

# Chapter 134. Zoning

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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.”

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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.

## Purposes

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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.
- 1.7.4 No land shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of zoning compliance is issued by the zoning enforcement officer, stating that the land and use comply with the provisions of this zoning ordinance.
- 1.7.5 No change of use shall be made in any building or part thereof erected or structurally altered, and no permit shall be issued allowing for such change, unless the proposed change is in conformance with this chapter and until a certificate of zoning compliance has been issued for such change by the zoning enforcement officer.

1.7.6 Before the issuance of a certificate of zoning compliance, the applicant shall pay a fee in the amount set out in the schedule of fees approved by the city council. Applications for a certificate of zoning compliance for property wholly owned by the federal government are exempt from this fee payment requirement.

1.7.7 Nothing in this section shall prevent the continuance of a nonconforming use as authorized, unless a discontinuance is necessary for the safety of life or property.

1.7.8 A statement of review shall be issued upon request for nonconforming uses. Application for such statement for nonconforming uses shall be filed with the zoning enforcement officer, accompanied by affidavits of proof that such nonconforming use was not established in violation of the zoning ordinance(s), or amendments thereto, applicable at the time of establishment of such use.

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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, the Spectrum Act, and similar FCC regulations, the applicable state and federal law or regulation governs.

#### 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

Unless the context otherwise expressly indicates, conjunctions have the following meanings in this chapter:

- A. "And" indicates that all connected items or provisions apply.
- B. "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

### 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.

### 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.

## Transitional Provisions

- F. Boundaries shown as approximately following flood plain and floodway designations pursuant to chapter 50 of this code must be construed to follow such lines.
- G. Where one parcel of property is divided into two or more portions because of different zoning district classifications, each portion shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership. Alternatively, the entire parcel may be used as permitted by the regulations applicable to the most restrictive zoning classification. However, nothing in this subsection shall be construed as permitting residential use of any property within any I district classification or use of any property within any F district classification for any purpose not permitted by [article 3 of this chapter](#) and Chapter 50 of this code.
- 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 section [134-1.3 of this article](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in section [134-1.3 of this article](#).
- C. The community development director is authorized to issue permits for construction or development approved before the effective date specified in section [134-1.3 of this article](#) 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.

### 1.10.5 ANNEXED LAND

When land is annexed or otherwise brought into the zoning jurisdiction of the city, it shall be classified in the A (Agricultural) district or the zoning district classification may be changed by amendment in accordance with this chapter and based on the comprehensive plan, existing land uses, any applicable annexation agreement or other relevant considerations.

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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 section [134-1.3 of this article](#).

#### 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 section [134-1.3 of this article](#) 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.

### 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 specified in section [134-1.3 of this article](#).

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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, 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. [END OF ARTICLE]