

SUPPLEMENTAL USE REGULATIONS

6 ARTICLE SIX – SUPPLEMENTAL USE REGULATIONS

601 Purpose

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article 4 of this Ordinance.

602 Supplemental Use Regulations: Agricultural Uses

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.

a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use are subject to the following requirements:

1. Garden Centers

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Article 8.

2. Roadside Stands

- (a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- (b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- (c) A roadside stand may operate for a maximum of 180 days in any one year.

b. Animal Production or Urban Animal Husbandry

- 1. Any building housing urban animals shall be at least 20 feet from any property line and 25 feet from any dwelling unit on the site.

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2. 0.5 animal units shall be allowed for each acre of land. Fractions that are less than 0.5 shall be rounded down to the nearest whole number. Fractions greater than 0.5 shall be rounded up to the nearest whole number.

One animal unit is defined as equal to the following:

- 1 – large hoofed animals (i.e. horse, mule, cow, llama or similar)
- 4 – small hoofed animals (i.e. sheep, goats, swine, or other similar)
- 6 – large fowl (i.e. geese, turkeys, or other similar)
- 10 – small animals and fowl – (i.e. rabbits, chickens, ducks, or other similar)

Formula: lot size in square feet, divided by 43,560, times 0.5 = allowable animal units (round up or down to the nearest whole)

3. The Zoning Administrator may determine a unit number for animals not listed.
4. Animals shall not be allowed to roam free and shall be kept within fences, corrals, barns, stables, pens, etc.
5. Any building housing animals shall be located no closer than 20 feet to an adjacent property line and 25 feet from any habitable residence. A property is limited to no more than one enclosed structure per animal unit type without a conditional use permit.
6. Fences, corrals, and similar structures must adhere to setback regulations for the applicable zoning district.
7. All feed shall be stored in rodent proof containers.
8. All litter and animal waste shall be removed on a regular basis and disposed of promptly and properly.
9. Keeping of urban animals within the City Limits shall require an administrative license issued by the City of Storm Lake.

c. Urban Agriculture

1. Compost bins shall be permitted in rear and interior side yards and shall be located no closer than 5 feet to any property line and a minimum of 20 feet from any structures. Compost bins shall be maintained and managed so as to not become a nuisance generating offensive odors or pests.
2. Outdoor storage of equipment and materials used for urban agricultural practices shall be allowed only in rear yards and shall be screened from view of neighboring residential properties or fully enclosed in a garden shed or garage.
3. Garden areas shall not be allowed in any required side yard (set back area)

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603 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Detached Residential

Within a planned unit development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the planned unit development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line facade is filed with the Buena Vista County Recorder and the City Clerk at the time of application for a building permit.

b. Co-Housing

Where permitted, Co-Housing projects shall be developed through the PUD Process. All site, building, and impervious surface regulations of the base zoning district shall apply.

c. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved planned unit development.
2. Coverage percentages are computed for the site of the entire townhouse common development.

d. Downtown and Group Residential in CBD District

Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.

e. Commercial Residential

Residential uses are allowed in the LC, CC, and CBD Zoning District under the following conditions:

1. The dwelling unit is only allowed to be above, alongside or to the rear of the permitted business.
2. The dwelling unit must be attached to the permitted business.
3. Fire separations must be provided as required by the Building Code.
4. All required parking for the dwelling must be provided in addition to that required for the permitted business.

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f. Manufactured Housing

Manufactured Housing uses are allowed with the following conditions:

1. The home shall have at least 900 square feet of floor area;
2. The home shall have an exterior width of at least 18 feet;
3. The roof shall be pitched with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run.
4. The exterior material is of a color, material, and scale comparable with those existing in (or adjacent to) the residential site on which the manufactured home dwelling is being permanently installed;
5. The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile, or rock;
6. Permanent utility connections shall be installed in accordance with local regulations;
7. The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
8. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

g. Mobile Home Parks in the R-3 and R-4 Districts

Mobile Home Parks are permitted in the R-3 and R-4 Districts as Conditional Uses, subject to approval by the Board of Adjustment. In the R-3 and R-4 Districts, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home, which has been previously occupied, shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval of a Conditional Use Permit and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be 100,000 square feet.

