

**SECTION 1
GENERAL PROVISIONS**

101 Title

This title of the Carter Lake Municipal Code shall be known as the Unified Land Development Ordinance of the City of Carter Lake.

102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Carter Lake and its extra-territorial jurisdiction, as provided by Chapter 414, Code of Iowa.

103 Purpose

The purposes of the Unified Land Development Ordinance of the City of Carter Lake are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmentally sensitive areas.
- f. Further the objectives of the Comprehensive Plan of the City of Carter Lake.

104 Consistency with Comprehensive Development Plan

The City of Carter Lake intends that this Land Development Ordinance and any amendments to it shall be consistent with the City's comprehensive Development Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Development Plan.

105 Conflicting Provisions

The Land Development Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Land Development Ordinance conflicts with any other provision of the Land Development Ordinance, any other Ordinance of the City of Carter Lake, or any applicable State or Federal law, the more restrictive provision shall apply.

106 Relief from Other Provisions

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

107 Severability of Provision

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

108 Publication

This Ordinance shall be published in book or pamphlet form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Carter Lake, Iowa.

SECTION 2
DEFINITIONS

201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, or intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

“Shall” is always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Carter Lake.

203 Definition of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions that are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure that is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use that is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **ADT or Average Daily Traffic:** The average number of motor vehicles per day that pass over a given point or segment of street.
6. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
7. **Alley:** A public right of way, other than a street and twenty feet or less in width that is used as a secondary means of access to abutting property.
8. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
9. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
10. **Approving Authority:** The City Council of the City of Carter Lake or its designee.
11. **Architect:** Any person registered to practice professional architecture by the Iowa State board of registration.
12. **ASCE:** The American Society of Civil Engineers.
13. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

205 **B**

1. Base Zoning District: A district established by this ordinance that prescribes basic regulations governing land use and site development standards. No more than one Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
3. Beginning of Construction: The initial incorporation of labor and materials within the foundation of a building or structure.
4. Bicycle Lane and Path: A designated lane on a roadway or an exclusive path separated from a roadway, designed specifically to accommodate the physical requirements of bicycling. Bicycle paths are ordinarily designed to accommodate other forms of pedestrian recreation.
5. Block: An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and that has been designated as such on a plat for the purposes of legal description of a property.
6. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Carter Lake.
7. Board of Adjustment: A body, established by the City expressly for the purpose of granting relief from situations of hardship and to hear appeals as provided by this Ordinance.
8. Buffer yard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
9. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
10. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
11. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
12. Building Line: The outer boundary of a building established by the location of its exterior walls.
13. Building Inspector: The city official, designated by the Mayor and City Council, who is responsible for the administration and enforcement of the Carter Lake Land Development Ordinance and applicable building code and conditional uses.

14. Building Permit: A document that must be issued by the Building inspector prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure regulated by this Ordinance or by the applicable building codes of the City of Carter Lake. Issuance of a building permit follows review of plans by the Building inspector to determine that the proposed use of building or land complies with the provisions of the Zoning Ordinance.

15. Business: Activities that include the exchange or manufacture of goods or services on a site.

16. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

206 C

1. Cartway (or Road or Street Channel): The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measured from the back of the curb to the back of the curb. On streets without curbs, the cartway is measured between the outer edges of the pavement.

2. Centerline Offset: The distance between the centerline of roads intersecting a common road from the same or opposite sides.

3. Certificate of Occupancy: An official certificate issued by the Building inspector or his/her designee prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Zoning Ordinance.

4. Change of Use: The replacement of an existing use type by a new use type.

5. Channel: The bed or banks of a natural stream or drainageway that convey the constant or intermittent flow of water, including storm run-off.

6. City: The City of Carter Lake, Iowa.

7. City Council: The City Council of Carter Lake, Iowa.

8. City Engineer: Any person registered to practice professional engineering by the Iowa State board of registration who is designated by the City to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer's approval.

9. Common Area: An area held, designed, and designated for common or cooperative use within a development.

10. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.

11. Common Open Space: An area of land or water or combination within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for recreational activities for the common use of the residents of the development.

General Provisions and Definitions

12. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

13. Comprehensive Plan: The duly adopted Comprehensive Development Plan of the City of Carter Lake.

14. Concept Plan: A preliminary presentation that includes the minimum information necessary, as determined by the Building inspector, to be used for the purpose of discussion or classification of a proposed plat prior to formal application.

15. Conditional Use Permit: An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district that may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the Planning Board as provided by Section 2903 of this Ordinance.

16. Condominium: An ownership regime whereby the title to each unit of occupancy is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate. Condominiums may include residential, commercial, office, or industrial uses.

