

## CHAPTER 165

# ZONING REGULATIONS

### SECTION 165.03 DEFINITIONS

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The following terms are defined for the purposes of this chapter:

1. Accessory use or structure: A use or structure on the same lot with the principal use or structure and serving a purpose customarily incidental and subordinate to the principal use or structure. An accessory use shall not be taller than, encompass more floor area or use a greater part of the lot than the principal permitted use or as further limited within this Zoning Regulations. A prohibited principal use is also a prohibited accessory use in the same district.
2. Addition: An extension or increase in floor area or height of a building or structure.
3. After Hours Business: Any business open during any time between the hours of two o'clock (2:00) A.M. to six o'clock (6:00) A.M. any day of the week and where patrons are allowed to bring their own beer and wine onto the business premises.
4. Agriculture: The use of land for agricultural purposes, including those forms of row-crop farming, horticulture, floriculture, forestry, groves, orchards, and viticulture and limited animal husbandry, apiculture, dairying, poultry husbandry, ranching as specified herein appropriate for operation in an urban and urbanizing area, and also those necessary accessory uses for packing, treating or storing the produce. The operation of the accessory uses shall be subordinate to that of the normal agricultural activities. This definition does not include any animal feeding operations, confined animal feeding operations, open feedlots, and similar operations containing 12 or more animals. Furthermore, this definition does not include any processing of animal products.
5. Amusement arcade: A building or part of building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
6. Animal shelter: A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a nongovernmental entity, including (but not limited to) a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.
7. Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building. (Also see "satellite dish antenna" and "communications tower.")
8. Apartment house or building: Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the building.

Said buildings have dwelling units that are both vertically and horizontally attached to one another. (See "Dwelling, multiple-family.")

9. Assisted living residential facility: A building consisting of individual dwelling units where meals and assistance for daily living activities are provided to the residents, who are primarily elderly persons. Such facility must be licensed as a Residential Care Facility, Intermediate Care Facility or Skilled Nursing Facility under Chapter 135C, Code of Iowa.
10. Automobile sales and storage lot: An open, off-street area where 100 or more new and used operable motor vehicles are stored or offered or displayed for sale or advertising purposes. No motor vehicle may be sold or stored in any location other than an automobile sales and storage lot.
11. Automobile service center: Any building or premises where at least fifty percent (50%) of the business is derived from retail sales of auto parts and accessories. Major work, including (but not limited to) engine and transmission overhauls and/or changes, shall not be permitted.
12. Bar: Any establishment devoted primarily to the selling, serving or dispensing and drinking of malt, vinous, or other alcoholic beverage by 50% or more of total gross sales, and where such beverages are consumed on the premises. (This definition includes and may also be referred to as a "Cocktail Lounge," "Tavern," or "Saloon.")
13. Basement: The lower part of a building having more than one-half ( $\frac{1}{2}$ ) of its height between its floor and the floor of the story above it below the adjacent ground elevation.
14. Bed and Breakfast Inn: An owner-occupied dwelling unit that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation. For establishments to be considered a bed and breakfast inn, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
15. Billboard: All structures, regardless of the material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs (whether the structure be placed on the wall or painted on the wall itself), pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
16. Boarding house or rooming house: A building other than a hotel or motel where, for compensation, lodging, or lodging and meals, are provided for three (3) or more persons.
17. Body Piercing Studio: Any establishment or business wherein body piercing is practiced. Specifically excluded from this definition are retail jewelry businesses offering ear piercing as a complimentary service. (See "Tattoo Studio.")
18. Brewery, micro: A business that brews beers, ales, and/or similar beverages on-site for distribution, retail or wholesale, on or off-premises and produces no more than 10,000 barrels of beer or ale annually. A microbrewery may include a tasting room for consumption on-premises as defined in

Iowa Code Section 123.3(16).