3. Density Requirements

- a) The maximum gross density of a Mobile Home Park shall be 10 units per acre.

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- b) The minimum size of an individual mobile home space shall be 3,500 square feet for singlewide mobile home units and 5,000 square feet for doublewide mobile home units.
 - c) Each mobile home space shall have a width of at least 40 feet and a length of at least 75 feet.
4. Site Development Standards
- a) **Setbacks:** Each Mobile Home Park shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - b) **Setback Landscaping:** All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Article 8 of this Ordinance. Screening shall be provided in conformance with Article 8 for any common property line with another non-residential use.
 - c) **Impervious Coverage:** Impervious coverage for a Mobile Home Park shall not exceed the maximum impervious surface as identified in the respective zoning district.
 - d) **Open Space:** Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Pedestrians shall be provided such space at a central location accessible from all parts of the park. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
 - e) **Separation between Mobile Home Units:** The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
 - f) **Separation and Setbacks for Accessory Buildings:** An accessory building on a mobile home space must maintain a minimum rear and side yard setback of five feet. A minimum distance of five feet shall be provided between any mobile home and an unattached accessory building.
5. Street Access and Circulation Requirements
- a) **Access to Public Street:** Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
 - b) **Vehicular Circulation:** The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be sufficient to accommodate emergency vehicle needs. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.

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- c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
 - d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. The sidewalk system shall also connect interior home sites to the public sidewalk or trail system. Sidewalk width shall be at least four feet and shall be ADA compliant.
 - e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
 - f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.
6. Tornado Shelters: Tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to state and federal rules and be large enough to meet the specific needs of the park and its residents.
7. Utilities
- a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
 - b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Ordinance.
 - c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Ordinance.
 - d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning and Zoning Commission and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the City Council.
10. All other uses and provisions of the Storm Lake Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Storm Lake Municipal Codes.

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h. Mobile Home Subdivisions in the R-3 and R-4 Districts

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Ordinance of Storm Lake. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603(g)(6).

604 Supplemental Use Regulations: Civic Uses

a. Campgrounds

1. **Minimum Size:** Each campground established after the effective date of this title shall have a minimum size of one acre.
2. **Setbacks:** All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

b. Clubs

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.

c. Day Care

Day care facilities are permitted as a Conditional Use in the GI General Industrial Zoning District only if incidental to a permitted primary use.

d. Group Care Facilities and Group Homes

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.
2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Board of Adjustment.

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e. Helipads

Helipads are only allowed to be developed as an accessory use to a Hospital facility, subject to approval as a conditional use and FAA approval.

605 Supplemental Use Regulations: Commercial Uses

a. Auto Service, Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is for no longer than that which is permitted by Iowa laws and is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 8 of this ordinance.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
3. All entrances and exits serving gasoline service station, convenience store offering gasoline sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from any intersection.
4. All gasoline pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each self-service and conveyor operated auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. Required off street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

1. Bed and Breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

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2. Bed and Breakfasts in Residential districts shall be limited to no more than 4 individual units for stay. Garbage/recycling services and storage of materials associated with the bed and breakfast shall be contained within a garage or fully enclosed accessory structure.

e. Convenience Storage

1. When permitted in the RES, CC, and LI Districts, convenience storage facilities shall be subject to the following additional requirements:
 - (a) The minimum size of a convenience storage facility shall be one acre.
 - (b) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
 - (c) All driveways within the facility shall be a minimum width of 25 feet. Entrance driveways must be concrete or asphalt from the property line to the street.
 - (d) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
 - (e) No storage buildings may open into required front yards.
 - (f) Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 8.
 - (g) No storage buildings shall front on an arterial street.

f. Marinas

A boat marina, including related commercial sales, boat service, and amphibious events of sport, skill, or exhibition, shall be located at least 150 feet from the boundary of any residential district, excluding dwellings occupied by the owner or caretaker residing on the site.

g. Restaurants

Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Section 1203.

