

# ARTICLE IV

## GENERAL REGULATIONS

**SECTION 1. GENERAL REGULATIONS.** The regulations set forth in this Article qualify or supplement, as the case may be, the regulations set forth elsewhere in this Ordinance.

## SECTION 2. ACCESSORY BUILDINGS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS.

**Subsection A.** No accessory building shall be erected in any front yard as defined in Article II, Section 1, Subsection A (139.) except as provided hereinafter. Accessory buildings may be built in the front yard if they are at least fifty (50) feet from the right-of-way line; however, only one accessory building is allowed in the front yard. Accessory buildings shall be distant at least ten (10) feet from any other separate buildings or structures on the same lot, and at least three (3) feet from alley lines and from lot lines of adjoining lots which are in any residential districts.

**Subsection B.** Accessory buildings, except buildings or structures housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with.

**Subsection C.** No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard. A private garage shall not exceed a maximum area of twelve hundred (1200) square feet.

**Subsection D.** An accessory building may be built on the adjoining subdivision lot or tract, if both parcels are owned by the same individual, family or firm, and the owner signs and records a "Restrictive Covenant and Agreement Not to Sever" in cooperation with the Zoning Department.

## SECTION 3. ACCESSORY BUILDINGS AND USES, OTHER DISTRICTS.

**Subsection A.** Accessory buildings which are not a part of the principal building may be built in a rear yard to within five (5) feet of the rear lot line; but the same shall not occupy more than thirty-five (35) percent of the rear yard.

**Subsection B.** If any portion of a detached accessory building is within a side yard of a principal building on the same lot, such detached accessory building shall not be nearer to the side lot line than would be required for the building wall of a principal building on the same lot.

**Subsection C.** No detached accessory building is permitted within the limits of a front yard.

**Subsection D.** No detached accessory building may be placed in any rear yard or any side yard so that any part of such building is nearer the street line than is permitted for a wall of a principal building on the same lot.

**Subsection E.** No accessory building shall be used for dwelling purposes.

**SECTION 4. ACCESSORY BUILDINGS, RESTRICTIONS ON.** No accessory building shall be used for human occupancy.

**SECTION 5. BUILDINGS ON THROUGH LOTS.** Through lots extending from road to road shall provide the required front yard on both roads. Accessory buildings may be located in the side yard or the yard opposite to the direction the house is facing, so long as they are not closer than fifty (50) feet from the right-of-way line.

**SECTION 6. CONFORMANCE REQUIRED.** Except as may be hereinafter specified no land, building, structure or premises shall hereafter be used and no building, or part thereof, or other structure shall be located, erected, reconstructed, extended, enlarged or altered, except in conformity with the provisions of this Ordinance.

**SECTION 7. CONTINUING EXISTING USES.** Any use, building or structure, existing at the time of the enactment of this Ordinance may be continued, even though such use, building or structure may not conform

with the provisions of this Ordinance for the District in which it is located. Neither shall any change of title or right to possession affect such continuation of any existing use. However, should such use cease for a period of one (1) year, the use may not be resumed thereafter.

**SECTION 8. CORNER LOTS.** For corner lots platted after the effective date of this Ordinance, the front yard setback shall apply to both street sides of the lots. On corner lots platted and of record at the effective date of this Ordinance, the side yard regulation shall apply to the larger street side of the lot, except where such lot line is the front lot line of lots to the rear of said corner lot, in which case there shall be a side yard on the larger street side of the corner lot of not less than fifty (50) percent of the setback required on the front of the lots to the rear of the corner lots; and no accessory building on such corner lot shall project beyond the setback line of the lots in the rear; provided further that this restriction shall not be so interpreted as to reduce the buildable width of the corner lot to less than twenty-eight (28) feet.

**SECTION 9. DISINCORPORATION AND SEVERANCE.** Any additions to the unincorporated areas of the County resulting from the disincorporation of a municipality or severance of a part of a municipality shall be automatically classified as in the "R-1" Residential District until otherwise re-classified by the rezoning process.

