

176.35 SUPPLEMENTAL REGULATIONS.

1. Lot of Record – Establishment of Use. Every structure or group of structures, and every use or group of uses, shall be located on a lot of record.
2. Lot Frontage and Access. Hereafter, no lot shall be created, nor shall any principal building be constructed or placed, on any lot or tract of land unless such lot or tract has frontage on or direct access to a public street or to a private street which has been specifically approved by the Council for that purpose.

3. Number of Principal Buildings Permitted on a Lot. More than one main institutional, public or quasi-public, multiple-family, commercial, or industrial building may be located on a zoning lot, provided that no such buildings or portion thereof is located outside the buildable area of the lot. Except in Planned Development and Cluster Development District areas, no more than one detached single-family building shall be located on a zoning lot, nor shall either such type of building be located on the same lot with any other principal building.

4. Division of Lot. No improved zoning lot shall hereafter be divided into two or more lots unless all lots resulting from each such division shall conform with the applicable regulations of the zoning district in which the property is located and provided that such division complies with the provisions of Chapter 175.

5. Nonconforming Lots. Where two or more contiguous substandard lots of record are in common ownership and are of such size as to constitute at least one conforming lot, such lots or portions thereof may be so jointed, developed and used for the purpose of forming an effective and conforming lot.

6. Location of Yard. All yards and other open spaces allocated to a building or group of buildings shall be located on the same lot or lots as such building or group of buildings.

7. Provision of Open Space. The provision of open space as required in this chapter shall be a continuing obligation of the owner of such building or property on which it is located as long as the building is in existence. Such open space, except for walkways, shall be completely landscaped with such materials as grass, shrubbery, and trees, and continuously maintained. The storage of motor vehicles in the required open space areas is specifically prohibited.

8. Permitted Encroachment in Yards.

A. Every part of a required yard shall be open to the sky except where accessory buildings are permitted and except for the ordinary projections from principal buildings of sills, belt courses, cornices, fireplace chimneys, gutters and downspouts, and ornamental features projecting not to exceed 24 inches.

B. A roof or deck may project into a required side yard, provided that every part of such structure is unenclosed and is removed at least five feet from the nearest side lot line.

C. A covered porch or a paved terrace, including a roof, roof extension, or canopy associated therewith, may project into a front yard for a distance not exceeding five (5) feet, provided that the sides of such porch or terrace are unenclosed. A balcony located about the ground floor may project into a front yard a distance not exceeding five (5) feet, provided that no steps associated with the balcony are located in the front yard.

D. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may project not more than five feet into the rear yard, provided that such projection does not obstruct light and ventilation.

E. Solar energy collectors and heat storage units to supply the building may project into the required rear or side yard not to exceed 24 inches, but shall not project into the required front yard.

F. Accessory buildings and uses shall comply with the provisions set forth in Section 176.32.

G. Air conditioning units and furnaces to supply the building may project into the required side yard not to exceed 36 inches, but shall not project into the required front yard.

9. Exception to Height Limitations. Except as otherwise provided in this section, the height limitations in this Zoning Ordinance shall not apply to tanks, water storage facilities, fire towers, cooling towers, ornamental towers and spires, radio and television towers, antennas, aerials, chimneys, elevator bulkheads, flag poles or necessary mechanical appurtenances. Buildings that are only to be used for storage purposes may exceed the maximum number of stories permitted in the district in which they are located provided no such buildings exceed the height limit otherwise provided in such district. No tank or liquid storage facilities exceeding 6 feet in height, except municipal water towers or tanks, shall be located within 100 feet of a residential district, unless approved by the Zoning Board of Adjustment.

10. Corner Visual Clearance. In all zoning districts, except C-2, nothing shall be erected, placed, planted, or allowed to grow on a corner lot in such a manner as to significantly impede vision of drivers or obscuring, physically interfering with an official control device described as follows: that triangular shaped area bounded by the street right-of-way lines of a corner lot or tract and a straight-line joining points on said right-of-way lines that are thirty (30) feet from the point of intersection of said right-of-way lines. Signs are permitted subject to the provisions of Section 176.31 of this chapter.

11. Railroad Uses. Existing railroad uses may continue to be operated and maintained in dwelling and commercial districts, but no new railroad structures other than usual repair and maintenance items shall be established except when authorized by the Zoning Board of Adjustment.