19. Buffer: A landscaped area, wall, or other structure intended to separate or partially obstruct the view between two adjacent zoning districts, land uses or properties from one another. (Also see "screening.")
20. Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
21. Building, height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the highest gable of a pitch or hip roof.
22. Building line: The line parallel to the front lot line over which no portion of any building, except an overhang or chimney, may extend and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.
23. Car wash: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
24. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of the Zoning Regulations, a carport attached to a principal building is considered as part of the principal building and subject to all yard requirements herein.
25. Child: A person under 18-years of age.
26. Child Care Center: A facility providing child day care for seven or more children at one time, except when the facility is registered as a group care facility or when officially registered by the State of Iowa as a Child Development Home. (See Chapter 237A.1 of the State Code of Iowa.)
27. Child Day Care: (See Chapter 237A of the State Code of Iowa) The care, supervision, or guidance of a child by a person other than the parent, guardian, relative, or custodian for periods of two hours or more, and less than twenty-four hours per day per child, on a regular basis, in a place other than the child's home, but does not have:
  - A. An institutional program administered by a public or non-public school system approved by the Iowa State Department of Public Instruction or the Iowa State Board of Regents.
  - B. A religious-related instructional program of not more than one day per week.
  - C. Short-term classes held between school terms.
  - D. A program administered by a political subdivision of the State which is primarily for recreational or social purposes and is limited to children who are five years of age or older and attending school.

28. Child Care Home: A private residence where child care is provided to five (5) or fewer children at any one time and that is not registered with the State of Iowa. (See Chapter 237A.3 of the State Code of Iowa.)
29. Child Development Home: A private residence, officially registered by the State of Iowa as a "Child Development Home," to provide child day care to six or more children at any one time following the categories and regulations as defined by the Iowa Department of Human Services (DHS) on July 1, 2017. (See Chapter 237A.3A of the State Code of Iowa.)
30. Church or place of religious worship: An institution that people regularly attend to participate in or hold religious services, meetings, and other typical ancillary activities. The term "church" does not carry a secular connotation and includes buildings in which the religious services of any denomination are held. This does not include a dwelling.
31. Clinic, medical or dental: A building or buildings in which physicians, dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
32. Club: An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, fitness, or the like but not operated for profit, excluding churches, or other houses of worship.
33. Comprehensive Plan: The Comprehensive Plan for the City of Indianola, which sets forth the City's long-range plans for land use, transportation, municipal utilities, City expansion, management and development policies to guide the City's growth and from which the City's zoning regulations shall be based.
34. Commission: Means the Planning and Zoning Commission of Indianola, Iowa.
35. Communications tower: A structure that is intended for transmitting or receiving television, radio, short-wave, citizens band or telephone communications. (See Chapter 161 for definitions related to Communication Towers and Equipment.)
36. Condominium: An estate in real property as regulated by Chapter 499B of the Code of Iowa consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
37. Condo-Conversion (Condominium Conversion): The filing of a condominium regime, per the Code of Iowa, for an existing real estate property, such as the conversion of an apartment building into condominiums.
38. Convenience store: Any retail establishment, generally less than 10,000 square feet in size, offering for sale food products, household items and other goods commonly found in grocery stores and may include automotive and truck fuel sales. Any such business with 50% or more of its gross sales in alcohol and/or tobacco shall be considered a liquor store or a tobacco store.
39. Cul-de-sac: A local street, one end of which is closed and consists of a circular turnaround.

40. Delayed Deposit Services Business: A person or individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity who for a fee does either of the following:
- A. Accepts a check, draft, share draft, or other instrument for the payment of money dated after the date it was written.
  - B. Accepts a check, draft, share draft, or other instrument for the payment of money dated on the date it was written and holds it for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, draft, or other instrument whether express or implied.

The above are typically referred to as "Check Cashing," "Payday Lending," or "Car Title Loan" establishments.

41. Density, gross: The number of dwelling units permitted per acre of gross land within a defined area including public streets and open spaces.
42. Density, net: The number of dwelling units per net acre of land being developed not including public streets and open spaces.
43. Department store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space of 10,000 square feet or more.
44. Display lot: The lot area that is for display of sellable durables that are the primary durables of the business.
45. Dock: any elevated protrusion intended or used for purposes of loading and unloading goods, merchandise, cargo, or other tangible goods.
46. Drive-in or Drive-thru Facility: An establishment that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in their vehicle that are in designated drive-thru vehicle stacking lanes. A drive-thru facility may be in combination with other uses, such as financial institutions, restaurants, pharmacies, and service providers such as dry cleaners. For the purposes of the Zoning Regulations, automotive and truck washes and automotive and truck fuel sales facilities will not be categorized as drive-thru facilities.
47. Driveway: A privately owned roadway giving access from a public street to a building lot or abutting property.
48. Dwelling: Any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home, and designed to be placed on, supported by and attached to a continuous perimeter foundation, which is permanent and constructed in accordance with the Indianola Building Code for site-built housing.
49. Dwelling, accessory: A separate and smaller second dwelling that is located within the lot or building envelop of a single-family dwelling and is held under the same ownership of that single-family dwelling. This separate dwelling contains its own living, cooking, and housekeeping facilities, may

