

**ORDINANCE NO. 1009 (2019/2020)**

**AN ORDINANCE AMENDING CHAPTER 165 (LAND DEVELOPMENT, ZONING REGULATIONS) OF THE CITY CODE TO AMEND SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS IN THE CITY OF NEVADA, IOWA**

**WHEREAS**, the City Council deems it to be in the best interest of the City to adopt this ordinance; and

**WHEREAS**, the City's Planning and Zoning Commission reviewed the proposed changes to Chapter 165 (Land Development, Zoning Regulations) on Monday, March 2, 2020 and recommended approval of the same; and

**WHEREAS**, the City Council of the City of Nevada, Iowa does hereby find and declare that the revisions to the Zoning Regulations ordinance are necessary and will promote the health, safety, general welfare and aesthetics of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, IOWA:**

SECTION 1. Chapter 165.17.4.B(6)e (Maximum Size of an Accessory Building in a R-1, R-2, R-3, R-4 or R-5 Residential District:) of the Code of Ordinances, which provides regulations for development, is amended by amending the following:

Chapter 165.17.4.B(6).e: Maximum Size of an Accessory Building in a R-1, R-2, R-3, R-4 or R-5 Residential District:

(1) Shed. No accessory building other than a garage shall exceed 144 square feet, or 1.5% of total lot area, whichever is larger.

**(2) Garage Total Area. All Accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any rear yard. This regulation shall not prohibit construction of a single garage with coverage up to 576 square feet on a minimum rear yard, even if such construction exceeds the 30% rear yard coverage restriction.**

~~(2) Garage. The maximum size of a detached garage for single family detached, single family attached, or duplex residential uses shall not exceed 1,080 square feet and shall not have a dimension in excess of 40 feet on any one side, or 25% of the ground level square footage of the primary residential structure, whichever is larger.~~

~~(3) Total Area. All accessory buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and shall not occupy more than 30% of any rear yard. This~~

~~regulation shall not prohibit construction of a single garage with coverage up to 550 square feet on a minimum rear yard, even if such construction exceeds the 30% rear yard coverage restriction.~~

~~(4) No Variances. The Board of Adjustment shall not grant a variance enlarging an accessory building in the above districts.~~

(5) (3) Building Permit. Construction of any accessory building requires the owner to obtain a building permit prior to commencing construction.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


SECTION 3. SEVERABILITY CLAUSE. If any section or provision of this ordinance shall be adjudicated invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in effect after its passage and publication as provided by law.

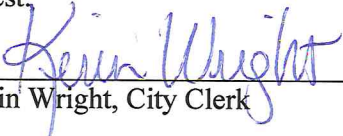
Passed and approved this 23<sup>rd</sup> day of March, 2020.

Passed and approved this 13<sup>th</sup> day of April, 2020.

Passed and approved this 27<sup>th</sup> day of April, 2020.

  
\_\_\_\_\_  
Brett Barker, Mayor

Attest:

  
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Kerin Wright, City Clerk

1<sup>st</sup> Reading – March 23, 2020

Motion by Council Member Dane Neelson, seconded by Council Member Luke Spence, to adopt the first reading of Ordinance No. 1009.

AYES: Neelson, Spence, Ehrig, Hanson, Mittman, Sampson  
NAYS: None  
ABSENT: None

2<sup>nd</sup> Reading – April 13, 2020

Motion by Council Member Dane Neelson, seconded by Council Member Jason Sampson, to approve the second reading of Ordinance No. 1009.

AYES: Neelson, Sampson, Spence, Ehrig, Hanson, Mittman  
NAYS: None  
ABSENT: None

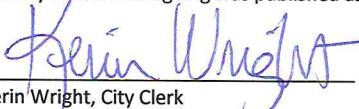
3<sup>rd</sup> Reading – April 27, 2020

Motion by Council Member Dane Neelson seconded by Council Member Luke Spence, to approve the third reading of Ordinance No. 1009.

AYES: Neelson, Spence, Ehrig, Hanson, Mittman, Sampson  
NAYS: None  
ABSENT: None

The Mayor declared Ordinance No. 1009 (2019/2020) was passed on April 27, 2020.

I certify that the foregoing was published as Ordinance No. 1009 (2019/2020) on the 7<sup>th</sup> day of May, 2020.

  
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Kerin Wright, City Clerk