

## Chapter 134. Zoning

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# 134-1. INTRODUCTORY PROVISIONS

DRAFT

Title

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## 134-1.1 Title

This chapter of the municipal code is known and may be cited and referred to as the “zoning ordinance” of the city.

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## 134-1.2 Authority

This zoning ordinance is adopted under the authority of Iowa Code Section 364.1 and Iowa Code Chapter 414.

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## 134-1.3 Effective Date

The provisions of this zoning ordinance become effective on [INSERT DATE], except as otherwise expressly stated.

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## 134-1.4 Applicability and Jurisdiction

The provisions of this zoning ordinance apply to all public and private use and development of properties within the corporate limits of the city, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance, and excluding public right-of-way unless otherwise expressly stated.

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## 134-1.5 Purposes

This zoning ordinance is adopted for the purposes of:

- 1.5.1 Protecting and promoting the public health, safety, morals and general welfare; and
- 1.5.2 Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the city.

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## 134-1.6 Minimum Requirements

- 1.6.1 The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out the zoning ordinance’s stated purposes.
- 1.6.2 In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.
- 1.6.3 References in this zoning ordinance to other governmental regulations do not constitute a complete list of such regulations. These references do not imply any responsibility for the city to enforce regulations imposed by other government authorities.

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## 134-1.7 Compliance Required

- 1.7.1 All lots created or modified must comply with all applicable provisions of this zoning ordinance.

- 1.7.2 The use of land, buildings and structures must comply with the provisions of this zoning ordinance.

- 1.7.3 Buildings and structures erected, located, moved, reconstructed, extended or structurally altered must comply with the provisions of this zoning ordinance.

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## 134-1.8 Conflicting Provisions

### 1.8.1 STATE OR FEDERAL REGULATIONS

If the provisions of this zoning ordinance are inconsistent with or conflict with state or federal law, including Iowa Code Chapter 8C and the Spectrum Act and/or similar FCC regulations, the applicable state and federal law or regulation govern.

### 1.8.2 OTHER CITY REGULATIONS

If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

### 1.8.3 PRIVATE AGREEMENTS AND COVENANTS

The city is not responsible for monitoring or enforcing agreements or covenants among private parties. If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern.

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## 134-1.9 Language and Interpretation

### 1.9.1 CONJUNCTIONS

- A. Unless the context otherwise expressly indicates, conjunctions have the following meanings:
- B. “And” indicates that all connected items or provisions apply; and
- C. “Or” indicates that the connected items or provisions may apply singularly or in combination.

### 1.9.2 ILLUSTRATIONS

Illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any figure or illustration, the text governs.

**1.9.3 VERSIONS AND CITATIONS**

All references in this zoning ordinance to other city, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, zoning ordinance requirements for compliance are no longer in effect.

**1.9.4 LISTS AND EXAMPLES**

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

**1.9.5 DELEGATION OF AUTHORITY**

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this zoning ordinance expressly prohibit such delegation.

**1.9.6 PUBLIC OFFICIALS AND AGENCIES**

Unless otherwise expressly stated, all employees, public officials, and boards and commissions to which references are made are those of the city.

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**134-1.10 Zoning Map<sup>1</sup>****1.10.1 ESTABLISHMENT**

The location and boundaries of the districts defined in this zoning ordinance must be established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the community development director. This “zoning” geographic coverage layer constitutes the city’s official zoning map.

**1.10.2 MAINTENANCE AND UPDATES**

The community development director is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of any ordinance establishing or amending zoning district boundaries.

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<sup>1</sup> This section represents a substantially edited version of existing Sec. 134-277 although it is not intended as a substantive change from existing practice...

**1.10.3 BOUNDARIES**

Zoning boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the boundary is deemed to extend to the centerline of abutting streets. When a map is used, boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

**1.10.4 MAP INTERPRETATIONS**

Where any uncertainty exists about a zoning boundary that was established by legal description, the legal description accompanying the amending ordinance governs. In other cases, the community development director is authorized to make an interpretation of the boundaries. The following rules apply to all zoning map interpretations:

- A.** Boundaries shown as approximately following the centerlines of streets, highways, alleys or other public rights-of-way must be construed to follow such centerlines.
- B.** Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.
- C.** Boundaries shown as approximately following city limit lines must be construed as following those lines.
- D.** Boundaries shown as approximately following railroad lines must be construed to be midway between the main tracks.
- E.** Boundaries shown as approximately following the shoreline or centerline of a river, stream, lake or other watercourse must be construed as following the actual shoreline or centerline of the watercourse. If, after establishment of the boundary, the shoreline or centerline of the watercourse moves as a result of natural processes, the boundary must be construed as moving with the shoreline or centerline of the watercourse.

**1.10.5 ANNEXED LAND**

When land is annexed or otherwise brought into the zoning jurisdiction of the city, it may be classified in the A (Agricultural) district or assigned another zoning classification based on the comprehensive plan, existing land uses, any applicable annexation agreement or other relevant considerations.<sup>2</sup>

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<sup>2</sup> This is a change from Sec. 134-278, which appears to

## Transitional Provisions

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### 134-1.11 Transitional Provisions

The provisions of this section address the transition to this zoning ordinance from the zoning ordinance in effect immediately before the effective date specified in [134-1.3](#).

#### 1.11.1 APPLICATIONS, PERMITS AND APPROVALS

- A. Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in [134-1.3](#) may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development or structure is commenced but not completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.
- B. Complete applications for variances, exceptions, special permits, conditional uses, site plans, PUDs, and other zoning-related approvals that are pending approval on the effective date specified in [134-1.3](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in [134-1.3](#).
- C. The community development director is authorized to issue permits for construction or development approved before the effective date specified in [134-1.3](#) and for developments pending approval before that effective date even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

#### 1.11.2 VIOLATIONS

The adoption of this zoning ordinance does not affect any pending or future suit, proceeding or prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date

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require that all annexed land be brought in as A-1. The existing provisions addressing nonconforming single-family dwellings will be moved to the "nonconformities" article of the ordinance

specified in [134-1.3](#).

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### 134-1.12 Severability

If one or more provisions of this ordinance, or the application of this ordinance is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, including Iowa Code Chapter 8C and/or the Spectrum Act and similar FCC regulations, such provisions are deemed to be severed from this zoning ordinance. The remaining ordinance provisions remain in full force and effect.