or may not have its own entrance, and is contained within, attached to, or built separate from the principal single-family dwelling. Examples include: a dwelling over an attached or detached garage, a tiny house built on a separate foundation in the backyard, a dwelling within the basement of the principal building, or a dwelling attached to the principal building.

50. Dwelling, multiple-family: A building with three (3) or more dwelling units designed for or occupied by three or more families with separate cooking and housekeeping facilities for each, where either the units share a common entrance from the exterior of the building or any single unit has common walls or floors with more than two units. Said buildings have dwellings units that are both vertically and horizontally attached to one another. (See "Apartment house or building.")
51. Dwelling, row: Three (3) or more horizontally attached dwelling units in a continuous row. (See "Dwelling, townhouse.")
52. Dwelling, single-family, detached: A detached dwelling erected on its own lot and designed for or occupied by one family only, with the minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.
53. Dwelling, single-family, semi-detached: A dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such dwelling on one side only by a wall located on the lot line and which has yards on the remaining sides (commonly referred to as a duplex). Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.
54. Dwelling, townhouse: A dwelling unit attached horizontally to 2 or more other dwelling units by party walls, but no single unit shares party walls with more than two other units, and where each unit maintains an individual entrance from the exterior of the building. (See "Dwelling, row.")
55. Dwelling, two-family: A dwelling designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each, and erected on one lot. Each dwelling shall have a minimum width of twenty (20) feet for more than 65% of the length of the building exclusive of garages.
56. Dwelling unit: A room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family, containing sleeping, bathroom, and kitchen facilities.
57. Easement: A granted right by a land owner to a person, government agency, or public utility company to use land owned by another for a specific purpose.
58. Elder group home: A single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the State Department of Elder Affairs as an elder group home in accordance with 231B.2 of the Code of Iowa. In accordance with the Code of Iowa, elder group homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas. (See "Family home.")

59. Factory-built home: Any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of the Zoning Regulations, factory-built homes include manufactured homes and modular homes.
60. Family: One (1) or more individuals occupying a dwelling unit and living together as a single, nonprofit housekeeping unit, and sharing common living, sleeping, cooking, and eating facilities. The definition of Family does not include any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; and, any group of individuals who are in a group living arrangement because of criminal offenses. The definition of Family may include licensed group care facilities or family homes as may be otherwise permitted.
61. Family home: A community-based residential home which is licensed as a residential care facility under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa, to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237. In accordance with the Code of Iowa, family homes owned and operated by public or private agencies shall be dispersed throughout the residential zones and districts and shall not be located within contiguous city block areas.
62. Farming: Defined as the raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
63. Farm Support Housing: The occupancy of any living accommodations by one (1) agricultural employee and their family, without regard to duration, which occurs exclusively in association with the performance of agricultural labor, on the same property as the support housing.
64. Fireworks retail sales facility: A retail sales facility for the sale of first-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(c) and/or second-class consumer fireworks as defined in Code of Iowa Section 100.19(1)(e).
65. Fitness center: An establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only, and occupying a space of 10,000 square feet or more.
66. Flood: A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
67. Flood elevation: The elevation floodwaters reached at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.

