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COMMUNITY DEVELOPMENT

MEMORANDUM

Planning,
Zoning,
Building Safety,
Construction Inspection Services,
Public Health,
Housing Inspections,
Code Enforcement

To: Planning and Zoning Commission

From: Andrew Fangman, City Planner

Date: August 6, 2015

Re: Initial Draft of the Portion of the New Zoning Ordinance that Regulates the Yards

This proposed zoning ordinance chapter regulates the use and required size of yards. There are two major changes from the current ordinance being proposed. The first is the centralization of all yard regulations into a single chapter. The second relates to storage in residential front yards.

The centralizing of all yard regulations will make the regulations contained therein easier to understand and administer. Currently regulations relating to yards are scattered through the zoning ordinance.

The second major change would prohibit the unscreened storage of most items within a residential front yard. This change is based on feedback received during the comprehensive planning process. There is a feeling that unscreened storage in the front is unsightly and degrades the visual quality of Muscatine's neighborhood, this proposed change is designed to address this issue.



Title 10 – Zoning

Chapter XXX – Yard Regulations

10-XXX-1 General Provisions

- A. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.
- B. The minimum width of side yards for schools, libraries, places of worship, community buildings, and other public and semipublic buildings in residential districts shall be 25 feet except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.
- C. Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.

10-XXX-2 Yard Requirements for Parcels Adjoining More Than One Street

The following requirements apply in addition to any yard requirements specified by the specific zoning district that a parcel is located in.

A. Parcels on Multiple Nonintersecting Streets

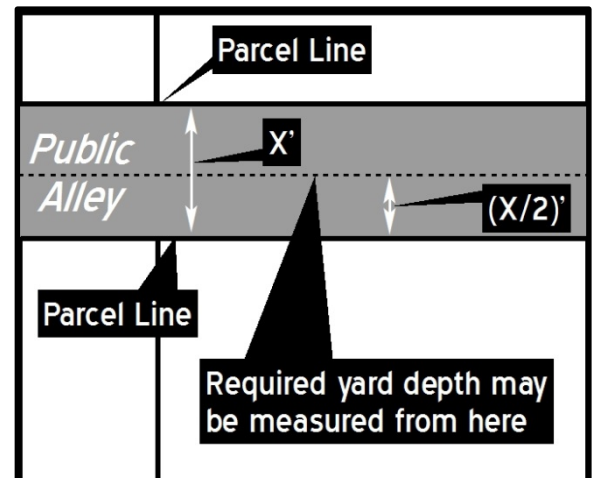
On any parcel adjoining on multiple nonintersecting streets, a front yard must be provided on along all adjoining streets.

B. Corner Parcels

1. On corner parcels, there must be a front yard along both streets.
2. On corner lots that are lots of record, the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street of such a lot of at least 5 feet.

10-XXX-3 Yard Requirements for Parcels Adjoining an Alley

Whenever a lot abuts upon a public alley, one half of the alley width may be considered as a portion of the required yard.





10-XXX-4 Outside Storage in Residential Districts

- A.** In residential districts items stored in a front yard shall be adequately screened from view from the street.
- B.** Section 10-XXX-4(A) does not pertain to such objects as landscaping figurines, permanent recreational facilities, permanent lighting fixtures, or seasonal decorations.
- C.** Outside storage of materials associated with a home occupation, which is an accessory use to the principal use of the property, is prohibited.
- D.** No parcel within a residential district shall be used for outside storage prior to the establishment of a residence, material associated with the construction of structures authorized by an approved building permit is exempt from this requirement.

10-XXX-5 Exceptions to Yard Requirements

The following exceptions may be made to the yard requirements, and are applicable in all districts.

- A.** Where, on the effective date of this Ordinance, 40% or more of a frontage was occupied by 2 or more buildings, then the front yard is established in the following manner:
 - 1. Where the building furthestmost from the street provides a front yard not more than ten feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
 - 2. Where Subsection 1 is not the case and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - 3. Where neither Subsections 1 nor 2 is the case, and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- B.** Open, unenclosed, or screened porches (not glassed in) may extend 10 feet into a front yard.
- C.** Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are at least 2 feet from the adjacent side parcel line.
- D.** Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 2 feet.



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Chapter XXX: Yard Regulations

- E.** Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 5 feet, when so placed as to not obstruct light and ventilation.
- F.** Filling station pumps and pump islands may occupy required yards, provided, however, that they are not less than 15 feet from all parcel lines.
- G.** Signs in compliance with Chapter XXX (Sign Regs)