adult Entertainment:* Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
- b. *Adult Entertainment Business:* Any establishment including, without limitations, adult bookstores, novelty stores, video stores, cabarets, nightclubs, bar, restaurants, motels, hotels, picture theatres or any other place offering adult entertainment, with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises offering topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers. Adult entertainment establishments further means those places which are arranged to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult motion pictures, or adult entertainment dancing.
- c. *Operators:* Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult entertainment business.
- d. *Specified Anatomical Areas:* Less than completely and opaquely covered female or male genitals, pubic region or buttocks, and the fully exposed female breasts.
- e. *Specified Sexual Activities:* Simulated or actual acts of:
 - (i) Showing of specified anatomical areas in a state of sexual stimulation or arousal.
 - (ii) Actual or simulated acts of sexual intercourse, sodomy, or sado-masochism.
 - (iii) Fondling or erotic touching of specified anatomical areas.

2. *Locational Requirements and Restrictions.*

An adult entertainment business shall be permitted within the City of West Okoboji only in the (C) Commercial district upon receipt of a site plan in accordance with Article 9, a conditional use permit in accordance with the procedures set forth in Article 21; and only if it meets all the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district from which the proposed adult entertainment business is to be separated.

- a. Adult entertainment businesses shall be prohibited within 1,000 feet of any residential district.
- b. Adult entertainment businesses shall be prohibited within 1,000 feet of any church, synagogue, mosque, temple, or other place of religious worship.

- c. Adult entertainment businesses shall be prohibited within 1,000 feet of any public or private school.
- d. Adult entertainment businesses shall be prohibited within 1,000 feet of any public park or playground. For purposes of this section, hiking paths, trails, waterways and boat launches shall not be deemed a public park.
- e. Adult entertainment businesses shall be prohibited within 1,000 feet of any other adult entertainment business.

3. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment business to allow merchandise or activities to be visible from a point outside the business. Furthermore, adult entertainment businesses shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

4. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs with the authorization, knowledge, or approval of the operator or because of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator committed the act or omission.

5. *Minors.*

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment business at any time the establishment is open for business. The operator is responsible for monitoring public entrances during regular business hours.

Section 10.20. SOLAR COLLECTORS.

Solar collectors, solar panels, and other devices intended for generating solar energy are permitted as accessory structures, subject to the height and site development regulations of Section 10.13 of this ordinance. Any solar panel, solar collector or accessory solar equipment shall not be placed within any front yard or side yard area of any lot. The height limit in all zoning districts shall apply to free standing solar devices and ancillary equipment placed upon the ground. The maximum height limits shall apply to solar panels or solar collectors mounted on any building or structure. All solar devices and ancillary equipment such as generators, utility boxes, etc. located on the ground consisting of more than one (1) grouping of solar panels shall be encompassed with a privacy fence in accordance with the fencing requirements identified in Section 10.8 of this ordinance. Solar panels and solar collectors shall not be constructed or operated to cause glare or reflections upon existing neighboring residential structures; except for the owner of such solar panels or solar collectors.

Section 10.21. COMMUNICATION TOWERS.

The purpose of this section is to provide for the regulation of contractors engaged in the construction, erection, placement, or location of freestanding communications towers in the city

of West Okoboji. These regulations do not apply to personal satellite dishes, or other antennas attached to a structure or accessory building and used for personal or residential enjoyment.

1. “Communication Tower” means a structure, tower, antenna, or other facility primarily engaged in the provision of broadcasting and information relay services accomplished using electronic, cellular, or other mechanisms but exclude those classified as major utility facilities. Typical uses include but not limited to telecommunication towers, radio, cellular and other receiving towers, antennas or structures and amateur radio communications including voluntary and noncommercial communication services.
2. Communication towers shall be permitted under a conditional use permit within specified zoning districts within the city. The conditional use application shall include drawings, plans and other necessary documents describing the intent, layout, and construction or installation. Such conditional use permit for communication towers may be revoked upon notice to the owner and following opportunity for a public hearing before the board of adjustment, for a violation of any applicable city ordinance, state or federal statute or regulation.
3. The issuance of a conditional use permit for construction or installation of communication towers shall not relieve any permittee, applicant, or owner from compliance with all legal requirements or from liability for damage or loss resulting from the placement, construction, or maintenance of the tower. The City of West Okoboji assumes no liability whatsoever by issuance of a conditional use permit for a communications tower.
4. The minimum distance from the base of the tower to the nearest property line of the tower site shall not be less than one hundred ten percent (110%) of the tower height, except that no setback shall be less than any required yard setbacks in the zoning district.
5. Communication towers are exempt from the height limitations in this ordinance, except in conformance with the airport height zoning regulations found in Article 12. The height of a communication tower shall be measured from the base of the tower or structure of which it is attached, to the tip of the structure, antenna or tower being measured.
6. The communication tower base shall be designed or constructed to provide a secure environment and prevent unauthorized access to the tower base.
7. All towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.
8. The city shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio).
9. Abandoned or decommissioned communication towers shall be removed within twelve (12) months of the discontinuance of such use, and it shall be the responsibility of the property owner to have such tower properly removed or dismantled.

Section 10.22. APIARY REGULATIONS.

Apiary regulations are those rules governing the use of bees, hives and all other uses and structures pertaining to the keeping or raising of bees.

1. Apiaries, bees and beehives are permitted by conditional use in the AG, CN, and R districts in the City of West Okoboji for those to raise bees and produce honey.

2. All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
3. All bee hives shall be set back at least 200 feet from property lines of schools and daycare facilities. All bee hives shall be set back at least 10 feet from any property line it is located on.
4. In the event a colony or beehive is located closer than 25 feet to any property line or areas used for public recreation or public assembly, the beekeeper must maintain a flyway barrier at least six feet (6') in height, consisting of a solid wall beyond the colony in each direction so as to force the bees to fly at an elevation of at least 6' above ground in vicinity of the apiary.
5. Each property owner or beekeeper shall keep and maintain a viable and non-stagnant water source available at all times so that bees will not congregate at other nearby water sources where they may come into contact with humans or domesticated pets.
6. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a substandard or homemade hive which, by virtue of its condition, is obviously abandoned is considered unlawful and may be destroyed or removed by the city.

Section 10.23. SITE PLANS.

After the effective date of this ordinance, all new construction of principal or accessory dwellings, buildings or structures; and any addition to existing principal or accessory buildings or structures on any lot or property shall require a site plan prepared by a certified land surveyor in accordance with the requirements of Article 9. Any detached accessory building less than 64 square feet may be exempt from the provisions of a site plan by a certified land surveyor; however, such building or structure is still subject to all required yard setbacks and property lines of which shall be properly identified by the owner or applicant.

Section 10.24. SALE OF FIREWORKS REGULATIONS.

The City of West Okoboji finds that businesses or establishments that are involved in the retail or wholesale sale of fireworks required special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the community. Such businesses or establishments that are involved in the retail or wholesale sale of fireworks, because of their very nature, may have a detrimental effect on both existing uses surrounding them and adjacent residential areas. The concerns over the explosive nature of fireworks and the fire safety aspects of fireworks are legitimate safety concerns of West Okoboji citizens that demand the reasonable regulation of the retail or wholesale sale of fireworks in order to protect the safety and well-being of the community. West Okoboji wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased fire risk; preserve the quality of life; and preserve the property values and character of the surrounding area.

1. *Definitions.*

Fireworks: Shall mean consumer fireworks as defined under Iowa Code section 727.2, which definitions are incorporated herein by reference.

2. *Locational Requirements and Restrictions.*

Any business or establishment that is involved in the retail or wholesale sale of fireworks shall be permitted within the City of West Okoboji only in a single story at grade permanent building

that meets the requirements of Iowa Code Section 100.19, in the (C) General Commercial zoning district upon receipt of a site plan prepared in accordance with Article 9, receipt of a conditional use permit in accordance with the procedures set forth in Article 21; upon receipt of consumer firework seller license as state in Iowa Code Section 100.19, upon receipt of documentation that the permanent building meets or exceeds the national fire protection association (NFPA) standard 1124 published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles (2006 edition), as required in Iowa Code Section, 100.19; proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000; and only if it meets all of the additional requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening structures or objects, from the main entrance of such business or establishment that is involved in the retail or wholesale sale of fireworks to the point on the property line of such other use.

- a. Businesses or establishments that are involved in the retail or wholesale sale of fireworks shall be prohibited in or within 500 feet of the borders of a residential (R) district.
- b. Businesses or establishments that are involved in the retail or wholesale sale of fireworks shall be prohibited within 500 feet of any public or private educational uses.
- c. Businesses or establishments that are involved in the retail or wholesale sale of fireworks shall be prohibited within 500 feet of any recreational uses.
- d. Businesses or establishments that are involved in the retail or wholesale sale of fireworks shall be prohibited within 500 feet of any daycare home or daycare business.
- e. Business or establishments that are involved in the retail or wholesale sale of fireworks shall be prohibited within 500 feet of a service station or fuel storage facility.

3. *Retail or wholesale sale of fireworks requirements.*

- a. Not more than 100 pounds of total aggregate weight of fireworks shall be located inside a commercial business with other mercantile products for sale.
- b. Not more than 500 pounds of total aggregate weight of fireworks shall be located inside a building where fireworks are the primary business.
- c. Smoking, open flame source, or matches shall not be located within 50 feet where fireworks are sold. The following exemptions apply:
 - i. Lighters and matches may be sold as part of a retail business in commercial structures who engage in other merchandise sales where fireworks are not the primary business.
 - ii. Businesses or establishments that engage in firework sales as a primary source of revenue may sell extended lighters so long as lighters are located in a sealed package and not opened within the store premises.
- d. All electrical wiring shall meet NFPA 70 *National Electrical Code*. Permanent structures or buildings used primarily for fireworks sales shall meet wiring requirements for a hazardous location, including covered light fixtures to avoid sparks upon failure or damage to lights.
- e. Businesses or establishments shall maintain 48-inch clear aisles between firework display shelves.

- f. Businesses or establishments shall maintain two approved exits for egress during an emergency. All approved exits shall be clearly marked with signage; except that, exit signs shall be illuminated in permanent structures.
- g. Firework sales shall only be permitted in a single story at grade building or structure to facilitate easy exiting during an emergency.
- h. Businesses or establishments shall have a minimum of two 10 pound ABC rated fire extinguishers mounted in accordance with NFPA 10. Additional fire extinguishers shall be placed in locations to prevent travel distance exceeding 75 feet in order to reach a fire extinguisher.
- i. All doors used as service doors outside the view of a clerk shall be locked to prevent unauthorized persons from entering the building unnoticed. If doors are approved exit doors as part of the two approved exits needed, they shall be operable without special tools, keys, or knowledge. Delayed or alarmed egress doors are permitted so long as release is activated within 8 seconds.
- j. No persons under the influence of alcohol, drugs, or narcotics, shall be allowed to remain in the business where fireworks are sold as a primary business.
- k. Individual firework devices or opened firework packages shall not be permitted to be displayed. No open fuses shall be exposed during storage inside a sales location.
- l. No person shall sell fireworks to a person under the age of 18.
- m. Fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by other substances.
- n. Firework sales shall only be conducted in accordance with dates and times designated by Iowa Code Section 727.2. It shall be unlawful to sell fireworks without meeting the requirements specified in this ordinance, or to sell fireworks outside of the dates specified.

ARTICLE 11. BUFFERS REQUIRED

Article 11: Buffers Required

- Section 11.1. Intent
- Section 11.2. Conditions for Requiring a Buffer
- Section 11.3. Types of Buffers Allowed
- Section 11.4. Burden of Provision of a Buffer
- Section 11.5. Waiver of Buffer Requirements

Section 11.1. INTENT.

It shall be recognized that the transition from one district to another district of contrasting and conflicting uses is across a barrier or line in theory and not in existence. Therefore, it shall be the intent of this article to require the actual provision of a physical barrier to reduce potential harmful or detrimental influence certain district uses may have upon abutting district uses.

Section 11.2. CONDITIONS REQUIRING A BUFFER.

1. Any Commercial (C) district which abuts any Residential (R) or Lakeshore Residential (LR) district shall be buffered as required in this article.
2. Any through lot located in a Commercial (C) abutting a public thoroughfare (a double frontage lot) shall buffer the rear yard property line by one of the buffer methods set forth in this article.
3. Any storage facility, storage or loading yard, or equipment storage/staging area in any Commercial (C) district that abuts a public thoroughfare shall be restricted from public view by a buffer.
4. Any other land uses or districts abutting residential properties determined to be more intensive in nature, or as recommended by the Board of Adjustment.