17. Conservation Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

18. Conservation (or Cluster) Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

19. County: Pottawattamie County, Iowa.

20. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

21. Conventional Subdivision: A subdivision that literally meets all nominal standards of the Land Development Ordinance for lot dimensions, setbacks, street frontage, and other site development regulations.

22. Covenant: A written promise or pledge.

23. Creative (or Innovative) Development or Subdivision: A subdivision that, while complying with the Subdivision Ordinance, diverges from nominal compliance with site development regulations in the Land Development Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Water-Oriented Subdivisions and Traditional Neighborhood Districts.

24. Cul-de-sac: A local street with only one outlet and with an opposite end terminating in a vehicle turnaround.

General Provisions and Definitions

25. Culvert: A drainpipe that channels water under a street or driveway.

26. Curb: A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.

207 **D**

1. Dedication: A grant of land to the City or another public agency for a public purpose.

2. Density: The amount of development per specific unit of a site.

3. Design standards: Standards that set forth specific improvement requirements.

4. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

5. Detention basin: An artificial or natural water collection facility, designed to collect surface or subsurface water and to control its rate of discharge, in order to prevent a net increase in the rate of water flow that existed prior to a development.

6. Developer: The legal owner(s) or authorized agent of any land included in a proposed development.

7. Development: A planning or construction project involving substantial improvement or change in the character and/or land use of a property.

8. Divided street: A street with opposing lanes separated by a median strip, center island, or other form of physical barrier, that cannot be crossed except at designated locations.

9. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.

10. Drainage: The removal of surface or ground water from land by drains, grading, or other means.

11. Drainage system: The system through which water flows from the land.

12. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.

13. Dwelling Unit: A building consisting of 960 square feet minimum excluding garage with one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family, as defined in this section, maintaining a household.

208 **E**

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

2. Enclosed: A roofed or covered space fully surrounded by walls.

General Provisions and Definitions

3. Engineer: Any person registered to practice professional engineering by the Iowa State board of registration.

209 F

1. Family: One or more persons living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit, no more than 4 of whom may be unrelated. The following persons shall be considered related for the purpose of this ordinance:

(a) Persons related by blood, marriage, or adoption;

(b) Persons residing with a family for the purpose of adoption;

(c) Not more than eight persons under 19 years of age, residing in a foster house licensed or approved by the State of Iowa.

(d) Not more than eight persons 19 years of age or older residing with a family for the purpose of receiving foster care licensed or approved by the State of Iowa.

(e) Person(s) living with a family at the direction of a court.

2. Fascia: A parapet-type wall used as part of the facade of a flat-roofed building and projecting no more than six feet from the immediately adjacent building face. Such a wall shall enclose at least three sides of the projecting flat roof and return to the parapet wall or the building.

3. Federal: Pertaining to the Government of the United States of America.

4. Final Approval: The final official action of the City Council, upon a recommendation by the Planning Board, permitting the filing of a subdivision with the Pottawattamie County Recorder and the conveyance of individual parcels and lots to subsequent owners. Final Approval follows the completion of detailed engineering plans, negotiation of subdivision agreements, posting of required guarantees, and other requirements of this Ordinance.

5. Floor Area Ratio: The quotient of gross floor area of all buildings on a site divided by gross site area of the site.

6. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court from which access is permitted.

210 G

1. Garage: An accessory building or portion of a main building used primarily for storage of motor vehicles.

2. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

(a) For buildings having walls facing one street only, the grade shall be the elevation of the ground at the center of the wall facing the street.

General Provisions and Definitions

(b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.

(c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

3. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of mechanical equipment rooms, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

211 **H**

1. Height: Height shall be measured as the vertical distance from the established grade to the highest point of a structure. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

2. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.

3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

212 **I**

1. Impervious coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

213 **I**

214 **K**

215 **L**

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

(a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.

(b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

2. Lane: An approved private right-of-way that provides access to residential properties and meets at least three of the following conditions:

General Provisions and Definitions

- (a) Serves twelve or fewer housing units or platted lots.
 - (b) Does not function as a local street because of its alignment, design, or location.
 - (c) Is completely internal to a development.
 - (d) Does not exceed 600 feet in length.
3. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
4. Lot: A parcel of property with a separate and distinct number or other identifying designation that has been created, assigned and recorded in the Office of the Pottawattamie County Recorder. Each individual lot is subject to the provisions of a particular base Zoning District, and shall have a minimum frontage of 20 feet, except as provided in an approved Planned Development, Water-Oriented Development, or Traditional Neighborhood Development.
- (a) Common Development Lot: When two or more contiguous lots are developed as part of a single development, these lots may be considered a single lot for purposes of this ordinance.
 - (b) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
 - (c) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. Primary access shall be restricted on a double frontage lot to the minor of the two streets or to the front line as determined at time of platting or as defined by this ordinance. (Also known as a Through Lot)
 - (d) Interior Lot: A lot other than a corner lot or double frontage lot.
 - (e) Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.
5. Lot Area: The total horizontal area within the lot lines of a lot.
6. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
7. Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this article.
8. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address that would result in a new definition of the prior defined lot lines.
- (a) Front Lot Line: The lot line separating a lot and a public or private street right-of-way or easement.

