

CHAPTER 165

ZONING REGULATIONS

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165.01 SHORT TITLE. This chapter shall be known and may be cited as “The City of Norway, Iowa, Zoning Ordinance.”

165.02 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to regulate the use of land and to promote the health, morale, safety and general welfare in the City.

165.03 DEFINITIONS. As used herein, the word “lot” includes the words “plat and parcel” and the words “used or occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.” The following terms used herein shall be interpreted and defined as follows, unless the context requires otherwise:

1. “Dwelling” means a building with a permanent foundation or crawl space used as living quarters for one or more families not including auto courts, rooming houses or tourist homes.
2. “Structure” means a combination of materials other than a building to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio towers, sheds, storage bins, signs, driveways, patios and retaining walls.

165.04 APPLICABILITY OF REGULATIONS. Except as otherwise specifically provided by this chapter:

1. Buildings and Land.
 - A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
 - B. No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, side yards, front yards, inner or outer courts, than are specified herein for the district for which such building is located.
 - C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
 - D. No building or buildings shall be erected, moved, altered, used or occupied in a district for purposes or uses other than are allowed herein for that district.
2. Accessory Buildings and Structures.

- A. No accessory building or structure shall be erected on the property more than 90 days prior to the time of completion of the principal structure or use.
 - B. A building permit must be issued prior to construction of any accessory building or structure.
 - C. Accessory buildings or structures, other than a private garage, shall be limited to 12 feet in height for sidewalls, and no part of the structure shall be closer than five feet from the principal structure or property line, or as set forth in the Zoning Ordinance for property setbacks.
 - D. A private garage or accessory building or structure shall not be taller than the principal structure.
 - E. No accessory building or structure shall be erected in any yard other than the rear yard, and the structure shall occupy less than 30 percent of the required rear yard, except for a private garage, which may occupy up to 50 percent of the required rear yard. But in no event shall more than 30 percent of the rear yard be occupied by garage, accessory building, or structure.
 - F. Only one accessory building or structure, in addition to one private garage, is permitted per lot. Private garages must meet the minimum principal structure front yard and side yard setback requirements.
 - G. A common roof line shall be maintained when possible on expansion or enlarging attached or detached garages. Expansion to accessory buildings is at the sole discretion of the City Council.
 - H. Accessory buildings and structures and garages shall be constructed of materials comparable to the principal structure and shall be of a matching or complementary color.
 - I. Accessory buildings, structures and garages with a permanent foundation shall be of a floating slab or poured foundation wall type as directed by the building inspector.
3. Principal Structures. Only one principal structure may be constructed, located or erected on a single lot in any district within the City. No garage or accessory building may be located on a property that does not have a conforming principal structure in existence.

165.05 CLASS A-1 DISTRICTS - NEW SINGLE-FAMILY RESIDENTIAL.

- 1. The areas designated A-1 and shown on the zoning map of the City of Norway, a certified copy of which is on file in the office of the Clerk, shall be zoned Class A-1.
- 2. The following uses shall be allowed in any Class A-1 District:
 - A. One-family dwelling units.
 - B. Churches, places of worship, and parochial schools.
 - C. Public schools, public libraries, parks and playgrounds.
 - D. Customary agricultural operations.
 - E. Small home occupations provided there shall be no signs or other evidence of such use.
 - F. Other accessory uses in buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
 - G. Other uses, which, in the opinion of the Board of Adjustment, are of the same general character as those listed above as permitted uses, and which will not be detrimental to the district in which they are located.
- 3. The following regulations shall apply to any structure, building or dwelling constructed or altered in any Class A-1 district:
 - A. Density of Population. Lot area should be not less than 9,000 square feet and lot width shall be not less than 60 feet. No more than one dwelling shall be placed upon any lot of the above size.

B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any Class A-1 District shall be required to have a front yard with a minimum of 30 feet before any structure may be erected, and a side yard on all remaining sides, including the back yard, with a minimum of six feet before any structure may be erected. This shall not be construed to prohibit a driveway in the front yard provided there is compliance with the side yard and back yard setback requirements.

D. Size of Structure. No house shall be built having less than 1,000 square feet of floor area living space in a multi-story dwelling, nor less than 900 square feet of living space in a one-story dwelling.

E. Building Minimums and Conditions. Ceiling heights shall be a minimum of eight feet from finished floor to finished ceiling.

F. Temporary Residences. Basement dwellings may be lived in, not to exceed six months, and garages may be used as temporary dwellings not to exceed six months. RVs may be used as temporary dwellings not to exceed 14 days of continuously occupying, living in, or using a recreational vehicle only if the property is already developed with a maximum 28-day total limit per year.

G. Garage Insulation. Garages attached to a house shall have the wall next to the house insulated with a material of at least 60 minutes fire rating.

165.06 CLASS A-2 DISTRICTS - OLD SINGLE-FAMILY RESIDENTIAL.

1. The areas designated A-2 and shown on the zoning map of the City of Norway, a certified copy of which is on file in the office of the Clerk, shall be zoned Class A-2.