Section 11.3. TYPES OF BUFFERS ALLOWED.

1. A Buffer Wall: shall be not less than six feet (6') in height; constructed of a permanent low maintenance material such as weather resistant wood, finished or painted metal, concrete products, brick, tile, maintenance free fencing, or other manufactured substitutes shall be used as a primary material for aesthetic quality, as long as the buffer is solid and opaquely screened.
2. A Buffer Park: shall be not less than sixty feet (60') feet in width running the entire length of the parcel or parcels between conflicting land uses. Such buffer park shall contain evergreen type trees, shrubs and plants to assure year around effective screening. The density and height of plantings shall be adequate to serve as a primarily opaque screen from adjoining properties upon planting.

Section 11.4. BURDEN OF PROVISION OF A BUFFER.

1. Where two different districts, requiring a buffer between them, are both in an improved condition, the above requirement is not retroactive. Should a buffer be desired, it shall be by agreement between property owners or as otherwise provided by law. However, in the event the property is abandoned, destroyed or demolished for renewal, redevelopment, etc.; that

portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.

2. Where one of two different districts requiring a buffer between them is partially developed, the developer of the vacant land shall assume the burden.
3. Where both districts requiring a buffer between them are vacant or undeveloped except for agricultural use, the developer shall assume the burden as the land is improved or developed.

Section 11.5. WAIVER OF BUFFER REQUIREMENT.

Where the line between two districts requiring a buffer follows a public street right-of-way, railroad, stream, or other similar natural or manufactured barrier, the requirement for a buffer may be waived upon review and authorization from the zoning administrator; provided such waiver does not permit the exposure of undesirable land use characteristics upon neighboring properties.

ARTICLE 12. MILFORD FULLER AIRPORT LAND USE & HEIGHT OVERLAY REGULATIONS

Article 12: Milford Fuller Airport Land Use & Height Overlay Regulations

- Section 12.1. Intent
- Section 12.2. Authority
- Section 12.3. Statement of Purpose and Findings
- Section 12.4. Applicability
- Section 12.5. Airport Zoning Definitions
- Section 12.6. Air Space Obstruction Zoning
- Section 12.7. Airport Zoning Regulations
- Section 12.8. Airport Zoning Nonconformities
- Section 12.9. Land Use Safety Zones
- Section 12.10. Land Use Compatibility
- Section 12.11. Airport Zoning Administration
- Section 12.12. Zoning Compliance Permit Review
- Section 12.13. Hazardous Markings and Lighting
- Section 12.14. Height Limitations
- Section 12.15. Board of Adjustment Review
- Section 12.16. Airport Zoning Variances
- Section 12.17. Judicial Review
- Section 12.18. Penalties and Fines

Section 12.1. INTENT.

This ordinance shall regulate and restrict the height of structures, objects, growth of natural vegetation, and land uses within the City of West Okoboji and within the fly zones of the Milford Fuller Airport; establish the boundaries the fly zones, as well as provide for changes in the restrictions and boundaries of such zones; provide for the enforcement of the provisions contained within this ordinance and imposition of penalties related to the implementation of the ordinance. This ordinance is intended to supplement and overlay the zoning regulations of the City of West Okoboji. The Airport Land Use & Height Zoning maps are incorporated into and made part of this ordinance.

Section 12.2. AUTHORITY.

Iowa Code Section 329.3, Airport Zoning, empowers local municipalities to zone airports including dividing such area into zones, and within such zones, specify the land uses permitted, and regulate and restrict, for preventing airport hazards, the heights to which structures and natural vegetation may be erected or permitted to grow.

Section 12.3. STATEMENT OF PURPOSE AND FINDINGS.

The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Milford Fuller Airport. There shall be no creation or establishment of a hazard that endangers public health, safety, welfare, or prevents the safe movement of aircraft at the Milford Fuller Airport. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation,

or marking and lighting of existing airport hazards, are a public purpose for which the City of West Okoboji may raise and expend public funds.

Section 12.4. APPLICABILITY.

The specific area of the city affected as well as dimensions associated with the airport zoning boundaries are shown in the Airport Land Use & Height Overlay Zoning Maps incorporated hereto as Exhibit A.

Section 12.5. AIRPORT ZONING DEFINITIONS.

The following definitions shall be utilized for terms as appropriate to the ordinance.

1. Airport. (FAA FAR Sec. 152.3)

Shall mean the Milford Fuller Airport including any areas of land or water that are used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. The Milford Fuller Airport is owned by the City of Milford, Iowa.

2. Airport Elevation. (FAA AC 150/5190-4A)

The highest point on an airport's usable landing area measured in feet above sea level.

3. Airport Hazard. (FAA FAR Sec. 152.3)

Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstructs the airspace required for the flight of aircraft landing or taking off at the airport; or is otherwise hazardous to aircraft landing or taking off at the airport.

4. Airport Layout Plan (ALP). (FAA FAR Sec. 152.3)

The plan of an airport showing the layout of existing and proposed airport facilities.

5. Airport Overlay Zones.

A zone intended to place additional land use conditions on land impacted by the airport. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

- a. Zone A [Runway Protection Zone] - is intended to provide a clear area that is free of above ground obstructions and structures. This zone is closest to the individual runway ends.
- b. Zone B [Approach Surface] - is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.
- c. Zone C [Transitional Surface] - includes those areas that are parallel to the runway pavement and extend from the edge of the primary surface.
- d. Zone D [Horizontal Surface] - is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.
- e. Zone E [Conical Surface] - is the outermost zone of the overlay areas and has the least number of land use restriction considerations. Zone E begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

6. **Airspace.**
The space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.
7. **Airport Land Use & Height Overlay Zoning Map.**
The airport land use & height overlay zoning map is compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace" and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.
8. **Approach Slope. (FAR Part 77)**
The ratio of horizontal to vertical distance indicating the degree of inclination of the Approach Surface. The ratio is 20:1 for all utility and visual runways extended from the primary surface a distance of 5,000 feet.
9. **Approach Surface. (FAA AC 150/5190-4A)**
A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
10. **Compatibility.**
The degree to which land uses or types of development can coexist or integrate.
11. **County.**
Dickinson County, Iowa.
12. **Federal Aviation Administration (FAA).**
A federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.
13. **Federal Aviation Regulations (FAR). (FAA FAR)**
Regulations established and administered by the FAA that govern civil aviation and aviation-related activities.
 - a. FAR Part 36. (FAA FAR Sec. 36.1) Regulation establishing noise standards for civil aviation fleet.
 - b. FAR Part 91. (FAA FAR Sec. 91.1) Regulation pertaining to air traffic and general operating rules, including operating noise limits.
 - c. FAR Part 150. (FAA FAR Sec. 150.1) Regulation pertaining to airport noise compatibility planning.
 - d. FAR Part 161. (FAA FAR Sec. 161.1) Regulation pertaining to notice and approval of airport noise and access restrictions.
 - e. FAR Part 77. (FAA FAR Sec. 77.1) Objects Affecting Navigable Airspace - Part 77 (a) establishes standards for determining obstructions in navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas.

14. General Aviation Airport.

Any airport that is not an air carrier airport or a military facility.

15. Height.

Height is utilized for the purpose of determining the height limits in all zones set forth in this Ordinance; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

16. Imaginary Surfaces. (FAA FAR Part 77.25)

Those areas established in relation to the airport and each runway consistent with FAR Part 77 in which any object extending above these imaginary surfaces, by definition, is an obstruction.

- a. Transitional surface. The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.
- b. Horizontal surface. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
- c. Conical surface. The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet.
- d. Approach surface. The approach surface is longitudinally centered on an extended runway centerline and extends outward and upward from the end of the runway primary surface.

17. Incompatible Land Use. (FAA FAR Sec. 150.7)

The use of land which is normally incompatible with the aircraft and airport operations.

18. Land Use Compatibility.

The coexistence of land uses surrounding the airport with airport-related activities.

19. Lighting and Marking of Hazards to Air Navigation.

Installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

20. Mitigation.

The minimization, reduction, elimination or compensation for adverse environmental effects of a proposed action.

21. Noise Impact.

A condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

22. Noise Sensitive Area. (FAA AC 91-36D)

Defined as an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

23. Object. (FAA AC 150/5300-13)

Includes, but is not limited to above ground structures, navigational aids, people, equipment, vehicles, natural growth, terrain, and parked aircraft.

24. Obstacle Free Zone (OFZ). (FAA 150/5300-13)

The OFZ is the airspace below 150 feet (45 m) above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAID's that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches.

25. Obstruction. (FAA AC 150/5190-4A)

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport.

26. Overlay Zone.

A mapped zone imposing requirements in addition to those of the underlying zoning district.

27. Primary Surface. (FAA AC 150/5190-4A)

A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

28. Primary Runway. (FAA AC 150/5325-4B)

The runway used for the majority of airport operations.

29. Public Use Airport. (FAA AC 150/5190-6)

Means either a publicly owned airport or a privately owned airport open for public use.

30. Runway Protection Zone (RPZ). (FAA AC 150/5300-13)

An area off the runway end designed to enhance protection of people and property on the ground.

31. Structure.

Any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

32. Visual Approach.

An approach to an airport conducted with visual reference to the terrain.

33. Visual Runway. (FAA AC 150/5300-13)

A runway without an existing or planned straight-in instrument approach procedure.

34. Wildlife Hazards.

Wildlife (birds, mammals, reptiles), including feral animals and uncontrolled domesticated animals associated with aircraft strike problems, and capable of causing structural damage to airport facilities or attractants to other wildlife that pose a strike hazard.

Section 12.6. AIR SPACE OBSTRUCTION ZONING.

The zones established by this ordinance are illustrated on the official Airport Land Use & Height Overlay Zoning Map consisting of two (2) sheets as prepared by DGR Engineering. Such official Airport Land Use & Height Overlay Zoning Map may be amended from time to time, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance.

Section 12.7. AIRPORT ZONING REQUIREMENTS.

In accordance with Section 329.10, Iowa Code, there are three (3) principal airport zoning requirements supported by additional information contained within the following remaining sections of this ordinance. These basic zoning requirements state:

1. All airport zoning regulations adopted under this chapter shall be reasonable and none shall impose any requirement or restriction that is not necessary to make effective the purposes of this ordinance.
2.
 - a. Airport zoning regulations adopted under this ordinance may require the removal, lowering, or other change or alteration of any structure or tree, or a change in use, not conforming to the regulations when adopted or amended.
 - b. Airport zoning regulations adopted under this ordinance may require a property owner to permit the City of West Okoboji to install, operate, and maintain on the property markers and lights as necessary to indicate to operators of aircraft the presence of the airport hazard.
3. All such regulations may provide that a preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted.

The City of West Okoboji will be responsible for the initial removal of trees, structures, or other natural or man-made obstructions that are not conforming to the regulations of this ordinance when adopted or amended. Any subsequent alterations or removal of any natural or man-made obstructions to the Milford Fuller Airport or its airspace will be responsibility of the property owner.

Section 12.8. AIRPORT ZONING NONCONFORMITIES.

It is the intent of this ordinance to permit legal nonconforming buildings, structures, or natural resources to continue until they are removed but not to encourage their continuance, unless such nonconforming use is determined by the FAA to be a hazard within one of the airport zones and must be altered or changed in accordance with FAA regulations. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used to add other nonconforming structures prohibited elsewhere in the defined airport zones.

In accordance with Section 329.10, Iowa Code, and stated above in Section 12.7. of this ordinance, any preexisting nonconforming structure, tree, or land use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when the airport zoning regulations or amendments to the regulations were adopted. With that stated, where a lawful building or structure exists prior to the effective date of adoption or amendment of this ordinance that cannot be built under the terms of this airport ordinance by reason of restrictions

on height or land use compatibility, such structure may be continued so long as it remains otherwise lawful and in compliance with FAA regulations; subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity. Such structure may be enlarged or altered in a way that does not increase its nonconformity.
2. Should such nonconforming structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost, it shall be reconstructed only in conformity with the provisions of this airport ordinance.
3. Should any nonconforming structure be moved within the boundaries of any of the airport zones for any reason or for any distance whatever, it shall thereafter conform to the regulations of this airport zoning ordinance.
4. Discontinuance. In the event a nonconforming building, structure or use is discontinued for a period of one (1) year, the height or land use compatibility shall conform thereafter to the provisions of this airport zoning ordinance.

On any nonconforming building or structure, work may be done on ordinary repairs or replacement of non-bearing walls not exceeding seventy-five percent (75%) of the assessed value of the building, provided the cubic content of the building shall not be increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official. There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, buildings or structures.

Section 12.9. LAND USE SAFETY ZONES.

