

CHAPTER 165.60 GENERAL PROVISIONS

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165.60.010 Purpose

These provisions are intended to supplement and aid in interpreting the district regulations. This section groups together regulations that generally deal with all zoning districts and all areas of the community.

165.60.020 Regulations

A. Conflicting Laws.

Where the conditions imposed by any provisions of this ordinance upon the: (a) use of land or buildings; (b) bulk of buildings; (c) floor area requirements; (d) lot area requirements; and (e) yard requirements are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

B. Existing Violations.

No building, structure or use, not lawfully existing at the time of adoption of this ordinance, shall become or be made lawful solely by reason of the adoption of this ordinance and to the extent that, and in any manner that said unlawful building, structure or use is in conflict with the requirements of this ordinance, said building, structure or use remains unlawful hereunder.

C. Lots of Record.

A lot of record at the time of adoption of this ordinance in a residence district which is unable to meet the requirements of this ordinance as to the area, or lot width, may be used for a single-family detached dwelling, two-family dwelling or multiple family dwelling, provided that it shall meet all the other requirements of this ordinance and that a structure of at least 24 feet in width with a total area of at least 768 square feet can be constructed.

165.60.100 Yard and Open Space Provisions

The following sections set forth and explain the yard and open space provisions set forth in this Chapter.

165.60.105 Table of District Requirements

The following “general provisions” dealing with open spaces, lot coverage, yard, setback, vision clearance and permitted obstructions are provided for herewith and in the following table of requirements.

**DISTRICT HEIGHT, YARD AND PERCENTAGE COVERAGE REQUIREMENTS
HEIGHT, YARD, LOT AND AREA**

District	Maximum Height In Stories	Maximum Feet	Minimum Front Yard Depth /Building	Minimum Side Yard Width /Building	Minimum Rear Yard Setback /Building	Minimum Lot Width At Building Line	Maximum Lot Coverage	Minimum Lot Size Square Feet
A-1 Agricultural Holding District	2 ½	35	50	20	50	200	35%	435600
R-1 Single Family Residential District								
R-1 – 6	2 ½	35	25	7.5	30	60	35%	6000
R-1 – 8	2 ½	35	25	7.5	30	70	35%	8000
R-1 – 12	2 ½	35	30	10	40	80	35%	12000
R-1 – 17.5-20 (w/o Sanitary)	2 ½	35	35	15	50	100	35%	17500
R-2 Moderate Density Dwelling District								
Single Family	2 ½	35	30	7.5	30	60	35%	6000
Two Family	2 ½	35	30	7.5	25	70	50%	7500
3 – 4 Unit Structures	2 ½	35	30	7.5	25	80	50%	3500
								Per Unit
R-3 Multiple Family Dwelling District								
Single Family	2 ½	35	30	7.5	25	60	35%	6000
Two Family	2 ½	35	30	7.5	25	70	50%	7500
Multiple Family	5	60	30	12.5	15/60	85	50%	*1
C-O Office Business District Residential uses same as R-3	2	30	30/30	15	15/60	X	50%	5000
C-1 Neighborhood Business District	2	30	30/30	15	15/60	X	50%	5000
C-2 General Commercial District	5	60	30/30	10/25	15/60	X	70%	6000
Downtown Overlay	3	N/A	N/A	N/A	N/A	X	N/A	N/A
C-3 Highway Business District	5	60	30/30	10/25	15/60	X	70%	6000
M-1 Light Industrial District	5	60	30	15/R-25	10/R-25	X	70%	2000
M-2 Heavy Industrial District	5	60	30	15/R-25	10/R-25	X	70%	2000

*1 Lot size varies depending on number of bedrooms per structure. Each 2 bedroom unit requires 2,750 square feet of lot area plus 750 square feet for each unit with over three bedrooms. Efficiency unit Require only 2,250 square feet per unit.

*2 Setbacks are for building only/Building with parking in the front yard. This accommodates parking with a minimum 15 green area along the street.
R- Indicates additional setback adjacent to residential Zones

Between uses and zone of different intensities there shall Buffer areas consisting of open space, landscaping, berm fences and other physical barriers or some combination of the above to reduce the impact of the difference in the activity, sound, light and bulk of the development within the lesser zone. The buffer shall be included in the site plan and shall include the following as a minimum.

Table of Buffer Requirement

	R Districts	C - 0	C - 1	C - 2	C - 3	M - 1	M - 2
R Districts	None	15	20	25	35	35	50
C - 0	15	None	10	20	30	30	50
C - 1	20	10	None	10	20	30	50
C - 2	25	20	10	None	None	None	25
C - 3	35	30	20	None	None	None	25
M - 1	35	30	30	None	None	None	25
M - 2	50	50	50	25	25	25	None

1. The buffer responsibility shall belong to the higher intensity use when being established next to and existing lower density use.

2. When the both properties are vacant and unplatted, half of the land shall be provided by each use and the development of buffer improvement shall be coordinated in conjunction with City requirements.