12. Fences and Walls.

A. Fences or walls not exceeding six (6) feet in height may be erected in a required yard or along the lot line, except as follows:

(1) No opaque fence or wall may be located in a required front yard. In the context of this section, a rear yard of a double-fronted lot is not considered a “front yard.”

(2) An opaque fence or wall may be located in a corner side yard or rear yard of a double-fronted lot in any R zoning district provided such fence or wall is at least 12 feet from any driveway, alley or back of street curb.

(3) All solid fences shall comply with the provisions of subsection 10 of this section regarding corner visual clearance.

(4) In the context of this section, “opaque” is defined as a structure which blocks or otherwise prevents the passage of light through 50% or more of its surface area.

B. In the C-4, I-1, and I-2 Zoning Districts, fences or walls may be installed to a height not to exceed 8 feet except when such fence or wall abuts an A-1, R, O-1, C-1, or C-2 district in which case such fence or wall shall not exceed a height of 6 feet, except:

(1) In all zoning districts, public or quasi-public buildings and facilities essential to the physical welfare of an area, such as electrical distribution substations, pipeline pumping stations, gas regulator stations, water storage facilities and similar uses may be surrounded by a fence having a height above grade not more than 12 feet.

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C. Fences or walls that are installed on a corner lot shall comply with the provisions regarding corner visual clearance as described in subsection 10.

D. Fences or walls may be erected in utility easements in accordance with the provisions of this ordinance, except that no fence or wall may be erected without the prior approval of the City Engineer and as a condition of that approval, the City Engineer may require that the applicant acknowledge the rights of the City as an easement holder and waive any and all damages that might be otherwise accrued if the City shall need to remove the fence or wall in the exercise of its rights under the easement.

13. Temporary Buildings and Structures.

A. Temporary buildings, including manufactured/mobile homes, that are used solely for office or storage purposes in conjunction with construction work only, may be permitted in any zoning district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

B. Temporary offices, both incidental and necessary for the sale or rental of real property within a residential subdivision or residential development in which such offices are located, may be permitted in any zoning district until such time as the real property has been sold or rented.

14. Tents. No tent or similar structure shall be erected, used, or maintained for human residence, except such small tents that are used for temporary recreational purposes. Erection, use, and maintenance of tents and similar structures for non-residential uses shall be subject to the fire prevention and other applicable regulations of the City.

15. Setbacks for Double Frontage Lots. Double frontage lots shall have front yards on both street frontages. Front yard requirements and restrictions included in the district regulations within which the lot is located shall apply on both frontages.

16. Sediment Control Regulations.

A. Intent. It is the intent of these regulations to regulate sediment control and/or soil loss in a form as equally effective as the rules adopted by the Linn County Soil Conservation District in preventing erosion from exceeding established soil loss limits. For this reason, the sediment control/soil loss regulations set forth hereunder contain the same provisions as the Soil Loss Limit Regulations as officially adopted by the Linn County Soil Conservation District.

B. Agricultural and Horticultural Lands – Maximum rates of soil erosion for those lands will be the average annual soil loss expressed in tons per acre per year for each soil type as established by the Linn County Soil Conservation District.

C. Non-Agricultural Lands, Including Public Parks, Urban Lands, Industrial Parks, Airports, Public and Private Recreation Lands, Roads, Streets, Highways and Other Public Lands – Maximum rate of soil erosion permitted on such lands will be 5 tons per acre per year leaving the site.

D. Construction sites, including housing developments, shopping centers, industrial park developments, commercial building sites, highways, drainage channels, floodways, water impoundment structures, and other similar projects – Maximum rate of soil erosion permitted on such lands will be 5 tons per acre per year leaving the site.

17. Barbed Wire. Barbed wire is permitted to be used only under the following circumstances:

A. In the C-4, I-1 and I-2 Districts, barbed wire may be used only in connection with non-residential uses. In these zoning districts, barbed wire may only be used when installed atop a fence or wall having a height above grade of at least six (6) feet.

B. In the A-1 District, barbed wire may be used only in connection with general agricultural activities.

C. In zoning districts other than C-4, I-1, or I-2; or in the A-1 zoning district for uses other than general agricultural activities, barbed wire may only be installed upon specific approval by the Zoning Board of Adjustment.

D. When barbed wire is installed atop a fence or wall, the height of that fence or wall shall be determined as the distance between grade and the uppermost

strand of barbed wire. The height regulations for fences and walls established in subsection 12(B) of this section shall govern the maximum height of such fences and walls.

