

## CHAPTER 156 – ZONING

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### ARTICLE A – GENERAL PROVISIONS

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#### Section 156.A.001, Title

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- A. **Title.** This document is known, and may be cited as, the City of Marshalltown, Iowa, Zoning Ordinance.
- B. **Short Title.** References to "this Ordinance", "this Code", or "this Chapter" are interpreted as references to this Zoning Ordinance.

#### Section 156.A.002, Purposes

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The City Council adopts this Zoning Ordinance to protect the public health and safety, quality of life, economic development, and fiscal and functional health of the City and its present and future inhabitants in accordance with the goals of the Comprehensive Plan. The provisions of this Ordinance are specifically intended to:

- A. **Public Health and Safety.** Protect public health and safety and environmental quality by:
  - 1. *Open Space.* Ensuring the provision of adequate public and private open space for light, air, environmental protection, recreation, and fire safety;
  - 2. *Density and Intensity.* Preventing both the overcrowding of land and urban sprawl by regulating the density and intensity of development;
  - 3. *Screening and Buffering.* Establishing reasonable screening and buffering of residential, nonresidential, and mixed-use areas from incompatible uses; and
- B. **Quality of Life.** Protect the quality of life of City residents, business owners, employees, and visitors by:
  - 1. *Character.* Protecting and enhancing the character and property values of all parts of the City;
  - 2. *Environmental Assets.* Preserving and protecting existing trees and vegetation, woodlands, floodplains, stream and riparian corridors, scenic views, and other areas of scenic and environmental significance from adverse impacts of land development; and
  - 3. *Appearance.* Improving the City's appearance through the regulation of design, where such regulations are appropriate.
- C. **Economic Development.**
  - 1. *Commercial and Industrial Districts.* Encourage a diverse and stable economy with employment opportunities, particularly those that have meaningful multiplier effects in the local economy, by promoting the vitality and development of commercial and industrial districts;
  - 2. *Entrepreneurship.* Enable and encourage entrepreneurship and local business growth; and
  - 3. *Business Retention and Expansion.* Enable retention and sensitive expansion of local businesses.
- D. **Fiscal and Functional Health.** Protect the fiscal and functional health of the City by:
  - 1. *Compatibility.* Encouraging the most appropriate, efficient, and compatible use of land, buildings, and other structures throughout the City;
  - 2. *Efficiency.* Securing economy in government-private sector expenditures by promoting efficiency in development review;
  - 3. *Housing Stock.* Promoting a diverse housing stock in new developments and maintaining such diversity where it currently exists;
  - 4. *Promote Equitable, Affordable Housing.* Encourage location-efficient housing options to increase mobility and lower the combined cost of housing and transportation;
  - 5. *Reinvestment, Redevelopment, and Infill.* Protecting property against blight and depreciation by facilitating reinvestment, redevelopment, and infill development; and

6. *Supply of Land.* Promoting a balanced supply of residential, commercial, industrial, agricultural, and mixed land uses for conservation and development.
- E. Encourage Contextually Sensitive Development and Redevelopment.**
1. *Redevelopment and Infill.* Promote contextually compatible redevelopment and infill development of vacant or underutilized properties;
  2. *Mixed-Use.* Enable and encourage efficient development patterns, including by-right mixed-use development; and
  3. *Historic Character.* Facilitate orderly and harmonious development with the visual and historical character of Marshalltown.
- F. Clear Regulations and Processes.** Establish transparent regulations and review procedures for development, the duties and powers of responsible administrative bodies, and reasonable penalties and enforcement mechanisms for violations of this Ordinance.

### **Section 156.A.003, Authority**

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The City Council adopts this Zoning Ordinance pursuant to:

- A. Constitutional Authority.** The powers granted and limitations imposed by the U.S. and the Iowa Constitutions;
- B. Iowa Code.** The authority granted by the Iowa Code including, but not limited to:
1. [Chapter 364, Powers and Duties of Cities](#);
  2. [Chapter 368, City Development](#);
  3. [Chapter 372, Organization of City Government](#);
  4. [Chapter 380, City Legislation](#);
  5. [Chapter 414, City Zoning](#);
  6. [Chapter 18B, Land Use - Smart Planning](#); and
  7. Such additional authority as may be conferred by the Iowa Code.
- C. City Charter and Code of Ordinances.** The [City's Charter](#) and the ordinances, resolutions, rules, and regulations set forth in the City's Code of Ordinances.