FAR Part 77 Surfaces and Runway Protection Zones have been combined to create five (5) airport overlay zones. These five zones are designed to maintain compatible land uses around the Milford Fuller Airport. The zones shall be evaluated for compatible land uses. Specific dimensions for the individual zones for each runway end are noted in the following tables and text. The Airport Land Use & Height Overlay Zoning Maps should be evaluated to determine the specific area of impact associated with each zone.

Zone A – Runway Protection Zone (RPZ)

Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. Runway Protection Zones (RPZs), formerly known as clear zones, were originally established to define land areas below aircraft approach paths in order to prevent the creation of airport hazards or development of incompatible land use. As stated in the Iowa Airport Land Use Guidebook, 2008, the FAA adopted clear zones with dimensional standards to implement a recommendation from the 1952 President's Airport Commission study that identified the establishment of clear areas beyond runway ends was deemed worthy of federal management. RPZs are designed with the intent to protect people and property on the ground. They are located at the end of each runway and should ideally be controlled by the airport. Control is preferably exercised by acquisition of sufficient property interest to achieve and maintain an area that is clear of all incompatible land uses, objects, and activities.

Table 1. Zone A - Dimensional Requirements

	Runway Ends	Approach Visibility Minimums ¹	Dimensions		
			Length L feet	Inner Width W ₁ feet	Outer Width W ₂ feet
Existing Runway	Runway 9	Visual	1,000	250	450
	Runway 27	Visual	1,000	250	450

1. The RPZ dimensional standards are for the runway end with the specified approach visibility minimums.

Source: FAA AC 150/5300-13, current edition, Airport Design Standards

Zone B – Approach Surface

Zone B is a critical airport overlay zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and expands uniformly. Table 2 below illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

Table 2. Airport Overlay Zones B through E Dimensional Standards

Item	Runway Dimensional Standards (Feet)	
	Runway 9	Runway 27
Primary surface width and Zone B inner width	250 ft.	250 ft.
Zone B end width	1,250 ft.	1,250 ft.
Zone B length	5,000 ft.	5,000 ft.
Zone C width	1,050 ft.	1,050 ft.
Zone D radius	5,000 ft.	5,000 ft.
Zone E width	4,000 ft.	4,000 ft.

Zone C – Transitional Surface

Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90-degree angle. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft. The transitional surface (Zone C) extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one-foot vertically (7:1) from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

Zone D – Horizontal Surface

Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports. The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc for all runway ends designated as utility or visual airports is 5,000 feet.

Zone E – Conical Surface

Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface. According to the Iowa Airport Land Use Guidebook, the conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically (20:1) for a horizontal distance of 4,000 feet. Height limitations for the surface range from 150 feet above the airport reference elevation at the inner edge to 350 feet at the outer edge.

Section 12.10. LAND USE COMPATIBILITY.

It is important for the Milford Fuller Airport to maintain an obstruction-free airport and associated airspace. This includes the area that encompasses the airport, runway protection zones, approach areas, and general vicinity of the airport. The City of West Okoboji will assess the compatibility of the land uses in detail as related to the Milford Fuller Airport. Land use issues to be considered include high concentrations of people, tall structures, visual obstructions, and wildlife and bird attractants.

The following tables shall be utilized to evaluate land use compatibility for various land use classifications. Note that not all uses listed in the following tables are allowed uses as provided elsewhere in the West Okoboji Zoning Ordinance.

1. Uses identified as **COMPATIBLE** shall not require additional review.
2. Uses found to be **NOT COMPATIBLE** shall be precluded from development within the specific zones. The applicant reserves the right to apply for a variance for an incompatible use to be built within the requested airport zone and in accordance with FAA requirements. Variances will be reviewed by the City of West Okoboji Board of Adjustment.
3. Uses found to require **ADDITIONAL REVIEW** shall be evaluated for general compatibility by the City of West Okoboji Zoning Administrator for potential conflicting land uses or potential negative effects that may need to be mitigated. If the areas of concern are addressed by the applicant or if no areas of potential conflict or incompatible land use are identified, the Zoning Administrator may issue the zoning permit.

Milford Fuller Airport Zone – Land Use Chart					
<i>C = Compatible</i>		<i>AR = Additional Review Required</i>		<i>NC = Not Compatible</i>	
Land Uses	Zone A	Zone B	Zone C	Zone D	Zone E

Residential Uses					
Single Family Detached Dwelling <i>(i.e. single family residential)</i>	AR	AR	C	C	C
Multi-Family Uses <i>(i.e. apartments, condos, townhouse, etc.)</i>	AR	AR	C	C	C
Group Living Uses <i>(i.e. group or nursing homes, assisted living)</i>	AR	AR	C	C	C
Manufactured/Mobile Housing Parks	AR	AR	C	C	C
Commercial Uses					
Eating and Drinking Establishments <i>(i.e. restaurants, cafes, fast food restaurants, bars, nightclubs, taverns, etc.)</i>	AR	AR	C	C	C
Quick Vehicle Servicing Uses <i>(i.e. gas station, unattended card key service stations, car washes, etc.)</i>	AR	AR	C	C	C
General Office Uses <i>(i.e. business offices, financial businesses, government offices - 35 ft. or less in height)</i>	AR	AR	C	C	C
Medical Office/Clinic Uses <i>(i.e. medical/dental clinics, chiropractic, physical therapy - 35 ft. or less in height)</i>	AR	AR	C	C	C
Retail Sales <i>(i.e. convenience stores, electronics, furniture, groceries, hardware, malls, etc.)</i>	AR	AR	C	C	C
Outdoor Storage and Self-Service Storage <i>(i.e. storage yards, vehicles sales, landscaping, equipment sales, mini-warehousing, etc.)</i>	AR	AR	C	C	C
Vehicle Repair Uses <i>(i.e. repair or service shops, alignment, tire sales)</i>	AR	AR	C	C	C
All Other Commercial Uses <i>Any other commercial use not classified in one of the above listed categories</i>	AR	AR	C	C	C
Industrial Uses					
Light Manufacturing <i>(i.e. research, HVAC, plumbing, janitorial, engineering, assembly, warehousing, etc.)</i>	AR	AR	C	C	C
*Heavy Manufacturing <i>(i.e. concrete plants, packing, animal, ethanol or other facilities with excessive smoke or dust)</i>	NC	NC	AR	C	C
Mining and Extraction Uses	NC	AR	AR	C	C
Salvage Operations <i>(i.e. collect, store, and dismantle damaged or discarded vehicles, machinery, etc.)</i>	AR	C	C	C	C
Waste Related Uses <i>(i.e. recycling centers, landfills, waste transfer stations, hazardous waste collection sites, etc.)</i>	NC	NC	NC	AR	AR

Civic & Public Uses					
Basic Utility Uses (i.e. utility facilities, electrical substations, water and sewer lift stations, water towers)	NC	AR	AR	C	C
General Community Services (i.e. libraries, community centers, police/fire, etc.)	AR	AR	C	C	C
Daycare Uses (i.e. daycare, preschools, after school care)	AR	AR	C	C	C
Educational Facilities (i.e. any public or private school)	AR	AR	AR	C	C
Hospitals (i.e. hospitals, medical centers)	AR	AR	AR	C	C
Religious Assembly or Civic Uses (i.e. churches, religious use or civic clubs)	AR	AR	AR	C	C
Infrastructure Uses					
Communication Uses (i.e. wireless, emergency towers, antennas, etc.)	NC	AR	AR	AR	AR
Transportation and Parking Uses (i.e. highways, local roads, parking lots, etc.)	C	C	C	C	C
Utility Uses (i.e. solar power, wind generators, wind farms)	NC	NC	AR	AR	AR
Agriculture Uses					
Agriculture Plant-related (i.e. crops, vegetable, fruit, and tree farms, etc.)	AR	C	C	C	C
Agriculture Animal-related (i.e. livestock production, dairies, horse farms)	AR	C	C	C	C
Agricultural Housing (i.e. residential dwellings used for ag purposes)	AR	AR	AR	C	C
Agricultural Facilities/Buildings (i.e. fuel storage/pumping facility, grain elevator, livestock/seed/grain sales, etc.)	NC	AR	C	C	C
Recreation Uses					
Outdoor Commercial Recreation (i.e. camping, swimming pool, drive-in theaters, amphitheaters, fairgrounds, race tracks, etc.)	AR	AR	AR	C	C
Indoor Commercial Recreation (i.e. health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters)	AR	AR	C	C	C
Golf Recreation (driving ranges, golf courses, country clubs)	AR	AR	AR	C	C
Parks (i.e. aquatic, neighborhood, school, city)	AR	C	C	C	C

Regarding the land use compatibility charts on the previous pages, if a specific use of land, building or structure is proposed by an applicant and not identified on the land use compatibility charts, the Zoning Administrator shall be responsible for determining the level of land use compatibility. If

the applicant disagrees with the decision, they may appeal the decision of the administrator and have the Board of Adjustment decide on the proposed land use compatibility.

Section 12.11. AIRPORT ZONING ADMINISTRATION.

As stated in Section 329.13, Iowa Code, all airport zoning regulations adopted under this ordinance shall provide for the administration and enforcement of such regulations by an administrative agency. The administration of this ordinance will be enforced by the City of West Okoboji Zoning Administrator with consultation and cooperation from the City of Milford and the Milford Fuller Airport Board.

Section 12.12. ZONING COMPLIANCE PERMIT REVIEW.

Buildings or other structures located within the Milford Fuller Airport land use and height overlay zoning area, as defined herein, shall be reviewed in accordance with the allowable height and land use classifications accordingly. All proposed land uses, exclusive of communication uses (e.g. specifically cell towers, antennas, etc.), utility uses (e.g. specifically wind generators, wind farms) and waste related uses (e.g. specifically landfills), shall not be subject to any further review of the airport zoning ordinance if such proposed building or structure is located within airport overlay Zones D and E and such building or structure complies with all other provisions of the City of West Okoboji zoning ordinance.

Section 12.13. HAZARDOUS MARKINGS AND LIGHTING.

This section provides for safe aircraft operations, as well as the health, safety, and welfare of individuals on the ground within the vicinity of the airport by identifying lighting and marking requirements. Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the owner of such building, structure or object requiring such lighting or marking requirements within the findings of an FAA 7460-1 airspace analysis. Non conformities allowed to remain under provisions of Section 8 above that are required to have markers, lights, or other aids to navigation installed, shall have such markers, light, or other aids to navigation installed, operated, and maintained at the expense of the City of West Okoboji as long as the owner of the nonconformity shall provide the City with the necessary easement rights to accomplish the installation, operation, and maintenance.

Section 12.14. HEIGHT LIMITATIONS.

No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this ordinance to a height in excess of the applicable height limitations set forth in this ordinance and the airport zoning map. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the Airport Land Use & Height Overlay Map. The Airport Land Use & Height Overlay Map is attached to this ordinance as exhibit A. An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review. If the height limitations of this ordinance and accompanying Airport Land Use & Height Overlay Map conflict with the underlying height

limitations imposed elsewhere in the City of West Okoboji zoning ordinance, the more restrictive height limitation shall apply.

Section 12.15. BOARD OF ADJUSTMENT REVIEW.

The Board of Adjustment responsible for consideration of variance requests shall be the City of West Okoboji Board of Adjustment. Any person, property owner, or taxpayer impacted by any decision taken to enforce or interpret this ordinance, may appeal to the Board of Adjustment

Section 12.16. AIRPORT ZONING VARIANCES.

In accordance with Section 329.11, Code of Iowa, any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use the person's property in violation of this ordinance, may apply to the Board of Adjustment for a variance. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of this ordinance; provided, however, that any such variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this Ordinance. No application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Zoning Administrator for an opinion as to the effects of the variance.

Section 12.17. JUDICIAL REVIEW.