68. Flood Insurance Rate Map (FIRM): The official map prepared by the Federal Insurance Administration as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
69. Flood Insurance Study: A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards and providing the City with the necessary information for adopting a flood plain management program and establishing actuarial flood insurance rates.
70. Flood plain: A land area susceptible to being inundated by water as a result of a flood.
71. Flood plain management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
72. Flood proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
73. Floodway: The channel of a river stream or other watercourse and those portions of the flood plain adjoining the channel, which are required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.
74. Floodway Fringe: Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flood velocities.
75. Floor area: (See Sec 407 UBC as adopted.)
76. Funeral home: A building or part thereof used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies and other surgical procedures; (iii) the storage of caskets, urns, and other related funeral supplies; (iv) the storage of funeral vehicles; and (v) facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.
77. Garage, private: A detached, accessory building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building specifically designed for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature, and to which there is legal vehicular access from a public right-of-way.
78. Gas station or service station: Any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products; for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor

- vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or crankcase pan; repairs to radiators requiring the removal thereof; or complete recapping or retreading of tires.
79. Golf car: A small self-propelled vehicle designed to carry golfers and their golf equipment around a golf course (sometimes erroneously referred to as a 'golf cart').
80. Group care facility: (See "Family home.")
81. Health club: An establishment providing physical fitness facilities and services to the public for a fee, including but not limited to; game courts, exercise equipment, exercise areas, running tracks, swimming pools, physical fitness maintenance and weight control services and instructors, locker rooms, saunas and associated retail shop intended for members of club only, and occupying a space less than 10,000 square feet.
82. Home occupation: A business, profession, occupation or trade conducted for gain or support as an accessory use entirely within a dwelling, or a structure, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building and complies with all city code requirements. (See Chapter 165.05, Section 5-D, Home Occupations, for regulations.)
83. Home owner's or property owner's association: A formally constituted non-profit association or corporation made up of the property owners and/or residents of a definitive area, who collectively may take permanent responsibility for costs and upkeep of commonly owned or designated community property.
84. Hookah Lounge: An establishment where patrons are provided shisha (flavored tobacco) in a hookah or nargile water smoking pipe or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Hookah Lounge or Bar.
85. Hotel or motel: A building containing guest rooms in which lodging is provided and offered to the public on a temporary basis for compensation, and which is open to transient guests, in contrast to a bed and breakfast inn, boarding house, or rooming house. For establishments to be considered a hotel or motel, versus an extended stay hotel, apartment hotel, or apartment house or building, all rooms must be available for rent for as little as one (1) night and no more than 30 days, no rental contract or similar agreement is involved, and the establishment must be licensed as a hotel and collect and pay hotel/motel tax on all guest rooms and guest stays.
86. Hotel, extended stay or apartment hotel: A building containing furnished bedrooms with or without cooking facilities in which lodging is provided and offered to the public on a weekly or month basis for compensation.
87. Junk yard: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a

- completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards, and the processing of used, discarded or salvaged materials as part of manufacturing operations. No disassembled vehicle will be allowed to be stored or kept in any location in the City other than a junk yard.
88. Kennel: Any establishment where dogs, cats, or other similar animals or pets are boarded for compensation or are bred or raised for commercial purposes or sale.
89. Landscape: The design and development of land for human use and enjoyment. It is concerned with the beauty of natural surroundings as well as practical ways to use land and the objects on it.
90. Laundry, self-service: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.
91. Livestock: Animals kept or raised for use or pleasure, including cattle, horses, sheep, goats, swine, and similar hoofed animals.
92. Liquor Store: A retail shop or establishment that primarily sells prepackaged alcoholic beverages, including wine, beer, and alcoholic liquors, intended to be consumed off the store's premises, and where 50% or more of total gross sales are derived from the sale of alcohol and tobacco.
93. Lot: For the purpose of the Zoning Regulations, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portion of lots of record; or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Zoning Regulations.
94. Lot line: A line dividing one lot from another lot or from a street or alley.
- A. Common lot line – A side lot line that is shared between attached structures.
  - B. Front lot line - The line which adjoins a public street or private street.
  - C. Rear lot line - The boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.
  - D. Side lot line - Any lot line not a front lot line or a rear lot line.
  - E. Street side lot line of a corner lot – For a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.