**SECTION 10. FENCES AND WALLS.** In any A-1, R-1, R-2 or R-3 District, on any lot used for residential purposes, fences and walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yards. A fence or wall not exceeding four and one half (4 1/2) feet in height is permitted within the limits of the front yard. In the case of retaining walls or supporting embankments, the above requirements shall apply only to that part of the wall above ground surface of the retained embankment. In all other districts, fences and walls are permitted not exceeding eight (8) feet in height within the limits of the yard. In all cases fences shall be constructed with the best side facing the neighboring land user.

**SECTION 11. GASOLINE STATIONS, PUBLIC GARAGES AND COMMERCIAL PARKING LOTS.**

**Subsection A.** No gasoline station or public garage or commercial parking lot shall have an entrance or exit for vehicles within two hundred (200) feet of any school, public playground, church, hospital, public library or institution for children.

**Subsection B. Requirements.**

(1) Pump islands, light standards and related minor accessory equipment not involving repair work or servicing of vehicles other than for fuel, air and water shall be permitted in the yard areas provided no gasoline pump or fuel dispensing equipment shall be located within twelve (12) feet of any street right-of-way.

(2) No oil draining pit or appliance for such purpose shall be located within twenty-five (25) feet of any Residential District boundary, nor within twelve (12) feet of any street right-of-way line, unless enclosed within a building.

**Subsection C.** On corner lots, all vehicular entrances to, or exits from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines and such openings shall not exceed thirty-five (35) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.

**Subsection D.** One permanent, free-standing, double-faced post or pedestal sign shall be permitted for each street or road upon which a service station property abuts; provided that such sign shall not project over the right-of-way line of the abutting street. Said sign shall not exceed fifty (50) square feet in area per face. Non-permanent moveable advertising signs shall be permitted provided the area does not exceed nine (9) square feet per face.

**SECTION 12. INTERPRETATION, PURPOSE AND CONFLICT.** Whenever the regulations of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required in any other statutes or local ordinance or regulation, the provisions of this Ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied, or impose other higher standards than are required by this Ordinance, the provisions of such statute or local ordinance or regulation shall govern.

**SECTION 13. LOTS OF RECORD.** (Undersized and Separately Owned.) Side yard requirements for dwellings on lots of record at the time of passage of this Ordinance that are under separate ownership from adjacent lots and which do not meet the minimum requirements of their District may be reduced as follows:

**Subsection A.** Interior Lots - the width of each of the side yards may be reduced to twelve (12) percent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width of less than fifty (50) feet, each side yard shall be no less than five (5) feet.

**Subsection B.** Corner Lots - the width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet. The width of the side yard opposite the side street may be reduced as the interior lot reduction above set forth. For the purposes of this section only, any lot platted as such at the time of the effective date of this Ordinance, which shall not be so platted as to be in conformity with the minimum area requirements of this section and which shall be under separate ownership, of record, from any adjoining lot or portion of any adjoining lot, may be used for the purpose of construction of a single family dwelling for a period of one (1) year following the effective date of this Ordinance, provided however, that actual construction thereof shall have begun within the said one (1) year period and the construction shall not be abandoned. Notwithstanding this exception with respect to area requirements, there shall be no exception for such platted lots with respect to compliance with the requirements of the State Plumbing Code and the Marshall County Board of Health.

**SECTION 14. METHOD OF YARD MEASUREMENT.** The setback of the building for front rear and side yards shall in all cases be measured at a right angle from the lot line to the nearest point of the adjacent building wall, foundation, pile or footing of the building or structure.

**SECTION 15. MINIMUM GROUND FLOOR AREA REQUIREMENTS.**

**Subsection A.** A one story single family dwelling shall contain not less than seven hundred twenty (720) square feet of usable ground floor area, exclusive of open porches, garages or steps.

