

CHAPTER 165.01 TITLE, INTERPRETATION, PURPOSE AND CONFLICT

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165.01.010 Short Title

This ordinance and ordinance supplementing or amending this ordinance, shall be known, and may be cited hereafter as the “Zoning Regulations of DeWitt, Iowa -1994.” Throughout this ordinance, the term “this Chapter” or “chapter” is used to refer to the ordinance as a whole, which is Chapter 165 of the DeWitt Code of Ordinances, and not only to the particular subchapter in which such term appears.

165.01.020 Purpose

The purpose of this Chapter is to divide the City into various districts that represent various groupings of activities with different characteristics that may be in conflict with each other and thereby to provide an environment for each use category that will allow it to function optimally and to promote and protect the health, safety, comfort, morals and general welfare of the citizens of DeWitt. In general this Chapter:

- A. Divides the City into zones and districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses for the purpose of protecting the character and the stability of the residential, business and manufacturing areas within the City and to promote the orderly and beneficial development of such areas.
- B. Seeks to provide adequate light, air, privacy and convenience of access to property.
- C. Regulates the intensity of use of lot area, and requires minimum open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health.
- D. Limits congestion in the public streets and protects the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles.
- E. Protects against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- F. Prevents the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them.
- G. Strives to preserve and promote the general economic welfare with regard to land and real property by providing a high quality environment for the community.

165.01.030 Interpretation and Application of Provisions.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The DeWitt Planning and Zoning Commission has given consideration to the future probable use of land in the territory affected by this ordinance, and has prepared a comprehensive development plan showing the future development of this area which has served as a guide in the preparation of this ordinance.

Prior ordinances: The provisions of this ordinance shall control and supersede the provisions of any ordinances, rules or regulations previously adopted relating to the use of buildings and premises in all matters which are provided for in this ordinance, whether specifically or by implication, except for prior ordinances which specify a particular dimension for a front yard or which authorize the location and construction of a public utility installation, which prior ordinances shall remain in full force and effect.

Whenever the word "City" appears in this ordinance, it shall be deemed to refer to the City of DeWitt, Iowa; the word "Council" and the words "governmental authority" refer to the City Council of the City; the word "Commission" refers to the City Planning and Zoning Commission; the word "Board" refers to the Board of Adjustment; the word "district" refers to a section of the City for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established; the words "zone map" refer to a map entitled DeWitt, Iowa, Zone Map," dated 1994, and any amendments thereto; the words "official City plan" refer to the comprehensive plan, or any of its parts, for the development of the City, prepared by the Commission and adopted in accordance with the planning statutes of the State of Iowa.

165.01.040 Private Easements, Covenants and Agreements

It is not intended by this ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements between parties, except that, where this ordinance imposes a greater restriction upon the use of buildings, or land, or upon the height of buildings, or requires large open spaces or greater lot area per family than are required or imposed by such easements, covenants or agreements between parties, the provision of this ordinance shall control.