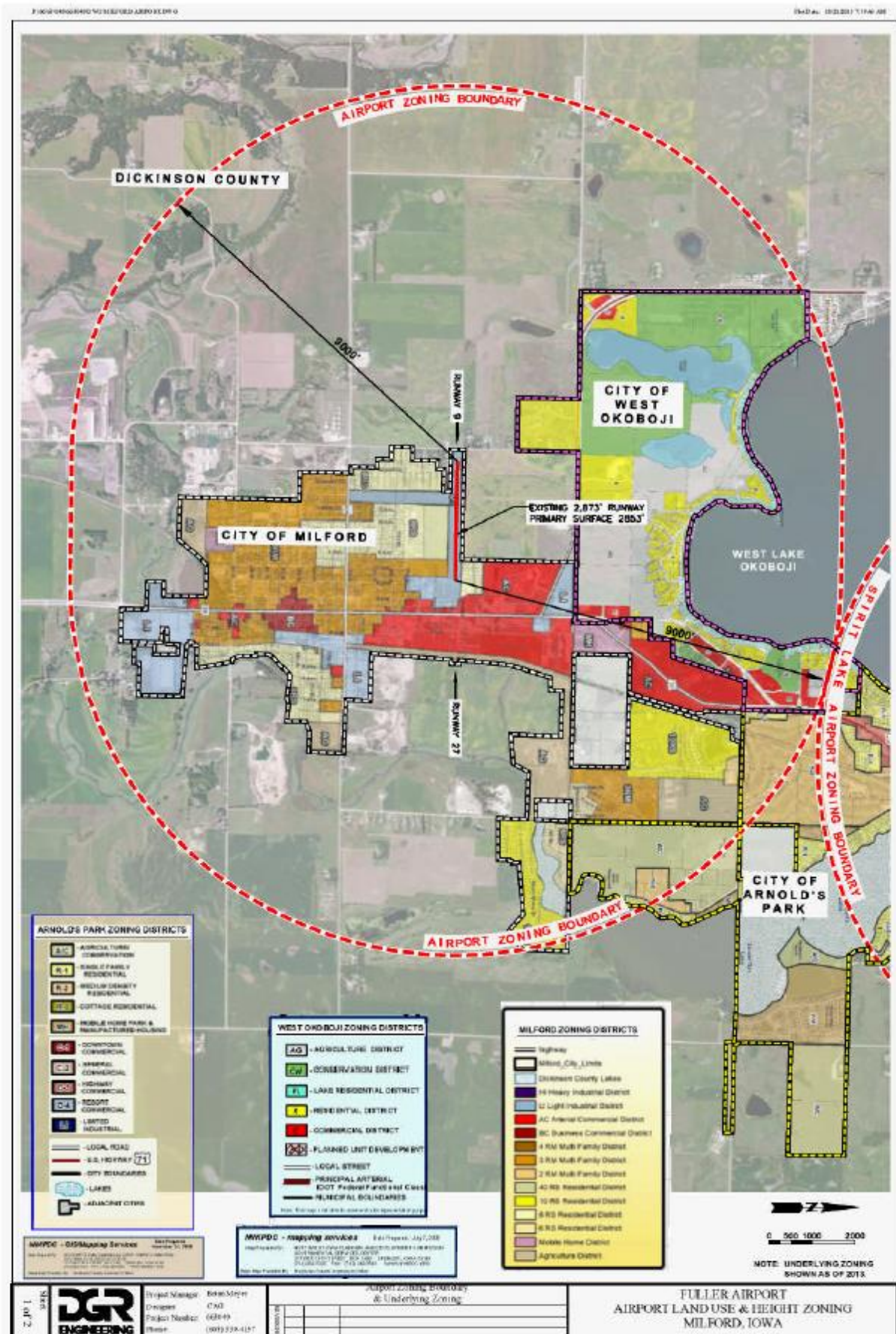
Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board by a Court of Record in the manner provided by the laws of the State of Iowa and particularly by Section 414.15, Code of Iowa.

Section 12.18. PENALTIES AND FINES.

Any violation of this ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a municipal infraction and shall be subject to the same fines and penalties as a zoning violation as specified in Section 17.1 of this ordinance. Each day a violation continues shall constitute a separate offense.

Airport Land Use & Height Overlay Zoning Maps

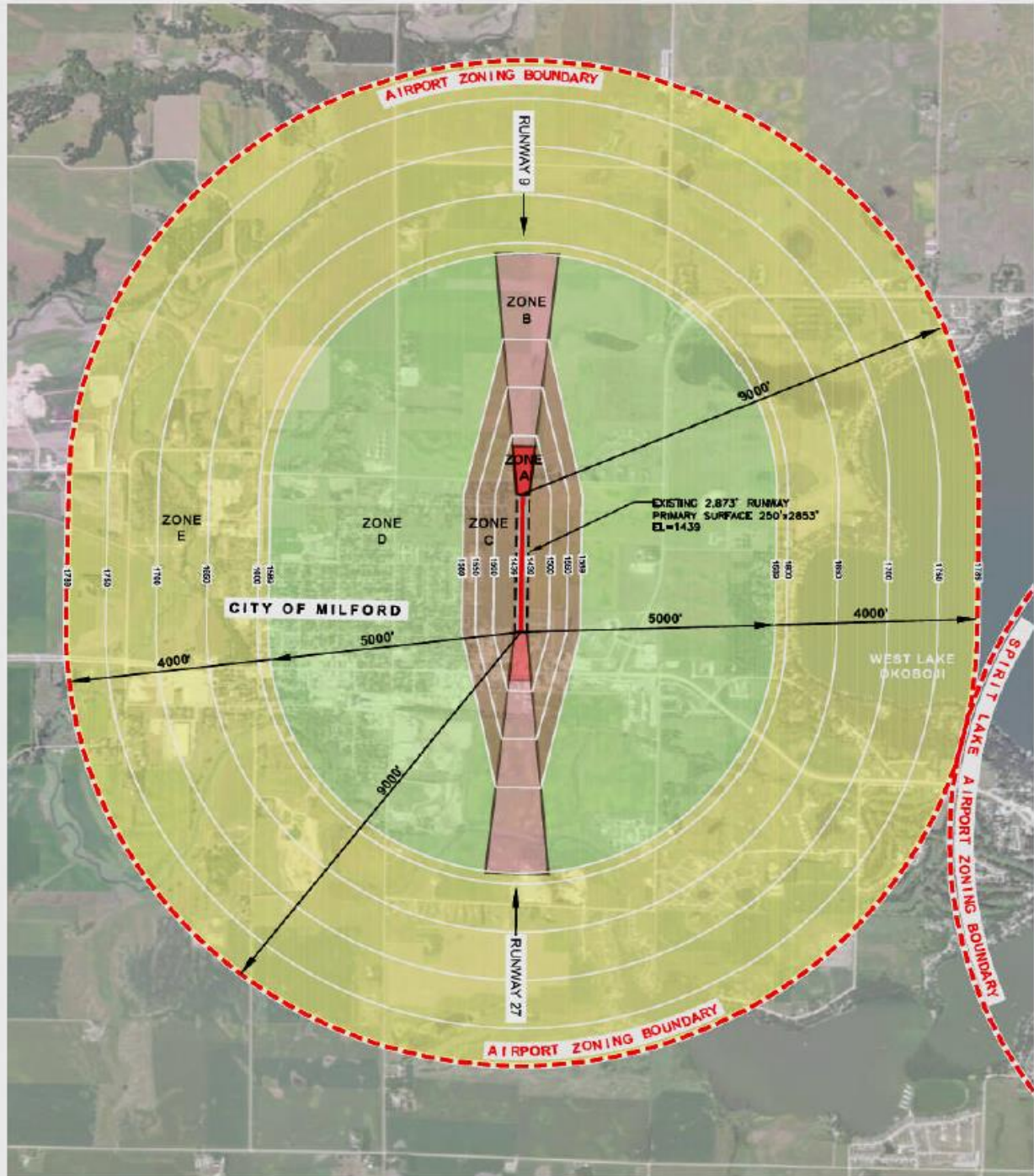
The following maps provide the official Milford Municipal Airport Land Use & Height Overlay Zoning Map to be kept on file with the City of West Okoboji. The map must be amended by the City of Milford and all other affected jurisdictions, including the City of West Okoboji, when changes occur within the jurisdictional boundaries of the map. The map must be prepared and adopted concurrently with the ordinance.



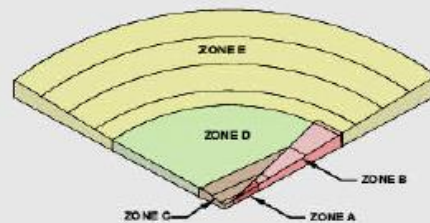
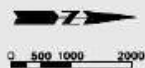
Zoning Ordinance ♦ City of West Okoboji, Iowa

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- ZONE A - RUNWAY PROTECTION ZONE
250'x1000'x450'
- ZONE B - APPROACH SURFACE 20:1 SLOPE
250'x5000'x1250' (FROM PRIMARY SURFACE)
- ZONE C - TRANSITIONAL SURFACE 7:1 SLOPE
- ZONE D - HORIZONTAL SURFACE
- ZONE E - CONICAL SURFACE - 20:1 SLOPE



ARTICLE 13. OFF STREET PARKING

Article 13: Off Street Parking

- Section 13.1. Intent
- Section 13.2. General Parking Area and Surface Requirements
- Section 13.3. Computation of Parking Spaces
- Section 13.4. Off Street Parking Requirements
- Section 13.5. Recreational Vehicle Parking
- Section 13.6. Off Street Loading Requirements

Section 13.1. INTENT.

After the effective date of this ordinance, in all districts there shall be provided, at the time any new building or structure is erected, off street parking spaces in accordance with the requirements set forth herein.

Section 13.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

Off-street parking areas shall comply with the following minimum area and surface requirements.

1. All off street parking spaces shall be at least 200 square feet in size (typically 10' x 20').
2. Required off street parking spaces shall be located on the same lot as the use it serves, or as part of a multi-use or joint parking lot, located within 300' of the principal use property.
3. Off street parking areas consisting of more than five (5) parking spaces shall be hard surfaced. Off street parking spaces shall be surfaced with Portland cement, concrete, asphaltic concrete, compacted aggregate, or equivalent hard surface. Parking areas shall be graded and drained to dispose of surface water on the lot and shall be marked to provide for safe ingress and egress.
4. Enclosed parking areas or garages shall qualify to meet minimum parking requirements.
5. Requirements as to number and size of parking space in this section are minimum requirements only and shall not be construed as limitations.
6. Owners of two (2) or more uses or parcels of land may agree to jointly use the same parking spaces provided satisfactory legal evidence is presented to establish such a joint use, and provided the single lot meets the combined parking requirements of each separate use.
7. All yard areas, except front yards in any residential district, may be used for off-street parking. However, within the R-Residential district, that portion of the driveway lying within the front yard or within the LR-Lakeshore Residential district, that portion of the driveway lying within the rear yard (street yard) may be used to satisfy off-street parking requirements.
8. Any lighting used to illuminate off street parking areas or lots shall be directional lighting and arranged to direct light away from adjacent properties.
9. Willful failure to maintain and provide parking spaces as required under this section shall be deemed a violation of this ordinance and subject to the penalty in Section 17.1.

Section 13.3. COMPUTATION OF PARKING SPACES.

1. In case of any building structure or premises, the use of which is not specifically mentioned herein, the number of parking spaces provided will be equal to that of similar use mentioned in Section 13.4 shall apply, as determined by the zoning administrator.

2. Where fractional spaces occur, the required parking shall be increased to the next number.
3. Whenever a building or use constructed or established after the effective date of the ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided based on the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. If multiple uses occupy the same building or land, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Section 13.4. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

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| 1. Single Family Residential: | 2 spaces per dwelling |
| 2. Group Residential/Family Home: | 1 space for each two (2) bedrooms |
| 3. Hotel/Motel and Bed & Breakfast: | 1 space per guest room and 5 additional spaces |
| 4. Hospital/Healthcare facilities/
Assisted Living facility: | 1 space for each four (4) patient beds, plus 1 space for each two (2) employees on the largest shift |
| 5. Convalescent Services:
- <i>Nursing Homes, Rest Homes, etc.</i> | 1 space for each eight (8) patient beds, plus 1 space for each two (2) employees on the largest shift |
| 6. Public Assembly/Religious Assembly:
- <i>Churches, auditoriums, stadiums, theaters
community center, public buildings, etc.</i> | 1 space for each six (6) seats of seating capacity provided or 1 space per 500 sq.ft. of gross floor area, whichever is greater |
| 7. General Retail Sales/Professional Office: | 1 space per 300 sq.ft. of gross floor area |
| 8. Large Retail/Services (+15,000 sq.ft.): | 1 space per 600 sq.ft. of gross floor area |
| 9. Bowling Alley: | 5 spaces for each alley |
| 10. Funeral Services: | 15 spaces, or 1 space for each 4 seats in the chapel or largest seating area, or 4 spaces for each service or viewing room, whichever is greater. And 1 space for each 2 employees. |
| 11. Restaurants/Lounges/Bars: | 1 space for each four (4) seats, plus 1 space for each two (2) employees, or 1 space per 300 sq.ft. of gross floor area, whichever is greater |
| 12. Educational Facilities:
- <i>Including preschools, daycares, etc.</i> | 1 space per regular employee and 1 space for every six (6) seats in the largest facility for public assembly. |
| 13. Automobile & Equipment Sales/Service or Repair: | 1 space for each 30 sq.ft. of floor area and 1 space for each 4 regular employees. |

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| 14. Industry/Manufacturing/Research: | 1 space for each employee on the largest shift. |
| 15. Campgrounds, camp sites, RV parks: | One (1) space per one (1) camping or RV site |
| 16. All Other Uses: | All other buildings with a gross floor area of 2,000 sq.ft. or more shall provide 1 off street parking space for each 1,000 sq.ft. of floor space on the same lot as the building, plus 1 space for each person employed on the premises. |

Section 13.5. RECREATIONAL VEHICLE PARKING.