**Subsection B.** A two story single family dwelling shall contain not less than six hundred fifty (650) square feet of usable ground floor area, exclusive of open porches, garage or steps.

**SECTION 16. NON-CONFORMING USES OR BUILDINGS.** No existing building or premises devoted to a use not permitted by this Ordinance in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the District in which such building or premises is located, except as follows:

**Subsection A. SUBSTITUTION.**

(1) If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification.

(2) Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

**Subsection B. DISCONTINUANCE.** If a voluntary use is discontinued for one (1) year or more, it shall not be re-established unless specifically approved by the Board of Supervisors after recommendation by the Zoning Commission.

**Subsection C. REPLACING DAMAGED BUILDINGS.** Any non-conforming building or structure damaged more than sixty (60) percent of its value prior to the damage, exclusive of the foundations, at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such occurrence; but if less than sixty (60) percent of the building or structure is damaged above the foundation, it may be restored, reconstructed or used as before, provided that it be done within six (6) months of such occurrence.

**Subsection D. NON-CONFORMING USE MAY BE EXTENDED.** The lawful use of a building or lot of record existing on the effective date of this Ordinance may be extended

throughout the building, providing such building or lot of record was so arranged or designed for such non-conforming use on the date this Ordinance became effective.

## **SECTION 17. OFF-STREET PARKING AREAS REQUIRED.**

**Subsection A.** In all Districts, in connection with every industrial, commercial, business, trade, institutional, recreational or dwelling use, and similar uses, spaces for parking and storage of vehicles shall be provided in accordance with the following schedule:

- (1) Automobile sales and service garages - fifty (50) percent of floor area.
- (2) Banks, businesses and professional offices - fifty (50) percent of floor area.
- (3) Bowling alleys - five (5) spaces for each alley.
- (4) Churches and schools - one (1) space for each eight (8) seats in a principal auditorium, or one (1) space for each seventeen (17) classroom seats, whichever is greater.
- (5) Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing or assembly.
- (6) Dwelling - one (1) parking space for each family or dwelling unit.
- (7) Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.
- (8) Furniture and appliance stores, household equipment or furniture repair shops, over one thousand (1,000) square feet of floor area - one hundred (100) percent of floor area.
- (9) Hospitals - one (1) parking space for each four (4) beds.
- (10) Hotels, lodging houses - one (1) space for each two (2) bedrooms.
- (11) Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.
- (12) Restaurants, beer parlors and night clubs, over one thousand (1,000) square feet floor area - two hundred (200) percent of floor area.
- (13) Retail stores, supermarkets, etc. under two thousand (2,000) square feet floor area - two hundred (200) percent of floor area.
- (14) Retail stores, supermarkets, etc. over two thousand (2,000) square feet floor area - one hundred (100) percent of floor area.
- (15) Sports arenas, auditoriums other than in schools - one (1) parking space for each six (6) seats.
- (16) Theaters, assembly halls with fixed seats - one (1) parking space for each six seats.
- (17) Wholesale establishments or warehouses - one (1) space for each (2) employees.

**Subsection B.** In the case of any building, structure or premises, the use of which is not specifically mentioned therein, the provisions for a use which is so mentioned and to which said use is similar shall apply.

**Subsection C.** Where a lot does not abut on a public alley or easement of access there shall be provided an access drive not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question, except where provided in connection with a use permitted

in a Residential District, such easement of access or access drive shall not be located in any Residential District.

**Subsection D.** Every parcel of land hereafter used as a public or private parking area, including a commercial lot, shall be developed and maintained in accordance with the following requirements:

(1) No part of any parking space shall be closer than five (5) feet to an established street right-of-way or alley line. In case the parking lot adjoins an "R" District, it shall be set back at least five (5) feet from the "R" District boundary and shall be effectively screened - planted.