606 Supplemental Use Regulations: Industrial Uses

a. Helipads

Helipads are only allowed to be developed as an accessory use to a principle permitted use in the IN-3, LI, and GI Zoning District, subject to conditional use approval and approval from the FAA.

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b. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of stormwater run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the Board of Adjustment.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
 - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
 - (b) Installation of perimeter safety screening.
 - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council.

c. Salvage Services

No Salvage Services use may be established within the zoning jurisdiction of the City of Storm Lake.

607 Performance Standards for Industrial Uses

a. Industrial Uses in the LI District: Performance Standards

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.

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2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of the City of Storm Lake.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation, which exceeds a displacement of 0.003 inch.
6. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
7. Storage of Chemical Products: If allowed by conditional use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed an aggregate capacity of 150,000 gallons when stored on 1 lot less than 1 acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 aggregate capacity shall be located at least 40' from any structure and at least 150' from any adjoining property line.

b. Industrial Uses in the GI District: Performance Standards

The following performance standards apply to all industrial uses permitted within a GI General Industrial zoning district:

1. Physical Appearance: Outside storage of product and/or heavier industrial uses and operations shall be screened from view from both streets and adjacent properties as provided by Section 805.
2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the International Fire Code; and other appropriate Federal, State, and City statutes.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the GI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat, frequency, or shrillness.

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4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No vibration shall be permitted which interferes with neighboring industrial operations.
6. Storage of Chemical Products: Storage tanks containing liquid petroleum products or chemicals of a flammable or noxious nature shall be located 40' from any structure on the same property. Setbacks from adjoining property lines are as follows:

Gallons Aggregate Capacity	Distance from adjoining property lines
0 – 6,000.....	40'
6,001 – 9,000.....	60'
9,001 – 13,000.....	80'
13,001 – 17,000.....	100'
17,001 – 25,000.....	130'
25,001 and above.....	150'

608 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in the CC, LI, or GI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Table 6-1: Maximum Permitted Sound Levels At Residential Boundaries		
Originating Zoning District	Time	Maximum One Hour Leq* (<u>dbA</u>)
CC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
<p>* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.</p>		

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609 Supplemental Use Regulations: Miscellaneous Uses

a. Landfills

New landfills are not permitted within the zoning jurisdiction of the City of Storm Lake.

610 Supplemental Use Regulations: Accessory Uses

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:
 - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
 - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
 - (c) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
 - (d) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
 - (e) No home occupation shall discharge into any sewer, drainage way, or on the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
3. Extent of Use: For all residential and reserve zoning districts, a maximum percent floor area of 30% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
4. Signage: Signage designating the home occupation shall be permitted as provided by Article 10.

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5. Traffic Generation
 - (a) Home-based businesses may generate no more than two vehicles at a time on a regular basis and up to five vehicles on an occasional basis.
 - (b) Deliveries or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
 - (a) Animal hospitals
 - (b) General retail sales
 - (c) Mortuaries
 - (d) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses
 - (e) Stables or kennels
 - (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles

b. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 602(a).
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

c. Permitted Accessory Uses: Residential Use Types

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 610(a) of these regulations.
4. Residential convenience services for multi-family uses or mobile home parks.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.
6. Essential services.

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7. Uses and structures clearly incidental and necessary to the principle permitted uses or structures in this district, excluding, however, helipads which are allowed only as a conditional use, when approved by the Zoning Board of Adjustment.

d. Permitted Accessory Uses: Civic Use Types

Guidance Facilities and Health Care use types are permitted in the GI General Industrial zoning districts only as accessory uses to a primary industrial use, subject to approval by the Board of Adjustment.

e. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

611 Supplemental Use Regulations: Outdoor Storage Outside of the GI Zoning District

Outdoors storage is prohibited in all zoning districts except the GI General Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 806(b). This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

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d. Industrial and Miscellaneous Use Types

1. Light Industry within the CBD Central Business District zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Light Industry outside of the CBD Central Business District; General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards. Any such outdoor storage is subject to screening requirements set forth in Article 8.