The term “recreational vehicles” shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, campers, camping trailers, motor coach homes, converted trucks and busses. Recreational vehicles shall also include personal watercraft, boats, snowmobiles, and other recreation-based vehicles.

1. Recreational vehicles are permitted in campgrounds, recreational vehicle parks, and other typical recreational areas.
2. Recreational vehicles, travel trailers, camper trailers, pickup campers, motor coaches, any motorized home, and other trailers belonging to a guest of the property owner may be parked and occupied for temporary lodging on the same lot, but not for more than seven (7) consecutive days in a calendar quarter.
3. Recreational vehicles may be parked or stored long term (30 days or longer) within a side yard or rear yard of a residential lot or within an enclosed garage. Within the LR Lakeshore Residential district, off street parking in the rear yard (street side) shall be limited to 30 days or less. No long term parking of vehicles in the rear yard in the LR district is permitted.

Section 13.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of any structure or building, or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided on the same lot at least one (1) permanently maintained off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.

Such loading space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') and effectively screened from view. All loading, unloading and parking must be conducted on private property and cannot be conducted on the public right-of-way, except for designated or approved delivery, parcel or moving vehicles intended for temporary unloading.

ARTICLE 14. SIGN REGULATIONS

Article 14: Sign Regulations

Section 14.1.	Intent
Section 14.2.	Sign Definitions
Section 14.3.	Sign Types
Section 14.4.	Exempt Signs
Section 14.5.	Sign Requirements
Section 14.6.	General Sign Regulations
Section 14.7.	Conditional Use Signs
Section 14.8.	Variances for Signs
Section 14.9.	Nonconforming Signs
Section 14.10.	Sign Maintenance and Obsolete Signs

Section 14.1. INTENT.

The intent of this article is to create uniform standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of sign devices. Hereafter, signs and billboards in conjunction with the principal permitted use shall be erected, constructed, altered, or modified except as regulated by the following provisions.

Section 14.2. SIGN DEFINITIONS.

For use in this ordinance, the following terms are defined.

1. *Awning*: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or applied to allow it to be raised or retracted and return to a flat position against the building when not in use.
2. *Billboard*: A billboard includes all structures erected, maintained, or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or freestanding. A billboard directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the billboard is located.
3. *Display Surface*: The area on the sign structure for displaying the advertising message.
4. *Erect*: To build, construct, attach, hang, suspend, affix, or the painting of wall signs.
5. *Facing (Or Surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated.
6. *Incombustible Material*: Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
7. *Marquee*: A permanent sign structure attached to, projecting from, or supported by a building.
8. *Person*: Any individual, firm, partnership, association, corporation, company, or organization.
9. *Projection*: The distance which a sign extends from or beyond the building line.
10. *Sign*: Any identification, description, illustration, or device visible to the public affixed to or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, or business.

11. *Sign Area*: That area enclosed by one contiguous line, connecting the extreme points or edges of a sign. The area shall be determined by using the largest area or silhouette visible at any one time. This does not include the main supporting sign structure. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.
12. *Sign Structure*: The supports, uprights, bracing and framework for a sign including the sign area. A sign structure may be a single pole and may or may not be an integral part of the building.
13. *Street Line (or Property Line)*: The point where the street right-of-way begins and private property ends.
14. *Structural Trim*: The molding, battens, capping, nailing strips, latticing and platforms that are attached to the sign structure.

Section 14.3. SIGN TYPES.

For use in this ordinance, the following sign types are defined.

1. *Abandoned Sign*: A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.
2. *Address Sign*: A sign identifying street address only, whether written or numerical form.
3. *Animated Sign*: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
4. *Awning Sign*: A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business. Awning signs shall not encroach more than four (4) feet into a public right-of-way. Permanent awnings may be back lit.
5. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted upon at a governmental election.
6. *Combination Sign*: Any sign incorporating a combination of features on a pole, freestanding, projecting or roof sign.
7. *Construction Sign*: A temporary sign placed during the period of construction at the site identifying the project, architect, engineer, contractor, financier, sponsors, or other involved parties. One sign is permitted for each contractor and subcontractor per construction site.
8. *Directional Sign*: A sign that identifies the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.
9. *Flashing Sign*: Any illuminated sign not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature, or similar information, shall not be considered a flashing sign.
10. *Freestanding Sign*: Any sign or sign structure, not securely attached to the ground or to any building or structure. This shall not include trailer signs as defined in this section.
11. *Governmental Sign*: A sign which is erected by a governmental unit.
12. *Illuminated Sign*: Any sign which has character, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

13. *Information Sign*: Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification.
14. *Joint Identification Sign*: A free-standing sign which identifies a subdivision, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.
15. *Non-Conforming Sign*: A sign which lawfully existed prior to the adoption or amendment of this ordinance, but which does not conform to the regulations of this zoning ordinance.
16. *Pole Sign*: Any sign supported by structures or supports in or upon the ground and independent of support from any building.
17. *Projecting Sign*: A sign, other than a wall sign, perpendicular to the wall surface of a building or structure and is supported by a wall of the building or structure.
18. *Real Estate Sign*: A business sign placed upon a property advertising that property for sale, for lease or for rent.
19. *Roof Sign*: A sign erected upon or above a roof or parapet of a building or structure.
20. *Swinging Sign*: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
21. *Temporary Sign*: Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited time.
22. *Trailer Sign*: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
23. *Wall Sign*: All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve inches (12") from the surface of the building or structure to which they are attached. Wall signs are also known as flush mounted signs.

Section 14.4. EXEMPT SIGNS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance and are subject to the procedures outlined in Section 14.10.

1. Any official notice authorized by a court, public body, or public safety official.
2. Integral signs, memorial signs or professional name plates not exceeding two (2) square foot in area, of which are attached to or made a part of the building or structure.
3. Any flags or flagpoles of a government or other non-commercial institution, such as schools.
4. Religious symbols and seasonal decorations within the appropriate public holiday season.
5. Real estate signs are permitted in any district. Such signs are allowed advertising the sale, rental or lease only for the premises, lots, or tracts on which they are located. Such real estate signs in residential districts shall not exceed four (4) sq.ft. in area per side. Real estate signs in all other districts shall not exceed 32 sq.ft. Illuminated real estate signs are not permitted.
6. Entrance or identification signs for subdivisions or neighborhoods shall be limited to 32 sq.ft. and only one (1) sign is permitted per subdivision or neighborhood entrance.

7. No murals or any signage shall be painted directly on buildings. Any wall mural or free-standing attached mural like wall sign attached to a building shall be reviewed and approved by the board of adjustment prior to being installed or painted.
8. Address Signs identifying street address only, whether in written or numerical form.
9. Construction signs up to thirty-two (32) sq.ft. denoting the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the construction site when a valid zoning permit exists for the location. Such construction sign shall be removed upon completion of the project.
10. Political signs as allowed by Section 306C.22, Code of Iowa, and campaign signs as allowed by Section 68A.406-yard signs, Code of Iowa. Campaign signs shall remain for no longer than forty-five (45) days prior and seven (7) days after the election for which they were intended. All campaign signs shall be confined to private property.
11. Government signs of a public, non-commercial nature to include safety, danger, trespassing, traffic, or other signs indicating scenic or historical points of interest, memorial plaques and other similar signs when erected by order of a public officer or employee.
12. Directional and parking signs intended to facilitate the movement of vehicles and pedestrians. Signs shall not exceed six (6) sq.ft. in area.

Section 14.5. SIGN REQUIREMENTS.

Billboards and signs in conjunction with principal permitted uses are allowed subject to the following regulations. Only signs specifically permitted shall be allowed in the various districts.

1. Residential Districts (R & LR).
 - a. Billboards and off-premise signs are not permitted in any residential zoning district.
 - b. No sign may be lighted that impairs the vision of the driver of any motor vehicle.
 - c. Signs shall not encroach or extend over public right-of-way.
 - d. No sign may obscure or physically interfere with a traffic control sign, signal, or device.
 - e. Home occupation signs are permitted pursuant to Section 10.17 of this ordinance.
 - f. All flashing, internally illuminated or audible signs are prohibited in all residential districts.
 - g. The following sign types are permitted:
 1. Address signs (Not to exceed 1 sq.ft.)
 2. Real Estate signs (Not to exceed 4 sq.ft.)
 3. Government signs
 4. Campaign signs (Not to exceed 6 sq.ft.);
 5. Construction signs (Not to exceed 32 sq.ft.)
 6. Subdivision identification sign (Not to exceed 32 sq.ft.)
 7. All signs for non-residential uses are limited to signs incorporated as a part of the building façade or attached flush to the building (roof sign or wall sign not to exceed 16 sq.ft.)
2. All Other Zoning Districts.
 - a. Only two (2) permanent type signs will be permitted per development.
 - b. One (1) sign may be placed on the principal use structure incorporated as part of the building façade or attached flush to the building.

- c. One (1) sign may be placed as a free-standing independent sign structure located no more than 150 feet from the principal use business, product or service advertised on said sign.
- d. The total allowable size of all signs not attached to a building, including but not limited to free standing, ground, joint identification, or pole signs shall not exceed 150 square feet.
- e. The total aggregate area of all signs shall not exceed 250 square feet for the property.
- f. No sign may obscure or physically interfere with a traffic control sign, signal, or device.
- g. Billboard type signs and signs not located in conjunction with a principal permitted use are allowed in the (C) Commercial district only provided that such off premise sign or billboard will be limited to one hundred (100) square feet on one side and such off premise sign or billboard complies with the set back requirements of the (C) Commercial District, so as not to impair sight distance or create a traffic hazard.
- h. All other signs are permitted to be located up to the front property line, but not encroach over any property line.
- i. No sign may be lighted that impairs driver vision or obstructs any street or highway views.
- j. For the purposes of this section, the sign area allowed shall be determined for free standing letters by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign. The sign area allowed shall be determined for signs with other than freestanding letters by taking the total area of the facing or the total area within the outer edge of any existent border of the sign, exclusive of the sign structure.
- k. Projecting signs may project out from a wall or face of a building no more than six feet (6') or may project above the roofline no more than four feet (4'), except that in no case shall a sign or sign structure be able to exceed the total height limitation of 35 feet. Projecting signs shall be attached to a wall at a height of no less than eight feet (8') above the sidewalk or grade level below the lowest point of said sign.
- l. Wall mounted signs shall project out from a wall or face of a building no more than twelve inches (12") nor project above the roofline more than four feet (4'), except that in no case shall a sign or sign structure be able to exceed the total height limitation of 35 feet.
- m. All signs shall be fixed and shall not be audible. No illumination shall be intermittent, flashing, revolving, or animated; but not to exclude electronic marquee signs or scrolling electronic message boards. No signs shall have moving parts including devices set in motion by movement of the atmosphere.
- n. Service stations or convenience stores selling gasoline products shall be limited to three (3) square feet of sign area for each lineal foot of street frontage occupied by such use. Where a service station has frontage on more than one street, only one street frontage may be used to compute the allowable sign area. In no case, however, shall the total of all signs for any one service station exceed 300 square feet.
- o. The following sign types are permitted:
 - 1. Address Signs
 - 2. Real Estate Signs (Not to exceed 24 sq.ft.)
 - 3. Government Signs
 - 4. Campaign Signs (as permitted by state law)
 - 5. Informational or Directional Signs (Not to exceed 2 sq.ft.)
 - 6. Free-Standing Signs (Not to exceed 150 sq.ft.)
 - 7. Ground Signs (Not to exceed 150 sq.ft.)

8. Joint Identification Signs (Not to exceed 150 sq.ft.)
9. Wall Signs (Not to exceed 2 sq.ft. per linear foot of building frontage (100 sq.ft. max)
10. Roof Signs (Not to exceed 2 sq.ft. per linear foot of building frontage (100 sq.ft. max)
11. Projecting Signs (Not to exceed 24 sq.ft. or encroach over any public right of way)
12. Temporary Signs
13. Construction Sign (Not to exceed 32 sq.ft.)

Section 14.6. GENERAL SIGN REGULATIONS.