General Provisions and Definitions

- 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
- 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Building inspector, or as may be noted on the final plat.
- 3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Building inspector at the time of application for the original building permit for the lot, or as may be noted on the final plat.

(b) Rear Lot Line: The lot line that is opposite and most distant from the front line.

(c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

9. Lot Width: Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points where they intersect with the street line, shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, or on loop streets, where the eighty (80) percent requirement shall not apply.

216 M

1. Main: The principal artery of a system of continuous piping that conveys fluids and to which branches may be connected.

2. Major subdivision: Any subdivision not defined and approved as a minor subdivision.

3. Manufactured Home Dwelling: A factory built single-family dwelling, structure that is to be used as a place for human habitation, that is manufactured or constructed under the authority of 42 U.S. 3. Sec. 5403, Federal Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development, and that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles, and that complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured homes shall be considered the same as a single-family detached dwelling. In common with single-family detached dwellings, a manufactured home dwelling unit shall have the following characteristics:

(a) The home shall have at least 960 square feet of floor area;

(b) The home shall have an exterior width of at least 24 feet;

(c) The roof shall be pitched with a maximum vertical rise of 4.0 inches for each 12 inches of horizontal run.

(d) The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed;

General Provisions and Definitions

(e) The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;

(f) Permanent utility connections shall be installed in accordance with local regulations;

(g) The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and

(h) The home shall be installed upon a permanent foundation that is constructed of concrete at least forty-two (42) inches deep and twelve (12) inches wide and built in accordance with local regulations.

(i) The home is classified as real property for the purpose of property tax assessment.

4. **Minor subdivision:** A subdivision of land that creates no more than four lots from any single parcel of land; requires no extensions of streets, sewers, utilities, or other municipal facilities; no dedication of easements or rights-of-way or annexation; complies with all pre-existing zoning requirements; and has not been subject to a previous administrative or minor subdivision.

5. **Mixed Use Building:** A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

6. **Mixed Use Development:** A single development that incorporates complementary land use types into a single development.

7. **Mobile Homes:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.

8. **Mobile Home Park:** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

9. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

10. **Monument:** An identification marker established by a registered land surveyor at each section corner, block corner, lot corner, or other point as required by this Section.

General Provisions and Definitions

11. Moving lane: Any traffic lane within a cartway where traffic movement is the primary or sole function.

217 N

1. Nonconforming Development: A building, structure, or improvement that does not comply with the regulations for its zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.

2. Nonconforming Lot: A lot that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the lot.

3. Nonconforming Sign: A sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Land Development Ordinance.

4. Nonconforming Structure: A structure that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the structure.

5. Nonconforming Use: A land use that was lawful prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance. No action can be taken that would increase the non-conforming characteristics of the land use.

6. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right that a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

218 O

1. Off-site: Located outside the boundaries of the parcel that is the subject of an application.

2. Open Space: Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, porches, balconies, or plant materials.

3. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.

4. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.

5. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

1. Parcel Split: A subdivision of a lot or parcel of land into no more than two (2) lots or parcels nor includes new public or private streets, the extension of any public facilities, or the creation of any public improvements.
2. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Land Development Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is a use distinct from parking. Vehicle storage is also governed by applicable provisions of Section 26, Parking Regulations.
3. Parking Lane: A lane located on the sides of streets, designated or allowing on-street parking of motor vehicles.
4. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall". Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to have a means of access to a public street. Size, location and construction of parking spaces are covered by applicable provisions of Section 26 Parking Restrictions.
5. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
6. Performance Bond: A surety bond or cash deposit posted by a contractor or developer made out to the city in an amount equal to the full cost of the improvements. The bond amount shall be that of the contract price and shall be legally sufficient to secure to the City that said improvements will be constructed in accordance with the terms of the contract documents within a period specified by this Chapter.
7. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Land Development Ordinance.
8. Planning Board: The Planning Board of the City of Carter Lake.
9. Planned Unit Development: A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.
10. Plat: A document, usually a map or maps, expressing the designation or division of land into one or more lots or parcels, any one of which is ten acres or less. Plats include preliminary and final plats.
 - (a) Preliminary Plat: A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the Pottawattamie County Recorder.
 - (b) Final Plat: The final map of the subdivision that is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the County Recorder.