3. The requirement may be reduced up to 50% by provision of a structural barrier, a decorative fence or wall that is landscaped.

4. Landscaping shall be provided which will effectively screen headlights, and outdoor storage and trash areas from any abutting uses.

165.60.115 Provisions of Open Spaces

The provision of yards, courts and other open spaces and minimum lot area legally required for a building, shall be a continuing obligation of the owner of such building or of the property on which it is located as long as the building is in existence. Open spaces shall be completely landscaped with trees, shrubbery and grass, and other decorative materials and continuously maintained. Open space shall be designed to discourage the storage of motor vehicles except as permitted by this ordinance. No legally required yards, courts or other open spaces, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space or minimum lot area requirements for any other building.

A. Location of Open Spaces.

All yards, courts and other open spaces allocated to a building or group of buildings shall be located on the same zoning lots as such building or group of buildings.

B. Yards for Existing Buildings.

No yards now or hereafter provided for a building existing on the effective date of the zoning ordinance shall subsequently be reduced below that required by this ordinance or if an existing yard is less than the minimum yard requirements of this ordinance, no expansion will be permitted.

165.60.140 Division of Zoning Lot

No improved zoning lot shall hereafter be divided into two (2) or more zoning lots unless all improved zoning lots resulting from each such division shall conform with all the applicable regulations of the Zoning District in which the property is located.

165.60.150 Two uses on a Lot

Where two or more permitted or special uses, each requiring a minimum lot area, are provided in the same building or on the same lot, the required lot area shall be the sum of the areas required for each use individually.

165.60.160 Lots without Street Frontage

Every structure or group of structures, and every use or group of uses, shall be located upon a lot. Where unique land planning designs are employed in a subdivision or planned development to conserve the natural character of the land or to create a functional or compatible arrangement of structures or uses, a lot which does not abut upon a public or private street may be permitted provided that:

- A. Adequate provision is made for free access to the lot for the property owner, or in the case of a nonresidential lot, for those persons who would normally require access to the lot.
- B. Adequate provision is made for the unobstructed access of fire-fighting services, police protection, mail service, rubbish collection and other governmental services.
- C. Adequate provision is made for the extension and maintenance of public and private utility service.
- D. The arrangement will not contribute toward congestion in nearby streets as a result of delivery services, lack of guest parking or other reasons.

165.60.170 Required Setbacks

Minimum setbacks on lots abutting a street or thoroughfare shall be the distance required for a front yard or side yard adjoining a street, in the districts where such lots are located, measured from the right-of-way line as designated on the comprehensive plan of the City, as duly established by other ordinances of the City, or as established by county or state highway authorities, whichever has the greater right-of-way width requirements.

A. Exceptions for Established Setbacks.

Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (within a variation of five feet or less) a front yard greater than required herein, new buildings shall not be erected closer to the street than the average front yard established by the existing buildings.

B. Vision Clearance.

1. On corner lots no structures or plant materials shall obstruct a clear path of motor vehicle driver's vision of approaching vehicles with a triangular space determined by a diagonal line connecting two points measured 35 feet equidistant from the street corner.
2. An unobstructed vision clearance shall be maintained at private driveway and place or street intersections and at alley and place, street or alley intersections.

165.60.185 Permitted Obstructions in Required Yards

The following obstructions may be located in the required yards specified.

A. In All Yards:

1. Open terraces and walks not over four feet above the average level of the adjoining ground, but not including permanently roofed-over terrace or porch.
2. Awnings and canopies, but not projecting more than 10 feet out from the structure and at least seven feet above the average level of the adjoining ground.
3. Chimneys projecting 18 inches or less into the yard.
4. Arbors, trellises, flagpoles, fountains, sculptures, plant boxes and other similar ornamental objects.
5. Open and closed-type fences and walls not exceeding four feet in height above grade level in front yards and six feet in height in side and rear yards; visibility at right angles to any surface of such fence located in a front yard shall not be reduced by more than 40 percent.
6. Trees, shrubs and other plant materials.

B. In Front Yards:

1. One-story bay windows projecting three feet or less into the yards.
2. Overhanging eaves and gutters projecting three feet or less into the yard.

3. Open paved off street parking space(s) leading to a garage or other space within the building area or rear yard.

C. In Rear Yards:

1. Enclosed, attached or detached off-street parking spaces
2. Open paved off-street parking spaces
3. Accessory shed, tool rooms and similar
4. Balconies, breezeways and open porches
5. One-story bay windows projecting three feet or less into the yard
6. Overhanging eaves and gutters projecting three feet or less into the yard

7. In any residential district, no accessory building shall be nearer than five feet to the rear lot line, not nearer than eight feet to any unattached principal building; provided, however that swimming pools shall not be nearer than 10 feet to the rear lot line, nor nearer than eight feet to any unattached principal building or accessory building having a basement, or not closer than five feet to any principal building or accessory building not having a basement.