- F. Depth - The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth is the horizontal distance between the midpoints at the front lot line and rear lot lines.
- G. Width - The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback.
95. Lot of record: A lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of the Zoning Regulations, an existing contract of purchase at the time of the effective date of the Zoning Regulations also constitutes a lot of record.
96. Lot types: As follows:
- A. Corner lot - A lot located at the intersection of two or more streets and having the street right-of-way abut the front lot lines of the lot.
- B. Double frontage or through lot - A lot, other than a corner lot, with frontage on more than one street or public thoroughfare which do not intersect one another.
- C. Interior lot - A lot, other than a corner lot, having frontage on but one street or public thoroughfare.
- D. Outlot - An unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a home owner's association, property owner's association, or similar private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.
- E. Postage-stamp lot - A small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.
97. Low-speed vehicle: A four-wheeled motor vehicle that has a gross vehicle weight rating of less than 3,000 pounds and a top speed of 25 miles per hour (mph) that allows them to travel on public roads.
98. Manufactured home: A factory-built, single-family structure not less than 40 feet wide, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, *Federal Manufactured Home Construction and Safety Standards*, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have any permanently attached wheels or axles to its body or frame. A mobile home is not a manufactured home unless it has been

converted to real property and is taxed as a site-built dwelling. For the purposes of these regulations, a manufactured home shall be considered the same as any site-built single-family detached dwelling.

99. Manufactured home park: Any site, lot, field or tract of land upon which two or more manufactured homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available – also referred to as a “manufactured home community.” The manufactured home park or manufactured home community shall meet the requirements of any zoning regulations that are in effect.
100. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand, other parts of the body, or any instrument, for any form of consideration of gratuity.
101. Massage therapy establishment: Any establishment having a fixed place of business wherein any of the treatments, techniques, or methods of treatment referred to as “massage therapy” are administered, practiced, used, given, advertised or applied by persons licensed by the State of Iowa under the provisions of Chapter 152C of the Code of Iowa, when performing massage services as part of the profession for which licensed.
102. Medical cannabidiol: Means any pharmaceutical grade cannabinoid found in the plant Cannabis sativa L. or Cannabis indica or any other preparation thereof that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the State of Iowa Medical Cannabidiol Board, approved by the State of Iowa Board of Medicine, and adopted by the State of Iowa Department of Public Health.
103. Medical cannabidiol dispensary: Means a business that dispenses medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol dispensary.
104. Medical cannabidiol manufacturer: Means a manufacturer of medical cannabidiol that is licensed by the State of Iowa and operating in compliance with all State of Iowa laws and regulations required for a medical cannabidiol manufacturer.
105. Mini-storage or self-storage: A building or group of buildings, containing varying sizes of individualized, compartmentalized, and controlled stalls or lockers for the dead storage of customers’ goods or wares, excluding junk, explosive, or flammable materials, and other noxious or dangerous materials. No business activities other than rental of storage units shall be conducted on the premises.
106. Mini-warehouse or self-storage facility: (See “Mini-storage or self-storage.”)
107. Mixed-use building: A multi-story commercial building that includes office and/or retail uses on the first floor or lower levels of the building and multiple family dwellings above the first floor or on the upper levels of the building.
108. Mobile home: Factory-built housing without motive power and built on a chassis for conveyance upon highways or public streets, or waterways; so designed and so constructed as to permit

occupancy thereof as a place of human habitation for one or more persons. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided, if such mobile home has not been converted to property tax assessable real estate in accordance with Chapter 435.26 of the Code of Iowa. Nothing in the Zoning Regulations shall be construed as permitting a mobile home in other than an approved mobile home park.

109. Mobile home park: Any lot or portion of lot upon which one or more mobile homes, modular homes, or trailers occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.
110. Mobile home subdivision: A subdivision created for the purpose of, and restricted to the sale or lease of individual lots for occupancy by independent mobile homes or mobile homes converted to real estate and having public streets, utilities and other public facilities installations approved by the City Council in accordance with the subdivision regulations of the City of Indianola, Iowa.
111. Mobile home space: A plot of ground within a mobile home park designated for the accommodation of one mobile home.
112. Multi-family residential: (See "Dwelling, multiple-family.")
113. Nonconforming structure: A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Regulations, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
114. Nonconforming use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Regulations, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.
115. Nursing or convalescent home: A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled, or injured persons; not including mentally insane, mental deficiency or deterioration, inebriate, or contagious cases.
116. Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.
117. Off-street parking area: Any area containing parking spaces, driveways or access drives devoted to the parking of motor vehicles whether free or for compensation.
118. Open space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and water courses. Open space shall not be deemed to include buildings, driveways, parking lots, display areas for retail sales of merchandise, loading areas, outdoor storage areas, or other surfaces designed or intended for vehicular travel.