1. *Electronic Message Board or Intermittent Flashing Signs.* Electronic message board signs, digital sign boards, or intermitted flashing signs displaying time and temperature or provide changing and scrolling messages are permitted if such signs do not flash or strobe lights.
2. *Informational & Directional Signs.* Informational and directional signs will be permitted in all districts.
3. *Hazardous Signs.* No sign or other advertising device permitted by this ordinance shall create a hazard to the safe and efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as “STOP”, “LOOK”, “WARNING”, CAUTION”, DANGER”, or any other word, phrase, or symbol in such a manner as to mislead or confuse traffic.
4. *Interference.* No sign or any attachment thereto shall be erected, placed, or maintained in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any electric light, power, telephone or cable wires or supports thereof.
5. *Signs in Right-of Way.* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
6. *Sign Height Clearance.* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall have a minimum ground clearance of eight feet (8’).
7. *Safe Ingress and Egress.* No sign or part thereof shall be erected or maintained to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
8. *Signs Required by Law.* In all districts, signs and billboards shall adhere to pertinent state regulations and other local ordinances.
9. *Back to Back Signs.* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty degrees (30°). If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area.

Section 14.7. CONDITIONAL USE SIGNS.

In all districts, for uses permitted as conditional uses, any sign type may be granted conditional use status after review by the board of adjustment and subject to any conditions deemed by the board to be appropriate.

Section 14.8. VARIANCES FOR SIGNS.

The board of adjustment may, upon request, grant a variance from technical requirements of this article where the proposed sign complies with the standards of this ordinance and where unique circumstances render technical compliance with this ordinance impractical.

Section 14.9. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises. Signs existing at the time of the enactment of this ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations and ordinances shall be regarded as nonconforming signs. Nonconforming signs shall not be changed to another nonconforming sign, structurally altered to prolong life of the sign, expanded in size, reestablished after discontinuance of the sign use for a period of ninety (90) days, or moved in whole or in part to another location unless said sign is made to conform to all regulations of this article.

Section 14.10. SIGN MAINTENANCE AND OBSOLETE SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is legible and can be easily read. All parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the property owner upon which the sign is located, within thirty (30) days after written notice by the City of West Okoboji. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign, said sign may be removed or altered to comply by the zoning administrator at the expense of the property owner. The owner may appeal the order of the zoning administrator to the board of adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board's decision. If, however, the city finds that any sign poses a serious and immediate threat to the health or safety of the public, the city may order the removal of such sign summarily and without notice to the permit holder.

Abandoned, obsolete or dilapidated signs now or hereafter existing which no longer advertises a bona fide business conducted, product sold, or service provided shall be removed by the sign owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ninety (90) days after written notification from the city. If after expiration of the ninety (90) day period the sign has not been removed, the city may cause removal of such signs, and any expense incident thereto shall be paid by the sign owner and/or property owner.

ARTICLE 15. NONCONFORMING BUILDINGS AND USES

Article 15: Nonconforming Buildings and Uses

- Section 15.1. Intent
- Section 15.2. Nonconforming Lots of Record
- Section 15.3. Nonconforming Uses of Land
- Section 15.4. Nonconforming Buildings or Structures
- Section 15.5. Replacing Damaged Buildings or Structures
- Section 15.6. Change in Tenancy or Ownership

Section 15.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are discontinued, but not to encourage their continuance. It is recognized there exists structures and uses of land and structures within the various zoning districts of this ordinance or amendments thereto which were lawful prior to the adoption of this ordinance that would otherwise be prohibited, regulated, or restricted under provisions of this ordinance. These nonconformities will be allowed to continue until they are discontinued.

Section 15.2. NONCONFORMING LOTS OF RECORD.

A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance even though such lot fails to meet the requirements for area or width, or both, that are applicable in such district. The yard setbacks and other bulk regulations for the district in which such lot is located shall apply, regardless of lot size or width. No new lots shall be created that are nonconforming.

Section 15.3. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, a lawful use of land that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. A nonconforming use may be changed to a permitted or conditional use in any district.
2. If a nonconforming use is discontinued for a period of one (1) year, any subsequent use shall conform thereafter to the uses permitted in the district in which it is located.
3. Existing structures or premises devoted to a use not permitted by this ordinance in the district in which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless the use of the building, structure or property is changed to a use permitted in the district in which such building, structure or premises is located.

Section 15.4. NONCONFORMING BUILDINGS OR STRUCTURES.

Where any existing building or structure at the effective date of adoption of this ordinance cannot be built under the terms of this ordinance due to restrictions on lot area, lot coverage, height, yards, setbacks, or other characteristics of the structure or its location on the lot, such building or structure may continue as long as it remains otherwise lawful, subject to the following.

1. No building or structure shall be enlarged or altered in a way that increases its nonconformity. Such building or structure that fails to meet the established yard setbacks of the district in

which it is located may be structurally altered or extended provided that the alteration or extension complies with the yard setbacks of the zoning district.

2. If a nonconforming structure or building is damaged, altered, or changed by any means, such repairs, reconstruction or restoration shall be permitted for a new building or structure of the exact same size, height, square footage and cubic content as the existing nonconforming building or structure.
3. Should a nonconforming structure or building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. If a nonconforming use in a building is discontinued, vacated, abandoned, or not used for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.
5. Where nonconforming building or structure exists, the removal or destruction of such nonconforming building or structure shall eliminate the nonconforming status and any new construction shall be rebuilt or constructed in compliance with the district regulations.
6. Any nonconforming building or structure located on any public right-of-way or other public access shall be moved or removed from any public property and located entirely on private property before being permitted to be rebuilt or reconstructed.

Section 15.5. REPAIR AND REPLACING DAMAGED BUILDINGS OR STRUCTURES.

Any nonconforming building or structure which is altered, changed, or damaged either by natural forces or through neglect in any manner so as to require its repair or replacement shall be permitted to be repaired, restored, or reconstructed and used as before, provided that such repair, restoration, or reconstruction contains some portion of the existing nonconforming building or structure and such repairs, restoration or reconstruction is confined to the existing foundation on the exact same footprint. Such new repairs, restoration or reconstruction of any nonconforming building or structure shall be limited to the exact same size, square footage, cubic content, and height as the existing building or structure prior to its damage, neglect or state of disrepair. Under no circumstances shall such a nonconforming building or structure be restored or reconstructed unless the same is completed within one (1) year from the date of such damage or proposed repairs; and under no circumstances shall any nonconforming building or structure which is repaired, restored or reconstructed be enlarged or altered from its original size. If for any reason, any nonconforming building or structure is removed completely down to the foundation or is proposed to be moved for any reason whatsoever, such relocation or completely new construction shall be completed in accordance with the bulk regulations and all requirements of the zoning district in which such building or structure is located. In the instance of a complete replacement or moving of any nonconforming building or structure located on any public right-of-way or other public access shall be moved or removed from any public property and located entirely on private property before being permitted to be rebuilt or reconstructed.

Section 15.6. CHANGE IN TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination without affecting the nonconforming status of such land, buildings, or use.

ARTICLE 16. ZONING ENFORCEMENT

Article 16: Zoning Enforcement

- Section 16.1. Zoning Administrator
- Section 16.2. Zoning Compliance
- Section 16.3. Zoning Permits Required
- Section 16.4. Application for Zoning Permit
- Section 16.5. Site Plans
- Section 16.6. Construction and Use as in Applications, Plans, and Permit
- Section 16.7. Fees
- Section 16.8. Conditional Uses
- Section 16.9. Administrative Appeals

Section 16.1. ZONING ADMINISTRATOR.

The city council of West Okoboji, Iowa, shall appoint a zoning administrator. It shall be the duty of said zoning administrator to enforce this ordinance. The role of zoning administrator is to review zoning permits for construction or modifications of buildings and structures, to act as a liaison between the city and public related to zoning matters, and to enforce this ordinance. The zoning administrator is also given the responsibility of serving as the recording secretary for the planning and zoning commission and board of adjustment and will act on the city's behalf in matters reviewed before these boards. The zoning administrator may be a person holding another appointive office in the city or in another governmental agency. The term of appointment for the zoning administrator is perpetual until city council decides otherwise and notification is given.

Section 16.2. ZONING COMPLIANCE.

If the zoning administrator finds any violations to this ordinance, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator shall order discontinuance of illegal uses of land, buildings, or structures, removal of illegal buildings or structures or additions, alterations, or structural changes thereto, discontinuance of any illegal work, or take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Section 16.3. ZONING PERMITS REQUIRED.

No land shall be occupied or used, and no building or structure hereafter erected or structurally altered shall be occupied or used for any purpose whatsoever, until the zoning administrator issues a permit. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the zoning administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance. In instances of new construction or modifications to the principal use, proof of a plat of survey or subdivision plat shall be shown by the property owner before any permit is issued for any lot of record. All zoning permits will be null and void if the purpose for which the permit is issued is not commenced within one (1) year from date of issuance. A zoning permit is not issued for demolition. Other small buildings including movable garden sheds or small storage buildings 64 sq.ft. or less in size, along with typical yard landscaping, are not required to submit a zoning permit, but shall still be subject to the rules of accessory buildings found in Section 10.13.

Section 16.4. APPLICATION FOR ZONING PERMIT.

Zoning permits shall be obtained from city hall. A zoning permit must be issued prior to starting

or proceeding with the erection, construction, moving, or structural alterations of a building or structure, or the erection of signs or billboards. Permits shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request. Zoning permits will be reviewed and a decision to approve, deny or request for additional information will be provided to complying applicants. In the case of moving a house or building onto a lot, photos of the building or structure being moved along with a route plan shall accompany the zoning permit.

Section 16.5. SITE PLANS.

Each application for a zoning permit shall be accompanied by a site plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be constructed, the dimensions of the required yards, parking and open spaces, site drainage of storm water and runoff control provisions and such other information as may be necessary to provide for the enforcement of this ordinance.

Section 16.6. CONSTRUCTION & USE AS IN APPLICATION, PLANS, AND PERMIT.

Zoning permits issued based on plans and applications, approved by the zoning administrator, authorize only that use, arrangement and construction. Any use, arrangement, and construction at variance with that authorized shall be deemed a violation and punishable as in Section 17.1.

Section 16.7. FEES.

The city council shall establish, by resolution, the zoning fees for zoning permits, conditional uses, variance and zoning appeals pursuant to this ordinance. Before receiving a zoning permit the owner or the owner's agent shall pay a fee to the city. The city, county, state, and federal governments shall be exempt from paying any scheduled fees. Fees for zoning permits issued after construction has begun shall double in cost as a penalty for not complying with the city's zoning permit process.

Section 16.8. CONDITIONAL USES.

The zoning administrator may issue a zoning permit for a conditional use after review of the planning and zoning commission and upon order of the board of adjustment.

Section 16.9. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error. Appeals to the board of adjustment concerning interpretation or administration of this ordinance by the zoning administrator may be taken by any person aggrieved or by any public officer of the city, board, bureau, corporation, or others affected by a decision of the zoning administrator. Such appeals shall be made within sixty (60) days of the action by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record from which the appeal was taken. A concurring vote of at least three (3) members of the board is necessary to approve, modify or reverse any decision or action of the zoning administrator, even in the instance of absentee members or in conflicts of interest. The board of adjustment shall fix a reasonable time (typically no more than 30 days) to conduct a public hearing, give public notices thereof, notify the parties of interest, and render a decision on the appeal. At the hearing, any party may appear in person, by agent, or attorney. The board shall make written findings of fact and conclusions on all issues presented in any adjudicatory proceeding. The board shall notify the appellant of its decision. A fee to be determined by resolution of the city council shall be paid to city at the time the notice of appeal is filed. (*Code of Iowa, Section 414.10*).

ARTICLE 17. VIOLATION AND PENALTY

Article 17: Violation and Penalty

Section 17.1. Violation and Penalty

Section 17.2. Restraining Order

Section 17.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the city's municipal code, any person, firm, corporation or agent responsible for such building or land who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance or amendment thereof; or who shall build or alter any building in violation of any detailed statement or approved plan with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor; or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction and punishable by civil penalty as provided herein. Each day that a violation is permitted to exist constitutes a separate offense.

A municipal infraction for a zoning violation in West Okoboji, Iowa is punishable under the following civil penalties: (*Code of Iowa, 2016, Sec. 455A.22 and Sec. 123.49*)

First offense – no less than \$250 and not to exceed \$750.00, plus court costs

Second and repeat offenses – no less than \$250 and not to exceed \$1,000.00, plus court costs

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 17.2. RESTRAINING ORDER.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the city attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of West Okoboji, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 18. PLANNING AND ZONING COMMISSION

Article 18: Planning and Zoning Commission

- Section 18.1. Confirmation of the Planning & Zoning Commission
- Section 18.2. Membership and Terms of Office
- Section 18.3. Quorum
- Section 18.4. Meetings
- Section 18.5. Officers
- Section 18.6. Powers and Duties

Section 18.1. CONFIRMATION OF THE PLANNING & ZONING COMMISSION.