General Provisions and Definitions

11. Pole Buildings: A structure with wooden or metal poles as main supports, without a continuing permanent foundation, with studs which are greater than sixteen (16) inches off of center, and with siding made of metal and/or wood material.

12. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

13. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

14. Principal use: The main use of land or structures as distinguished from an accessory use.

15. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.

15. Property Line: See "Lot Line."

16. Property Line Adjustment: A subdivision of one (1) or more lots or parcels, which when adjusted creates no additional lots or parcels.

17. Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

220 **Q**

221 **R**

1. 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. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.

2. Regulation: A specific requirement set forth by this Land Development Ordinance that must be followed.

3. Remote Parking: A supply of off-street parking at a location not on the site of a given development.

4. Right-of-way: A strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

222 **S**

1. Sanitary Sewer: A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility that meets the minimum requirements of the Iowa Department of Environmental

General Provisions and Definitions

Quality. In developing areas, sanitary sewers normally include interceptor, outfall, and lateral sewers.

(a) Interceptor: A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.

(b) Outfall: A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.

(c) Local: A pipe that connects lateral sewers to an outfall or interceptor sewer.

(d) Lateral: A private service line connecting buildings or groups of buildings to local sewers.

2. 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 as may be permitted by the landscape provisions of this ordinance.

3. Setback: The distance, as required by the minimum setback(s), which establishes the horizontal component(s) of the building envelope. The outer edges of the eaves and anything attached that is 39-inches or higher should be considered as part of the building structure and should be included when calculating the setback.

4. Sidewalk: A paved path, four (4) feet or more in width, provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

5. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

6. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.

7. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, 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; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

8. State: The State of Iowa.

9. Storm Sewer: A conduit that conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

10. Story: The portion of a building included between the surface of any main floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet. A basement should not be considered a story. This definition does not pertain to the R-1, R-2, or R/CC zoning districts.

11. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa Statute.

General Provisions and Definitions

Streets may be categorized in a hierarchy or conceptual arrangement of streets based on function. The hierarchical approach classifies streets from courts or lanes, which provide private access to a limited number of lots, to arterials, which accommodate large volumes of high-speed, regional traffic. Street types contained within the hierarchy include:

- (a) Court or lane
- (b) Local
- (c) Collector
- (d) Minor Arterial
- (e) Major Arterial

12. **Street, Arterial:** Street or highways intended to provide for through traffic movement between areas of the city or across the city. Major arterials usually imply relatively high speeds and traffic volumes, and are often subject to control of access to individual properties. Minor arterials are generally intended to provide trips of moderate lengths and imply lower operating speeds and more frequent points of local access than major arterial streets.

13. **Street, Collector:** A street connecting neighborhoods within the same communities, designed to carry traffic from local to arterial streets.

14. **Street, Frontage:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

15. **Street, Intersecting and Principal:** In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.

16. **Street, Local:** A street that is used primarily for access to the abutting properties.

17. **Street, Loop:** A type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.

18. **Street, Major:** A street carrying traffic between neighborhoods, connecting neighborhoods with major activity centers, or accommodating major through traffic. Major streets are designated as collectors, arterials, or expressways by the Comprehensive Development Plan.

19. **Structure:** Any object constructed or built and attached or anchored permanently or semi-permanently to the ground in such a way as to prevent routine movement.

20. **Subdivision:** The division of any tract of land into three (3) or more parcels if the original tract is forty (40) acres or less.

The division of land into three (3) or more parcels, regardless of its original size, if any of the new parcels created are less than forty (40) acres in size.

The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as

General Provisions and Definitions

easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

21. Subdivision Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, waterlines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

22. Surveyor: Any person registered to practice surveying by the Iowa State Board of Registration.

223 **I**

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.

2. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

3. Transportation Plan: Part of the comprehensive plan adopted by the City council indicating the general location recommended for arterial, collector, and local thoroughfares within the planning jurisdiction of the City.

224 **U**

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

225 **V**

1. Variance: A variance is a relaxation of the terms of the Subdivision 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 Ordinance would result in unnecessary and undue hardship.

2. Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Carter Lake, Iowa in order to better located and orient the area in question. Also called a location map.

226 **W**

1. Water System: A water system which provides for the supply, and distribution of potable water or on an uninterrupted basis and which is in public ownership.

227 **X**

228 Y

1. Yard Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this ordinance.

(a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall normally be defined as that yard along a street that meets one of the following two criteria:

- 1) The yard along the blockface to which a greater number of structures are oriented; or
- 2) The yard along a street that has the smaller horizontal dimension.

(b) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.

(c) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.

(d) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.

229 Z

1. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.