119. Park: Any public or private land reserved for active and passive recreation, to include such facilities as playgrounds, swimming pools, tennis courts, trails, shelters, and other similar uses associated with a designed recreation area. The term park is not intended to include private or public amusement parks, permanent carnivals, or similar type activities.
120. Parking space: A permanently surfaced area plus necessary maneuvering space for the parking of a motor vehicle as defined in Chapter 169 of the Zoning Code. Space for maneuvering, incidental to parking or unpacking, shall not encroach upon any public right-of-way.
121. Paving, HMA: A surface paved with hot mix asphalt (HMA) that is of an appropriate thickness and includes an appropriate pavement base as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
122. Paving, PCC: A surface paved with Portland cement concrete (PCC) that is of an appropriate thickness and includes an appropriate pavement base and internal reinforcement as required by the City design standards or as otherwise is prudent to provide a durable, lasting, and save paved surface for use by automotive vehicles, trucks, delivery vehicle, emergency service vehicles, pedestrians, and bicycles.
123. Pawnshop: An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking.
124. Pet store or pet shop: A store at which one can purchase supplies for pets.
125. Phase: An area of the Master Plan that is not less than five (5) acres.
126. Place of business: Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in which or on which one or more persons engage in a gainful occupation.
127. Planned Unit Development (PUD): Any development in which the proposed land uses, transportation elements, building densities, arrangements and types are set out in a unified plan. A PUD may consist of mixed residential, commercial, limited industrial and public land uses.
128. Porch, unenclosed: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
129. Principal building: A building in which the principal use of the lot on which the building is located is conducted.
130. Principal use: The main use of land or structures as distinguished from an accessory use.

131. Print shop: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.
132. Recreation vehicle (RV): A vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty vehicle; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters or recreational, camping, travel, or seasonal use.
133. Residential Animal Raising: The keeping of animals on a non-commercial, non-profit basis. Restrictions on this type of use include no more than three (3) large animals per acre (e.g. horses, sheep and cattle, etc.); no more than twenty-five (25) small fowl or animals per acre (e.g. chickens, rabbits, ducks, ferrets, etc.); and no more than ten (10) large fowl per acre (e.g. turkeys, geese, peacocks, etc.).
134. Restaurant: an establishment that prepares and serves food and beverages to persons for immediate consumption. Any establishment with 50% or more of total gross sales in alcoholic beverages shall be defined as and considered a bar and not a restaurant.
- A. Dine-in restaurant - A restaurant where the patron consumes foods and beverages while seated at tables or counters located on the premises.
- B. Drive-in restaurant - A restaurant that delivers prepared food and/or beverages to patrons in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises. This definition includes coffee shops, ice cream parlors, and any other business that serves food or drinks to patrons in a motor vehicle.
- C. Carry-out restaurant - A restaurant which prepares food and/or beverages which are packaged and delivered to the patrons or are picked up at the establishment by the customer; there is no consumption of food or beverages on the premises by patrons.
135. Right-of-way: A strip of land occupied or intended to be occupied by a street, walkway, drainageway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, trail, or other public use.
136. Satellite dish antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.
137. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features. (Also see "buffer.")
138. Short-Term Rental: Any dwelling that is leased or rented for a period of less than 31-days. This definition includes any dwelling leased or rented through an online marketplace such as Airbnb.

This definition does not include Bed and Breakfast Inns, Boarding or Rooming Houses, and Extended Stay Hotels or Apartment Hotels.