### **Section 156.A.004, Applicability**

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- A. Generally.** No person may use, occupy, subdivide, or develop land, or use, occupy, erect or modify buildings, signs, or other structures, except in accordance with all applicable provisions of this Ordinance. The “use” or “occupancy” of a building or land relates to anything and everything that is done to, on, or in that building or land.
- B. Specific Exceptions.** Specific exceptions to the requirements of this Ordinance may be set out in individual Sections.

### **Section 156.A.005, Jurisdiction**

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All provisions of this Zoning Ordinance apply within the corporate limits of the City of Marshalltown, as may be expanded, contracted, or modified from time to time.

### **Section 156.A.006, Abrogation, Conflict, and Private Restrictions**

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- A. Abrogation.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- B. Conflict.**
1. *Conflict with State or Federal Regulations.* If the provisions of this Ordinance conflict with those of the state or federal government, the more restrictive provision, as determined by the Zoning Administrator, controls, to the extent permitted by law.

2. *Conflict with Other City Regulations.* If the provisions of this Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the City, the provisions of this Ordinance control.
  3. *Conflicts within this Ordinance.* Where the text of this Ordinance conflicts with its tables or illustrative material, the text controls. Where a table of this Ordinance conflicts with an illustration, the table controls.
- C. **Private Restrictions.** The City does not interpret or enforce private restrictions, including, but not limited to, deed restrictions, covenants, or easements.

### **Section 156.A.007, Minimum Requirements**

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- A. **Compliance.** No structure or land shall be used and no structure shall be located, extended, converted, or structurally altered without the impacted area being brought into full compliance with the terms of this Ordinance and other applicable regulations that apply to uses and structures within the jurisdiction of this Ordinance.
- B. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

### **Section 156.A.008, Severability**

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- A. **Generally.** If a court of competent jurisdiction holds any Article, Section, Subsection, clause, provision, or portion of this Chapter as unconstitutional or invalid, the remainder of this Ordinance shall not be affected.
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this Chapter to a particular structure, land, or water to be invalid or unconstitutional "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

### **Section 156.A.009, Effective Date and Repeal**

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- A. **Effective Date.** This Ordinance is effective on [insert effective date], unless otherwise expressly indicated.
- B. **Repeal.** The Zoning Ordinance existing prior to adoption of this Ordinance is deemed repealed and replaced upon the effective date of this Ordinance.

### **Section 156.A.010, Transitional Provisions**

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- A. **Generally.** It is the intent of the City Council to respect the property rights of applicants with existing or pending development approvals.
- B. **Effect on Existing Ordinances.** The City's ordinances in effect prior to the effective date of this Ordinance, unless expressly repealed or amended by this Ordinance, or by some other Council action, remain in effect. Where this Ordinance is more restrictive or where it includes additional provisions (including those that are inconsistent or in conflict with existing ordinances) the City shall enforce this Ordinance as set out in [Section 156.A.006, Abrogation, Conflict, and Private Restrictions](#).
- C. **Pending Applications.**
  1. *Generally.* Each development review application shall be evaluated only in light of the adopted ordinances and technical regulations in effect at the time that each complete application is submitted.
  2. *Inactive Applications.* Pending development review applications that are not pursued with due diligence may expire pursuant to [Section 156.J.002, Common Review Procedures](#).
- D. **Development Approvals that Precede this Zoning Ordinance.** Development approved prior to the effective date of this Ordinance may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
- E. **Duration of Approvals.** Development approvals that are valid on the effective date of this Ordinance are valid until their expiration date; or, if no expiration date is specified in the approval documents or prior regulations, pursuant to [Table 156.J.002.12-1, Development Review Summary Table](#).