The members of the West Okoboji planning and zoning commission are hereby confirmed to continue their appointed terms of office. The planning and zoning commission shall consist of five (5) members. Members of the planning and zoning commission may be removed from office by the city council for cause upon written charges, and after a majority vote of all council members. Absence by any member for three (3) consecutive meetings without prior excuse from the planning and zoning commission chairperson shall be deemed sufficient cause for removal. The city council shall fill vacancies in the same manner as the original appointment. Most of the members of the planning and zoning commission shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate.

Section 18.2. MEMBERSHIP AND TERMS OF OFFICE.

All members of the West Okoboji planning and zoning commission shall be residents of the city. All members shall be appointed by the city council. The term of office of the commission members shall be five (5) years. Vacancies shall be appointed in the same manner as the original appointee. A person appointed to fill an occurring vacancy shall only serve out the remainder of the term of the member replaced. The terms of not more than one-third of the members will expire in any one year.

Section 18.3. QUORUM.

A majority of membership of the entire planning and zoning commission shall constitute a quorum, and a quorum shall be required to conduct the business of the commission. Actions on ordinance adoptions and amendments, rezoning and zoning map changes, and subdivision final plat approval shall require a majority vote (at least 3 affirmative votes) of the entire commission membership. A quorum may be achieved and verbal communication to vote shall be counted by phone, teleconferencing or other verbal electronic means. The votes of all members, including members calling in from another location, shall be recorded in the official minutes of the meeting.

Section 18.4. MEETINGS.

The planning and zoning commission shall adopt rules necessary to the conduct of its affairs. Meetings shall be held at the call of the city clerk or chairperson and at such other times as the planning and zoning commission may determine. The chairperson or the acting chairperson may direct the meetings. All meetings shall be open to the public. The planning and zoning commission shall keep minutes of its proceedings showing the vote of each member upon each action, or if absent or failing to vote indicating such fact. The commission shall also keep records of its other official actions, all of which shall be made available for public inspection.

Section 18.5. OFFICERS.

The planning and zoning commission shall elect a chairperson and vice-chairperson from among its membership. Terms for officers shall be one (1) year. The election shall take place at the first commission meeting of the calendar year. Officers shall assume their positions immediately.

Section 18.6. POWERS AND DUTIES.

The commission shall have the following powers and duties, and other such powers as may be instrumental to the carrying out of the powers invested herein. (*Code of Iowa, Sec. 414.6*)

1. To prepare, recommend to the city council, and maintain a comprehensive plan for the physical development of the city to accomplish other special studies related to land use development as requested by the city council.
2. To prepare, recommend to the city council, review and update, and recommend proposed changes to the zoning ordinance and subdivision regulations for the city; and to hold public hearings as necessary to receive comments from the public regarding any of the before mentioned or other land use issues.
3. To review and comment on all plats of land embraced in the city or adjacent thereto, laid out in lots with streets, alleys, or other portions of the same intended to be dedicated to the city. All plats and plans shall be submitted to the commission and its recommendations obtained before approval by the city council.
4. No plan for any street, park, parkway, boulevard, traffic-way, lake front, or other public improvement affecting the city or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had forty-five (45) days within which to file its recommendations thereon.
5. The commission shall have the full, complete and exclusive authority to expend for and on behalf of the city all sums of money appropriated to it for planning and zoning purposes.
6. Each year the commission shall make a report to the mayor and city council of its proceedings.

ARTICLE 19. BOARD OF ADJUSTMENT

Article 19: Board of Adjustment

- Section 19.1. Board of Adjustment
- Section 19.2. Proceedings of the Board of Adjustment
- Section 19.3. Stay of Proceedings
- Section 19.4. Powers and Duties
- Section 19.5. Decisions of the Board of Adjustment
- Section 19.6. Appeals from the Board of Adjustment

Section 19.1. BOARD OF ADJUSTMENT.

The members of the existing board of adjustment are hereby confirmed to continue their appointed terms of office. The board of adjustment shall consist of five (5) members, each of whom shall be residents of the city, to be appointed by the mayor subject to approval by the city council for overlapping terms of five (5) years. Members of the board of adjustment may be removed from office by the city council for cause upon written charges and after public hearing. Absence by any member for three (3) consecutive meetings without prior excuse from the board chairperson shall be deemed sufficient cause for removal. The city council shall fill vacancies in the same manner as the original appointment. Most of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. (*Code of Iowa, 2015, Sections 414.7 and 414.8*)

Section 19.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The board of adjustment shall, subject to approval of the city council, adopt rules and regulations necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the city clerk and at such other times as the board may determine. The board of adjustment shall elect a chairperson and vice-chairperson from among its membership annually. The elections shall take place at the first board meeting of the calendar year. The chairperson, or the acting chairperson, may administer oaths and compel attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public in accordance with the provisions of Chapter 28A, Code of Iowa. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed at city hall. A majority of the membership of the entire board shall constitute a quorum, and a quorum shall be required to conduct the business of the Board. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions of the zoning administrator. The presence of three (3) members shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. The zoning administrator may be an ex-officio member and act as secretary for the board of adjustment.

Section 19.3. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action which was appealed unless the zoning administrator certifies to the board of adjustment that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed

other than by a restraining order which may be granted by the board of adjustment or by a court of record on the application, upon notice to the zoning administrator and on due cause shown. The final disposition of any appeal shall be in written form by the board, either reversing, modifying, or confirming the decision of the zoning administrator.

Section 19.4. POWERS AND DUTIES.

The board of adjustment shall have the following powers and duties.

1. *Administrative Review.* To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this ordinance.
2. *Conditional Uses.* To hear and decide such exceptions as the board of adjustment is specifically authorized to pass by the terms of this ordinance, and as provided for in Article 21.
3. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this Ordinance, as provided for in Article 20; and as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.
4. *Interpretation.* The board shall interpret the zoning map and provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance. To permit the extension of a use district where the boundary line of such district divides a lot in single ownership, as shown of record or by existing contract of purchase.
5. *Other such Powers and Duties as Granted, including but not limited to.* Permitting a nonconforming use of a building to be changed to another nonconforming use of a similar or more restrictive use; or to extend the time limits of zoning permits, variances, conditional uses, or other permits issued.

Section 19.5. DECISIONS OF THE BOARD OF ADJUSTMENT.

In exercising the above-mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the board, even in the instance of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance.

Section 19.6. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, board, or bureau of the community aggrieved by any decision of the board of adjustment may seek review of such decision of the board of adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa. A petition shall be submitted to a court of record claiming that such decision or act of the board of adjustment is illegal, wholly, or partially, and specifying the grounds of the illegality. Such petition shall be presented to the court within sixty (60) days after the action of the board. Otherwise, all decisions of the board of adjustment shall be final immediately upon filing of the board's decision.

ARTICLE 20. VARIANCES

Article 20: Variances

- Section 20.1. Intent
- Section 20.2. Application
- Section 20.3. Proceedings
- Section 20.4. Lapse of Variance
- Section 20.5. Revocation of Variance
- Section 20.6. Appealing a Variance
- Section 20.7. Variance to Run with the Land or Structure

Section 20.1. INTENT.

To authorize upon appeal in specific cases such variances from the terms of this zoning ordinance, of which will not be contrary to the public interest and where a property owner can show due to exceptional circumstances or other peculiar situation affecting a lot of record existing at the time of passage of this ordinance. Furthermore, evidence should be shown indicating the strict application of these regulations will prohibit the use of such property in a manner similar to other property in the district and result in an unnecessary hardship. In certain circumstances, a variance may be authorized and issued that will not be contrary to public interest and where the board shall be satisfied by the evidence heard before it, that the granting of such variation will alleviate a hardship as distinguished from a special privilege sought by the owner.

Section 20.2. APPLICATION.

A variance from the terms of this ordinance shall not be granted by the board of adjustment unless and until a written application for the variance is submitted with the zoning administrator. An application may be initiated by a property owner or the owner's authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The submitted application shall include:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
4. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
5. An abstractor's certificate showing the property address, name, and last known mailing address of the owners of all property within 200 feet of the subject property (within the city limits of West Okoboji) for which the variance is requested.
6. A site plan, as prepared in accordance with Article 9.
7. A fee shall accompany the application, as established by resolution of the city council.
8. The zoning administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

Section 20.3. PROCEDURES.

1. The zoning administrator shall review the application and prepare a report to be submitted to the board of adjustment and available to the applicant prior to the public hearing.

2. Notice of public hearing shall be given by publication of a legal notice in a newspaper of general circulation in the city no less than seven (7) days and no more than twenty (20) days prior to the date of the hearing. Notice shall be given by certified mail to the applicant and to the owners of each property residing within the city limits of West Okoboji within two hundred feet (200') of the subject property prior to the date of the hearing. In the event there is more than one property owner for any parcel of property it shall be sufficient to notify only one owner of each parcel by mail. The public hearing notice and letter to neighboring property owners shall include appropriate information pertaining to the general nature of the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number from which additional information may be obtained.
3. The public hearing shall be held. Any party may appear in person or by agent or attorney.
4. Prior to making any decisions on a variance application, the board shall consider whether the variance is contrary to the nature, intent and general objectives of the zoning ordinance and the city's comprehensive plan.
5. The board of adjustment shall make findings that the requirements of this section are met by the applicant for a variance, based on the following criteria.
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.*
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.*
 - c. That special conditions and circumstances do not result from the actions of the applicant.*
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.*
6. The board of adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
7. The board shall further make a finding that the granting of the variance will be in harmony with the neighborhood and community, and not detrimental to the public welfare.
8. The board of adjustment shall act upon the application not more than 45 days following the closing of the public hearing for a variance. The board may grant a variance as applied for, or in modified form, or subject to conditions established by the board, or the application may be denied. The board shall notify the applicant of its decision. The concurring vote of three (3) members of the entire board of adjustment is necessary to grant a variance, even in the case of absentee or conflicts of interest.
9. Every variance granted or denied by the board of adjustment shall be accompanied by a written finding of fact, based upon testimony and evidence; and specifying the reasons for granting or denying such variance.

10. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 17.1 of this ordinance.

Section 20.4. LAPSE OF VARIANCE.

Unless a longer time is specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or the site is occupied if no zoning permit is required.

Section 20.5. REVOCATION OF VARIANCE.

A variance shall be revoked upon notification from the zoning administrator to the owner of the use or property subject to the variance upon violation of any applicable provision of this ordinance or upon failure to comply with conditions of the approved variance.

Section 20.6. APPEALING A VARIANCE DECISION.

Any person or persons, or any board, taxpayer, department, or bureau of the community aggrieved by a decision on a variance request by the board of adjustment may only seek review and appeal of such decision by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa.

Section 20.7. VARIANCE TO RUN WITH THE LAND OR STRUCTURE.

Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies. Such variances approved by the board of adjustment shall be submitted to the Dickinson County Records Office to be recorded with the property upon which variance was approved indicating such variance that was authorized on the land, building or structures.

ARTICLE 21. CONDITIONAL USES

Article 21: Conditional Uses

Section 21.1.	Requirements
Section 21.2.	Responsibilities
Section 21.3.	Application for a Conditional Use Permit
Section 21.4.	Procedures
Section 21.5.	Standards
Section 21.6.	Revocation
Section 21.7.	Conditional Use to Run with the Land
Section 21.8.	Uses Under Conditional Use Provisions
Section 21.9.	Supplemental Standards

Section 21.1. REQUIREMENTS.

The enactment of this zoning ordinance is based upon the division of the city into districts, each of which include permitted uses that are mutually compatible. In addition to such compatible permitted uses it is recognized there are certain other conditional uses which may be necessary or desirable to allow in certain locations in certain districts. Conditional uses need to be carefully regulated with respect to their location for the protection of the city based upon the actual or potential impact on neighboring uses or public facilities. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the board of adjustment. The board of adjustment will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a conditional use permit, the board of adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the use.

Section 21.2. RESPONSIBILITIES.

The zoning administrator shall be responsible for administration of the conditional use procedure and the board of adjustment shall be responsible for the review, evaluation, and action on all applications for a conditional use permit.

Section 21.3. APPLICATION FOR CONDITIONAL USE PERMIT.