D. In Side Yards:

1. Overhanging eaves and gutters projecting into the yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding two feet
2. Enclosed detached off-street parking spaces, but not nearer than five feet to the side lot line, nor nearer than 10 feet to any principal building
3. Open off-street parking spaces
4. Joint or shared access to abutting properties or flag lots

165.60.200 Accessory Buildings and Uses

Accessory buildings and uses are allowed in the various districts as prescribed in each district and shall be compatible with the principal use and the following provisions.

A. Building Location

Sheds shall be required to have side and rear setbacks equal to distance of the side yard setback of the zoning in which it is located. In an R-1-6 zoning district and an R-1-8 zoning district the side and rear yard setbacks for a shed shall be 7.5 feet; in an R-1-12 the side and rear setbacks shall be 10 feet. In a residential district, no detached accessory building shall be closer than eight feet to the principal building, and for each foot over 20 feet in length that the wall of an accessory structure (except swimming pools) parallels and is next to the principal structure, the required distance between the structures shall be increased by an additional foot; provided, however, no swimming pool shall be closer than eight feet to the principal building or accessory structure having a basement, nor closer than five feet to any principal building or accessory structure without a basement. Sheds shall be used for storage of items related to primary (residential) use of the property including the storage of garden tools, lawn equipment, household equipment, bikes, toys, and general household storage. Sheds shall not be used to store a motor vehicle that is typically used on a daily or weekly basis. Sheds shall not be attached to the primary structure. Sheds shall not be used to run a business or any other activity not permitted by the zoning regulation.

B. Time of Construction

No accessory building or structure shall be constructed prior to the start of construction of the principal building to which it is accessory.

C. Rear Yard

No shed or sheds shall occupy more than 30% of the required rear yard area and no single shed building shall have a floor space larger than 720. No garage shall occupy more than 40% of the required rear yard area and no garage shall have a floor space larger than 864 square feet in size or a floor space equal to or less than 40% of the required rear yard area and no garage shall have a floor space larger than 864 square feet in size or a floor space equal to or less than 40% of the above grade finished floor space of the primary structure.

D. Height

No accessory building or portion thereof located in a required yard shall exceed one store or 15 feet in height.

E. Reversed Corner Lots

On a reversed corner lot in a residential district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than the required front yard on the adjacent lot to the rear. Further, in the above instance, no such accessory building shall be located within five feet of any part of a rear lot line which coincides with a side lot line, or portion thereof, of property in a residential district.

F. Swimming Pools

Private swimming pools may be located in the required rear yard and shall be enclosed by a fence at least five feet in height.

156.60.300 Lots

A. Number of Buildings on a Lot.

Not more than one principal building shall be permitted on a zoning lot in A-1, R-1, and R-2 zoning districts. More than one principal building may be permitted on a zoning lot in all other zoning districts.

B. Division

No lot shall hereafter be divided into two or more lots for the purpose of transfer or ownership unless all lots resulting from each such division shall have lot areas and widths as required by this ordinance.

C. Through Lots

Front yard setbacks shall be observed from both streets. Access shall be provided along the street right-of-way designated by the Building Official.

D. Corner Lots

On a corner lot, the front lot line shall be the lot line having the shortest dimension along the street right-of-way line. The required front yard setback shall apply to each yard facing a street and/or place.

165.60.400 Height

Except in a planned unit development, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the structure is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the structures and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, radio and television transmission towers and aerials, wireless masts, electric and telephone service poles, water tanks, silos, storage hoppers, elevators or similar structures may be erected above the height limits herein prescribed.

165.60.500 Screening

When required by this ordinance, screening shall be designed, planted or constructed and maintained in accordance with the following conditions:

- A. Front Yard Area
 - 1. Evergreen planting
 - a. Initial height not less than one foot
 - b. Permanent height not more than three feet
 - 2. Masonry Wall
 - a. Height not more than three feet within the required setback area
 - b. Density – solid or pierced
 - 3. Other – as approved by the Building Official
- B. Side or Rear Yard Area
 - 1. Evergreen planting
 - a. Initial height not less than three feet
 - b. Permanent height at least three feet
 - c. Density – plant material shall be planted so that within five years, vision and light shall be obscured by the plantings.
 - 2. Masonry wall or wood fences
 - a. Height at least three feet and not to exceed six feet
 - b. Density – so that vision and light shall be obscured
 - 3. Other – as approved by the Building Official

C. Materials

All materials shall conform to the following requirements:

1. Plant materials shall be permanent-type and hearty to Iowa climate
2. Wood and masonry materials shall be new materials in good condition, properly installed and with initial maintenance materials applied.

D. Time of Installation

1. New development. All screening shall be installed, constructed or provided before final occupancy of the property is permitted.
2. Existing uses. All uses actually established and in operation on the effective date of this ordinance shall be made to comply with the screening requirements within a period of three years from the effective date of this ordinance.

E. Maintenance

All screening materials shall be properly and adequately maintained and kept free of trash and litter.