E. Installation of barbed wire must meet the following standards:

(1) Barbed wire shall not be located within seven (7) feet of any property zoned R, Residential, O-1, Office/Transitional, C-1, Neighborhood Commercial or C-2, Central Business District Commercial.

(2) Barbed wire shall not be installed within 25 feet of an exterior wall of any building used for residential, religious, or recreational purposes.

(3) The barbed wire shall have barbs spaced no closer than at three-inch (3") intervals.

(4) The barbed wire fence or wall shall have not more than four (4) strands, except for barbed wire fencing used for agricultural activities.

F. In all zoning districts, quasi-public buildings and facilities essential to the physical welfare of an area, such as electrical distribution substations, pipeline pumping stations, gas regulator stations, water storage facilities, or similar uses, fences may have one foot of barbed wire atop a fence having a minimum height of 8 feet above grade, with barbs tipped inward or outward.

(Ord. 01-33 – Nov. 01 Supp.)

18. Private Light Poles. Private light poles (that is, light poles not regulated under the utility franchises granted by the City) may be located in the required front or corner side yards provided such poles be located at least 12 feet from the back of the curb. Poles may be located in the proposed right-of-way of major streets provided that the owner and lessee (if any) acknowledge and sign an agreement similar in form to that required for locating signs in proposed rights-of-way of major streets as set forth in Section 176.38 of this chapter. Under no circumstances may poles be located in the public right-of-way without the express authorization of the Council.

19. Single-Family Detached Dwellings. In all zoning districts permitting single-family detached dwellings, the following standards shall apply to all single-family detached dwellings:

A. The main body shall have a minimum dimension of not less than 22 feet.

B. There shall be a continuous and complete perimeter foundation of the main body.

C. The main structure shall be permanently affixed to the foundation.

D. All hitches, wheels, axles, and any types of other towing devices shall be permanently removed.

E. All manufactured homes, as defined by the Code of Iowa, shall be converted to real estate and assessed as real property in accordance with the Code of Iowa, if located outside a manufactured/mobile home community and must also comply with standards of Section 151.30 of this Code of Ordinances.

F. A manufactured home must be constructed in accordance with the National Manufactured Housing construction and Safety Standards Act and must have displayed an appropriate certification label issued by the United States Department of Housing and Urban Development, and must not have been altered in violation of applicable codes. If a structure lacks such certification, it must conform to the State Building Code.

G. All structures must conform to the site and structure requirements and other provisions applicable to the zoning district in which such structure is located.

H. All structures are subject to the inspections required of any dwelling unit and lot, including but not limited to zoning, foundation, sidewalk, drainage, utility connections, and similar items. The fees pertaining to relevant plan reviews and inspections shall also apply.

I. In the context of this chapter, the dimensions of a structure shall be measured at the building line and not at the foundation line.

20. Family Homes, Group Homes and Rehabilitation Houses.

A. Family homes shall be considered as principal permitted uses in the A-1, R-1, R-2, R-3, R-4, R-5, R-6, R-6A, O-1, C-1 and C-2 districts.

B. Group homes shall be considered as principal permitted uses in the R-5, R-6, R-6A, O-1, C-1 and C-2 districts. Group homes shall be considered as conditional uses in the A-1, R-1, R-2, R-3 and R-4 districts.

C. Rehabilitation houses shall be considered as conditional uses in the R-6, R-6A, O-1, C-1 and C-2 districts.

D. There shall be a minimum separation of 300 feet between a family home, group home or rehabilitation house and any other family home, group home and/or rehabilitation house. The distance separation shall be measured from lot line to lot line.

21. "Residential sales" are defined as the sale from a lot or parcel on which a residence is located. Residential sale shall include the commonly referred to terms "garage sale", "porch sale", "rummage sale", "basement sale", "attic sale", "yard sale" and "neighborhood sale".

- A. No personal property shall be offered for sale or sold at any residential sale unless it is owned by the resident, the resident's immediate family or adjoining residents within one (1) block of the principal resident.
- B. A residential sale shall be limited to a term of seventy-two hours (3 days).
- C. No more than two (2) residential sales shall be held in any calendar year per lot.
- D. Signs related to residential sales shall be regulated by Section 176.31 – 5F of the Marion Code of Ordinances.

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