A request for a conditional use permit may be initiated by a property owner or an authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan as prepared in accordance with Article 9, if requested by the zoning administrator. The application shall also be accompanied by a fee as determined by resolution of the city council. The application shall include, but not limited to, the following:

1. Name and address of the owner and applicant. If the applicant is not the property owner, a statement that the applicant is the authorized agent of the owner.
2. Address and legal description of the property.
3. An abstractor's certificate showing the legal description, name and last known mailing address of all the owners of each lot within two hundred feet (200') of the subject property (within the city limits of West Okoboji).

4. A statement describing the nature and operation characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
5. The location and dimension of boundary lines, easements, and required yards and setbacks.
6. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site.
7. The location of existing and proposed site improvements including parking, vehicular and pedestrian access, landscaped areas, utilities, fencing and screening, signs, and lighting.
8. The location of watercourses and drainage features, if applicable.
9. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
10. The relationship of the site and proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements.

Section 21.4. PROCEDURES.

The board of adjustment shall not grant a conditional use permit unless and until the following procedures have been fulfilled:

1. The zoning administrator shall review the application for completeness and prepare a report for the planning and zoning commission and board of adjustment.
2. The zoning administrator shall schedule a public meeting with the planning and zoning commission at which time the commission shall review the proposed conditional use and provide the board of adjustment with a recommendation within thirty (30) days of receipt of the application.
3. Within thirty (30) days of receipt of the planning and zoning commission's recommendation, the city shall schedule a public hearing for the conditional use request. Notice shall be given of the public hearing within seven (7) days prior to the public hearing as required by state statute by publication in a newspaper of general circulation in the city. A courtesy mailed notice shall be given by certified mail to all property owners within the city limits of West Okoboji who are within two hundred feet (200') feet of the property in question. Such notices shall contain the time and location of such hearing. In the event there is more than one property owner, it shall be sufficient to notify only one (1) owner of each property by mail.
4. At the public hearing, the board shall review the application and receive pertinent evidence concerning the proposed use and conditions under which it would be operated or maintained.
5. The board of adjustment shall act on the conditional use application not more than thirty (30) days following the closing of the public hearing. The board may grant a conditional use permit as the permit was applied for, or in a modified form, or subject to conditions, or the board may deny the application. The board shall notify the applicant of its decision.
6. In granting any conditional use permit the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Conditions of approval are intended to ensure the proposed use is compatible with surrounding uses and to preserve the public health, safety, and welfare. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this ordinance and punishable under Section 17.1 of this ordinance.

7. The concurring vote of three (3) members of the entire board of adjustment grants a conditional use permit, even in the event of absentee members or conflicts of interest.
8. Unless a longer time is specifically established as a condition of approval, a conditional use permit shall be valid for a period of one (1) year from the date of such order, the board of adjustment specifically grants a longer period, or a zoning permit is obtained within the one (1) year period and construction is commenced.

Section 21.5. STANDARDS.

The zoning administrator and board of adjustment shall review and evaluate conditional use applications using the following criteria:

1. Establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the city.
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. Establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
4. For relocating or moving buildings, the proposed use shall not be contrary to existing neighboring uses and special attention is given to architectural style, size, and existing conditions.
5. Adequate utilities, access roads, drainage, parking, and/or necessary facilities are or will be provided.
6. Compatibility of the proposed use is consistent with existing or permitted uses on adjacent sites in terms of height, setbacks, open space, landscaping, and site development.
7. Adequate measures are taken to provide ingress and egress designed to minimize traffic congestion in the public streets.
8. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
9. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
10. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
11. The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
12. The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation, or other property or which causes soiling, discomfort, or irritation.
13. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
14. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

15. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
16. That the use will not conflict with the city's comprehensive plan.
17. The ground coverage shall be such that no additional dust or stormwater run-off is generated by the conditional use.
18. The proposed use shall not cause any permanent, irreparable environmental damage to the property in question or neighboring lands.
19. The conditional use permit may be reviewed after a specified period for compliance and for possible additional conditions.

Section 21.6. REVOCATION.

The issuance of a conditional use permit by the board shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements, and safeguards set forth in the conditional use permit. If a conditional use permit is granted, it expressly grants to the city for the enforcement of this ordinance, the power and authority to enter upon the premises at any reasonable time for inspection and enforcement of the terms of this ordinance or of the terms of the conditional use permit. In the event the owner or occupant of the property violates any provision of this ordinance or any term, condition, limitation, regulation, or safeguards contained in the conditional use permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance in accordance with Section 17.1.

Section 21.7. CONDITIONAL USE TO RUN WITH THE LAND.

Unless otherwise specified at the time a conditional use is granted, a conditional use permit issued pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which such conditional use permit applies. Such conditional use permits approved by the board of adjustment shall be submitted to the Dickinson County Records Office to be recorded with the property upon which such conditional use was approved indicating such conditional use and any specific conditions tied to the property through issuance of such conditional use that was authorized on the land, building or structures.

Section 21.8. USES UNDER CONDITIONAL USE PROVISIONS.

Any use for which a conditional use is permitted as provided in this ordinance shall not be considered a nonconforming use. With that stated, any expansion of a conditional use shall be decided by review and decision from the board of adjustment.

Section 21.9. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 21.5 above, certain uses shall adhere to the following supplemental standards for specific activities:

1. **Salvage Yards:** All salvage yards, including areas where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled, packed, disassembled or handled, including dismantling, or wrecking of automobiles or machinery or other vehicles, shall be in the agricultural district and the general industrial district under conditional use permit.

- a. The yards shall be at least five hundred feet (500') distant in all directions from any residential building.
 - b. Outdoor salvage, scrap, waste, or junk yards shall be screened by a solid wall or uniformly painted or finished solid fence not less than seven feet (7') in height, or in lieu thereof, a landscape buffer strip may be planted fifty feet (50') wide with deciduous and evergreen trees and large shrubs to provide an opaque landscape screen at least ten feet (10') high upon planting.
 - c. An off-street parking or service area for licensed vehicles only in connection with customer or employee parking or loading or unloading of equipment and materials may be located outside of the screened-in area.
2. ***Open-Air Sales Display and Storage:*** All open-air sales display, equipment, or material storage, including but not limited to auto storage (not including auto sales lots), new and used farm implement and equipment (including heavy equipment and machinery) sales and storage, new and used truck, machinery, or heavy equipment sales and storage, outdoor recreational vehicle, boat, or trailer outdoor storage areas intended for and operated as a commercial use shall require a conditional use permit. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:
- a. Open-air sales, display, equipment or material storage yards shall be surfaced, preferably with a hard-surfacing material, but at a minimum with granular, aggregate, crushed stone or rock material.
 - b. The sides and rear lot lines, when abutting properties used for residential dwellings, shall be required to be screened by a solid wall or uniformly painted or finished solid fence at least seven feet (7') in height. The fence shall not be required to extend beyond the front yard setback line.
 - c. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard. No lighted flashing signs, or revolving beacon lights shall be permitted.
 - d. Any open-air storage area including but not limited to auto, boat, machinery, or equipment storage yards shall be maintained to be reasonably free of weeds, debris, trash, and other objectionable materials.
3. ***Boat and Marine Accessory Storage:*** Boats, Personal Watercraft, trailers, boat hoists, or other marine accessories belonging solely to the owner may be stored on the owner's lot for no longer than nine (9) consecutive months in the same location. Multiple boats, personal watercraft, trailers, boat hoists, or other marine accessories stored on a parcel, lot, or group of lots for longer than nine (9) consecutive months for private, commercial, or monetary purposes shall conform to the requirements of Section 2. Open-air Sales Display and Storage, as indicated above.

ARTICLE 22 CHANGES AND AMENDMENTS

Article 22: Changes and Amendments

- Section 22.1. Application for Rezoning or Text Amendment
- Section 22.2. Procedures
- Section 22.3. Initiation
- Section 22.4. Protest Provision
- Section 22.5. New Application

Section 22.1. APPLICATION FOR REZONING OR TEXT AMENDMENT.

Applications for rezoning requests or text amendments shall be filed with the zoning administrator on forms provided by the city, and shall include the following information.

1. Each application shall be filed with the zoning administrator and accompanied by a fee as determined by resolution of the city council and shall contain the following information. Failure to approve the requested rezoning change or text amendment shall not be deemed cause to refund the fee to the applicant.
 - a. The name and address of the owner and applicant. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 - b. The legal description and local address of the property.
 - c. The present zoning classification and the zoning classification requested for the property.
 - d. The existing use and proposed use of the property.
 - e. A statement of reasons why the applicant feels the present zoning is no longer appropriate.
 - f. In the event of a text amendment, a copy of the proposed text amendment that specifically identifies the requested language to be changed.
 - g. An abstractor's certificate showing the names and last known addresses of the owners of all property within the city limits of West Okoboji which are within two hundred feet (200') of the property for which the rezoning change is requested. This information is not necessary for a proposed text amendment. An accurate map or plat of survey of the area proposed for rezoning showing existing and proposed locations, dimensions, and use of the property; and all property within two hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.

Section 22.2. PROCEDURES.

This ordinance and the zoning districts map created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the planning and zoning commission for review and recommendation. The planning commission shall have forty-five (45) days after filing the application to submit a report and/or recommendation to the city council. The planning and zoning commission shall determine whether the rezoning change or text amendment is consistent with the objectives of this zoning ordinance and is consistent with the city's comprehensive plan. The planning and zoning commission shall recommend to the city council whether the text amendment or rezoning request be approved, approved with modifications or changes, or denied. If the commission fails to submit a report within the 45 day period, it shall be deemed to have approved the proposed amendment. Before adoption of any proposed amendment to this ordinance the city council shall hold a public hearing no more than thirty (30) days following the recommendation of the planning and zoning commission. A public hearing shall be held by the city council on each

application for any proposed text amendment or rezoning. A notice of such public hearing shall be published no less than seven (7) days and no more than twenty (20) days prior to the date established for such hearing, per Iowa Statute, in a newspaper of general circulation in the city. A courtesy letter notifying property owners of the public hearing shall also be sent by certified mail to the owners of all property within the city limits of West Okoboji which are within two hundred feet (200') of the property for which the rezoning change is requested. The courtesy letter is not required or necessary in the instance of a zoning text amendment. If there is more than one property owner for any parcel of property, it shall be sufficient to notify only one (1) owner of each parcel. In no case, shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notices shall include the time and place of the public hearing. At the public hearing, the city council shall review the application and receive pertinent evidence relating to consistency with the objectives of this ordinance and development policies of the city.

Within Thirty (30) days following the public hearing, the city council shall, make a specific finding as to whether the current district classification of the property to be rezoned is valid, whether there is a need for additional land zoned for the purpose requested, whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time and whether the proposed change is consistent with the city's current land use plan. If the change is consistent, the city council shall introduce an ordinance amending the zoning text or zoning map, whichever is appropriate. If the city council finds the change is not consistent is shall deny the application.

Section 22.3. INITIATION.

Requests for rezoning of property or zoning amendments may be initiated by one of three ways.

1. The planning and zoning commission may initiate a text amendment or rezoning request.
2. The city council may initiate a text amendment or rezoning request.
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning). If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

Section 22.4. PROTEST PROVISION.

In case the planning and zoning commission does not approve the text amendment or rezoning request, or in case a protest filed with the city council against a change in district boundaries signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof within the city limits of West Okoboji, such amendment shall not be passed except by the favorable vote of four-fifths (4/5) of all the members of the city council.

Section 22.5. NEW APPLICATION.

Whenever the city council denies a petition requesting an amendment, supplement or change of any regulations prescribed by this ordinance such petition cannot be renewed for one (1) year thereafter unless it is signed by at least fifty percent (50%) of the property owners who previously protested such zoning change as described in Section 22.4 above. This provision, however, shall not prevent the city council from acting on its own initiative in any case or at any time provided in this section.

ARTICLE 23. EFFECTIVE DATE

Section 23.1. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its adoption and publication as required by law and as provided for in Chapter 380.6 and 380.7 of the Code of Iowa.

(Code of Iowa, Sec. 380.6[1]; Sec. 380.7[3]; and Sec. 362.3)

ADOPTION

ZONING ORDINANCE OF THE CITY OF WEST OKOBOJI, IOWA

Passed and approved the first consideration on _____, 2019

Passed and approved the second consideration on _____, 2019

Passed and approved the third and final consideration on _____, 2019

Adopted on _____, 2019

Published on _____, 2019

Mayor, City of West Okoboji

Attest:

West Okoboji City Administrator

EDITOR'S NOTE

The following ordinances were adopted amending the official West Okoboji Zoning Ordinance or Zoning Map and are not included as a part of this ordinance but have been specifically saved from repeal and are in full force and effect.

[illegible]

**WEST OKOBOJI, IOWA
OFFICIAL ZONING MAP**