612 Supplemental Use Regulations: Erosion Control

a. Silt Control and Siltation Fencing

1. **Permit:** No person shall engage in any land disturbing activity on a lake lot or interior lot without first obtaining a permit from the Building Official. No permit shall be issued until it has been determined by the Building Official, after on-site inspection that the requirements of this ordinance have been complied with. An applicant shall pay a permit fee as established and amended from time to time by city resolution before receiving a permit, except that any excavation or land disturbing activity relating to a construction permit to erect or remodel a structure for which a permit fee has already been paid or application applied for, shall be exempt from the provision of this section.
2. **Permit Application:** A person seeking a permit shall file an application for same with the Building Official, on forms provided by the Building Official, which shall be accompanied by the permit fee and which shall also be accompanied by or contain a silt control plan showing anticipated compliance with this ordinance.
3. **Permit Requirements:** No permit shall be issued until a silt screen fence has been installed on the lake lot or interior lot where land disturbing activity is anticipated in accordance with the following directives:
 - a) The silt screen fence shall be installed below the direction of run off from the lot, between the land disturbing activity and the public right of way or the ordinary high water mark of the public lake, in a manner suitable to the lot so as to be more effective in preventing of lot soil into the public right of way or lake.
 - b) The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence in order to protect the public right of way or public lake from siltation from the entire land disturbing activity area.
 - c) The silt screen shall have a minimum height of 36" and be installed in such a manner so that the bottom of the screen is dug into the surface of the lot a minimum of 12" with the backfill soil compacted.

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- d) The silt screen fence support posts shall be made of steel and be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and adequate support of the silt screen.
4. Duration: The silt screen fence shall remain in place on the lot and shall be maintained so that the fence and posts remain as an effective silt barrier, and at no time shall the accumulated silt exceed 2/3's the height of the silt fence. The silt fence shall be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation exists to prevent any run off siltation from the lot into the public right of way or public lake. Before the silt screen fence is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of siltation.

613 Supplemental Use Regulations: Temporary Uses

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a CBD or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.

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8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants, provided that:
 - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
 - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
 - (c) Hours of operation do not exceed 12 hours per day.
 - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions, which he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
 - (a) The use will not impair the normal operation of a present or future permanent use on the site.
 - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
3. The duration of the permit shall be explicitly stated on the permit.
4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

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614 Adult Oriented Business

In adopting these supplemental use regulations, it is recognized that adult entertainment facilities have certain objectionable side effects which render these facilities incompatible with residential, public, and other family uses, when the adult facilities are located close to or adjacent to such uses. This section seeks to ensure that residential, public, family orientated business, and adult entertainment facilities will be located in separate and compatible locations, it is a subject of legitimate concern for the City to use its zoning power to preserve the quality of life, preserve the City's neighborhoods and to meet effectively the increasing encroachments upon the quality of life within the City.

a. Location

No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any adult bookstore, adult movie theater, adult nightclub, adult motel, or adult business, as defined in Section 614(d) in the following locations:

1. In any zoning district other than the GI heavy industrial.
2. Within seven hundred fifty (750) feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially orientated.
3. Within seven hundred fifty (750) feet of any parcel of real property upon which is located any of the following facilities:
 - (a) A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school.
 - (b) A religious institution which conducts religious programs.
 - (c) Park or recreational facilities operated and improved by the City, Buena Vista County, the Buena Vista County Conservation Board or the State of Iowa.
 - (d) Federal, State, County, City, or special district governmental offices.
 - (e) Supermarket or convenience store.
 - (f) Restaurant, fast food or food establishment catering to family trade.
4. Within seven hundred fifty (750) feet of any other adult entertainment facility.

b. Measurement of Distance

The distance between any two (2) adult entertainment facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment facilities any religious institution, school or public park, governmental office, supermarket, restaurant or the property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment facility to the closest property line of the religious, school, public park, government office, supermarket, restaurant or the property designated for residential use or used for residential purposes.