139. Sign: (See Signage, Chapter 165.10, for sign definitions.)
140. Single Family Attached Residential (See "Dwelling, row," "Dwelling, single-family, semi-detached," "Dwelling, townhouse," and "Dwelling, two-family.")
141. Single Family Detached Residential (See "Dwelling, single-family.")
142. Site improvements: Includes all improvements to a site plan in addition to proposed buildings, and including but not limited to utilities, storm water management, parking, loading areas, landscaping, buffers, and freestanding signs.
143. Site plan: A plan, prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land. (For detailed requirements of a site plan see Chapter 166.)
144. Smoking Lounge: An establishment where patrons can purchase and consume tobacco products on site or where customers use an electronic smoking or other apparatus to deliver an inhaled dose of nicotine or other substance within the establishment. These establishments may also be known or referred to as an E-Cigarette, Vape, or Vapor Lounge or Bar.
145. Start of construction: Occurs when footings or structural support columns are installed or constructed. For a "factory-built home," actual start will occur when it is placed on a site or foundation is constructed.
146. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement is more than five (5) feet above grade, such basement shall be considered a story.
147. Street line: The right-of-way line of a street.
148. Street, public: Any thoroughfare or public way not less than twenty-six (26) feet in width, which has been dedicated to the public or deeded to the City for street purposes; and also any such public way as may be created after enactment of the Zoning Regulations, provided it is fifty (50) feet or more in width.
149. Structural alterations: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.
150. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings,

antenna, mobile homes, billboards, poster panels, factories, sheds, cabins, factory-built homes, satellite dish antenna, storage tanks, towers, and other similar uses.

151. Subdivision: A division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use; provided, however, this definition of a subdivision does not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.
152. Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
153. Substantial improvement: Any reconstruction, rehabilitation, additions, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or (ii) any alteration that will not preclude the structure's continued designation as a "historic structure."
154. Supervised group residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided, family homes, elder group homes, hospitals, and nursing or convalescent homes are not included within this definition.
155. Tavern: (See "Bar.")
156. Tattoo Studio: Any establishment in which tattooing is carried out professionally and may or may not include ear and body piercing. (See "Body Piercing Studio.")
157. Tiny Home: A single-family detached residential dwelling that is not less than the minimum sq. ft. in total livable floor area as required by the City's adopted building code regulations. The dwellings are either constructed on site (site-built) or modular (factory-built) and set on a permanent masonry foundation. This definition does not include manufactured homes.
158. Tobacco Store: A retail shop or establishment primarily engaged in the sale of tobacco and tobacco related products, including nicotine products and supplies such as electronic cigarettes and other devices capable of providing an inhalable dose of nicotine, for off premise consumption and where 50% or more of total gross sales are derived from the sale of tobacco and nicotine products or a combination of tobacco products and alcohol. These establishments may also be known or referred to as an E-Cigarette, E-Hookah, Vape or Vapor Store or Shop.

159. Townhouse: A dwelling unit which is attached horizontally and not vertically to one or more other dwelling units, wherein the land or lot beneath each dwelling is individually owned by the owner of the dwelling. A townhouse subdivision shall have common elements which are specified in or determined under the rules and regulations set forth by recorded covenants. Covenants for a townhouse subdivision shall establish the guidelines for maintenance of common elements and permit free movement through common areas by members of the homeowner's association (council of co-owners) to assure access to the structural exterior of each townhouse unit by the individual unit owner.
160. Trail: A walkway or bikeway designated with a surfaced pathway for travel by means other than by motorized vehicles.
161. Trailer park: (See "Mobile home park.")
162. Truck stop: A service station which is designed principally for the servicing and temporary parking of trucks.
163. Variance: A modification of the specific regulations of the Zoning Regulations granted by resolution of the Board of Adjustment in accordance with the terms of the Zoning Regulations for the purpose of assuring that no property, because of special circumstances and hardships applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.
164. Variety store: Any store, whether independently operated or part of a larger entity, which markets consumer goods to the general public and occupies a space less than 10,000 square feet.
165. Video store: Any establishment whose primary business is the rental or sale of commercial films or videos.
166. Warehouse: A building used primarily for the storage of goods and materials.
167. Yard: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided however, fences, walls, signs, poles, posts, and other customary yard accessories, ornaments, and furniture more than thirty (30) inches in height may be permitted in any yard subject to requirements limiting obstruction of visibility and other provisions of the Zoning Regulations.
- A. Yard, front - A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof.
- B. Yard, rear - A yard extending across the full width of the lot and measured between the rear lot line and the building.
- C. Yard, side - A yard extending from the front yard to the rear yard and measured between the side lot lines and the building line. For corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

168. Zero lot line: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.
169. Zoning Administrator: (See Chapter 166 for definition.)

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