(2) Any off-street parking area, including any commercial parking lot, for more than five (5) vehicles shall be surfaced with an asphaltic or Portland cement binder pavement or such other surfaces as shall be approved by the Zoning Administrator, so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

(3) Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect light away from adjoining premises in any "R" District.

**Subsection E.** Subject to the other requirements of this Section, off-street parking areas may be established in any "R" District that immediately abuts upon or is directly across an alley from a "C" District; provided such parking shall be for the use of one or more business or industrial establishments located in the adjoining "C" District and further provided that such parking area shall not extend more than one hundred (100) feet from the boundary of the less restrictive District.

**SECTION 18. ONE PRINCIPAL BUILDING TO A LOT.** Every building hereafter erected or structurally altered shall be located on a lot, as defined herein, and in no case shall there be more than one (1) principal building per lot, unless otherwise specified in this Ordinance.

**SECTION 19. PERMIT PREVIOUSLY ISSUED.** Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building or part thereof, for which approvals and/or required permits have been granted before the enactment of this Ordinance; the construction of which, in conformance with such plans, shall have been started prior to the effective date of this Ordinance, and completion thereof, carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

**SECTION 20. PLAT OF SURVEY OR SUBDIVISION REQUIRED.** Whenever an aliquot part, government lot, lot, parcel, parcel of record or tract of land may be divided into two (2) or more parts, such split shall be in conformance with the Marshall County Subdivision and Platting Ordinance before a Zoning or Building Permit for any resulting parcel or lot may be issued.

**SECTION 21. REAR YARD REQUIREMENTS AND THROUGH LOTS.** No principal or accessory building shall be erected or structurally altered on a through lot so as to place any principal wall of such building nearer the rear lot line of such through lot than is permitted for the front lot line in such District.

**SECTION 22. REQUIRED YARD CANNOT BE REDUCED.** No lot shall be reduced in area so as to make any yard or any other open space less than the minimum required by this Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance for another building or structure. Off-street parking and loading areas may occupy all or any part of any required yard or open space except as otherwise specified in this Ordinance.

**SECTION 23. SALE OF LOTS BELOW MINIMUM AREA REQUIREMENTS.** No parcel of land which has less than the minimum width and area requirements for the District in which it is located may be cut off from another parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Board of Adjustment or except where it is added to another parcel to meet the

requirements of this Ordinance. No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

**SECTION 24. SEWAGE DISPOSAL.** Sewage disposal systems shall be approved by the Marshall County Sanitarian in conformance with applicable regulations adopted by the Marshall County Board of Health and the State of Iowa.

**SECTION 25. STREET FRONTAGE REQUIRED.** Except as otherwise provided herein, any lot containing a structure used in whole or in part for residential purposes shall either abut for a minimum of forty (40) feet on a public road or have an exclusive, unobstructed private easement of access a minimum of twenty (20) feet wide to a public road. In the case where access is to be provided by easement to two (2) or more single family dwellings or for one (1) or more two family or multiple family dwellings, a common easement of access of a minimum of fifty (50) feet wide shall be provided.

**SECTION 26. UTILITIES EXEMPT.** No requirement, restriction, or regulation contained in this Ordinance, with the exception of those contained in the Flood Plain Overlay District, shall be construed to control the type or location of any poles, towers, wires, gas mains, cables or any other similar distributing or operating equipment of a telephone, telegraph, power, gas or railroad company. However, this exemption shall not apply to any accessory structures or buildings on such sites.

**SECTION 27. VISION CLEARANCE.** In all Districts, no fence, hedge, wall, sign or other obstruction shall be permitted which obstructs the view of approaching vehicles three-and-one-half (3 1/2) feet above the traveled portion of a roadway within the area of a triangle formed by the center of the intersection and points one hundred fifty (150) feet from the center of the intersection when measured along the centerlines of the intersecting roads.

**SECTION 28.** No recreational vehicle nor fifth wheel trailer or camper shall be used as a habitation for more than 90 days in any 365 day period without a special use permit.