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c. Restrictions

All building openings, entries, windows, etc., shall be located, covered, or screened in such a manner to prevent a view into the interior from public or semipublic area; and for construction, and whenever else it seems feasible by the City, the building shall be orientated so as to minimize any possibility of viewing the interior from public or semipublic areas. Adult material advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, or walkways, or from other areas, public or semipublic, in this case, “adult materials” shall be defined as material describing or depicting any specified sexual activity or “specified anatomical areas”, as defined in Section 614(d).

d. Definitions

As used in this Section, the word “or” also means “and/or”; the words “used” or “occupied” include the words “intended, designed, or arranged to be” used or occupied; the word “lot” includes the words “plot or parcel” and all other words or phrases used to denote an individual site that complies with the minimum provisions of this title. For the purpose of this title, the following terms or words used herein shall be interpreted as follows:

1. **ADULT ARTIST, BODY PAINTING AND/OR BODY PIERCING STUDIO:** An establishment or business which provides the services of piercing, applying paint, or other substance whether transparent or nontransparent to or on the human body distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” (as defined in this section).
2. **ADULT BOOKSTORE:** An establishment having 25% or more in quantity of its stock in trade for sale or rent of books, magazines, videos, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined in this section.
3. **ADULT CABARET:** Any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises wherein entertainment is characterized by emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section).
4. **ADULT ENTERTAINMENT ESTABLISHMENT:** Any other establishment not otherwise defined herein, but of the same general classification as the other establishments herein defined, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of “specified sexual activities” or “specified anatomical areas” (as defined in this section).
5. **ADULT MASSAGE PARLOR:** Any place of business wherein any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or gratuity therefore, wherein the

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massage is distinguished or characterized by an emphasis on “specified sexual activities”, or involving “specified anatomical areas” (as defined in the section).

6. **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” (as defined in this section), for observation by patrons therein.
7. **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section), for observation by patrons therein.
8. **ADULT ORIENTED BUSINESSES:** Any of the types of businesses further defined in this subsection which include the modifying word “Adult”.
9. **ADULT NOVELTY STORE:** any commercial establishment having 25% or more in quantity of its stock in trade for sale instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”, as defined in this section excluding condoms and other birth control and disease prevention products.
10. **ADULT THEATER:** A motion picture theater or stage show theater or combination thereof used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section) for observation by patrons therein.
11. **MASSAGE:** Any method of treating the external parts of the human body by rubbing, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.
12. **MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massage is administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include:
 - (a) Persons licensed in the State of Iowa under the provisions of Chapters 148, 148A, 151, 152, 157 or 158 of the Iowa Code, when performing massage, massage therapy or massage services as part of the profession or trade for which licensed;
 - (b) Persons performing massage therapy or massage services under the direction of a person licensed as described in subsection (a) of this definition;
 - (c) Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician;
 - (d) Nurses aids, technicians and attendants at any hospital or healthcare facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the

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course of their employment and under the supervision of the administrator thereof or of a person licensed as described in subsection (a) of this definition;

- (e) An athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by professional or semiprofessional athletic team or organization, in the course of his or her employment as such coach or trainer.
13. **NIGHTCLUB:** Any place of business located within any building or establishment, operated for the purpose of supplying any, or all of the following; entertainment, music, meals, refreshments, or dance floor, and serving beer, wine or liquor for consumption on the premises.
 14. **SPECIFIED ANATOMICAL AREAS:** Less than completely and opaquely covered human genitals, mature human buttocks, and mature human female breasts below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.
 15. **SPECIFIED SEXUAL ACTIVITIES:** Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other touching of human genitals, pubic region, buttock, or female breast, minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.”