2. The same uses permitted in a Class A-1 District will be permitted in an A-2 District.

3. The following regulations shall apply to any structure, building or dwelling constructed or altered in a Class A-2 District:

A. Density of Population. Lot area shall be not less than 6,000 square feet and lot width shall be not less than 50 feet. No more than one dwelling shall be placed upon each lot of the above size.

B. Percentage of Lot Covered by Buildings, Dwellings and Other Structures. No dwelling or other structure, including accessory buildings, shall cover more than 50 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

C. Yards, Courts and Open Spaces. Every lot in any Class A-2 District shall be required to have a front yard in conformity with neighboring houses before any structure may be erected, and a side yard on all remaining sides, including a back yard, with a minimum of six feet before any structure may be erected. This shall not be construed to prohibit a driveway intersection the front yard, provided there is compliance with the side yard and back yard setback requirements.

D. Size of Structure. No house shall be built having less than 1,000 square feet of floor area living space in a multi-story dwelling, nor less than 750 square feet of living space in a one-story dwelling.

E. Temporary Residences. Basement dwellings may be lived in, not to exceed six months, and garages may be used as temporary dwellings not to exceed six months. RVs may be used as temporary dwellings not to exceed 14 days of continuously occupying, living in, or using a recreational vehicle only if the property is already developed with a maximum 28-day total limit per year.

F. Garage Insulation. Garages attached to houses shall have the wall next to the house insulated with a material of at least 60 minutes fire rating.

165.07 CLASS B DISTRICTS – MULTIPLE-FAMILY RESIDENTIAL.

1. The districts shown on the Norway zoning map and designated Class B shall be zoned Class B.
2. The following uses shall be allowed in any Class B District:
 - A. All uses permitted in any Class A-1 District.
 - B. Boarding houses.
 - C. Two-family and multiple-family dwellings.
3. The regulations applicable in any Class A-1 District with regard to density of population, percentage of lot covered by buildings, dwellings, and other structures yards, courts and open spaces, size of structure, building minimums and conditions, temporary residences, and garage insulation, shall be applicable in any Class B District.

165.08 CLASS C DISTRICTS - BUSINESS. The purpose of the Class C Business District is to establish and preserve a central business district convenient and attractive for a wide range of retail uses and business, government and professional offices and places of amusement in a setting safe and conducive for a high volume of pedestrian traffic.

1. Permitted Principal Uses and Structures.
 - A. Apartments above a store or shop or in the rear on the first (main) floor, provided no more than 65 percent of the street level is used for residential purposes in conjunction with 35 percent commercial use.
 - B. Commercial amusements.
 - C. Business, professional offices, studios.
 - D. Personal service and repair shops.
 - E. Financial institutions.
 - F. Retail businesses.
 - G. Automotive sales, service, repair.
 - H. Restaurants, taverns.
 - I. Motels, hotels.
 - J. Wholesale display and sales rooms and offices.
 - K. Commercial parking lots, garages.
 - L. Private clubs and lodges.
 - M. Business and vocational schools.
 - N. Public utilities.
 - O. Railroad and bus terminals.
 - P. Medical and dental clinics.
 - Q. Printing, publishing and engraving.
 - R. Bakery and catering service.
 - S. Laundries and dry cleaning establishments.
 - T. Frozen food storage/food locker.

- U. Gas station.
- V. Physical fitness and training center.
- 2. Permitted Accessory Uses and Structures.
 - A. Uses and structures clearly incidental to the permitted uses including dwellings for the owner or employees thereof, located on the premises.
 - B. Storage warehouses in conjunction with permitted principal uses.
 - C. Temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
 - D. Bed and breakfast inns provided there is no more than one guest sleeping room for each 500 square feet of finished floor area in the principal residence.
- 3. Class C Business District Design Standards.
 - A. The use of upper levels, above the street level of the building within the Central Business District, shall be limited to offices, retail, single or multi-family residential uses.
 - B. Nonconforming residences located on the ground floor or below in buildings within the Business District shall revert back to an appropriate and permitted use upon any changes of ownership, lease or tenancy.
 - C. No business shall be permitted to store dumpsters or garbage cans on the sidewalk. All dumpster and garbage cans shall be screened from public view.
 - D. No dwelling units may be located below the ground floor of the structure. No dwelling unit shall be permitted in any basement of any commercial building. Each dwelling unit will require a minimum of one parking space per dwelling unit. A residential use may be allowed on the ground floor of a commercial building located within the district, provided that the dwelling area is at the rear of the floor and does not exceed 65 percent of the square footage of that floor. Residential uses are encouraged to be established in the upper levels of downtown commercial facilities. Required parking for each dwelling shall be located on or adjacent to the property in which the dwelling is located and shall be located in the rear or side of the building in which the dwelling is located.
 - E. Fireproof walls are required in any commercial building to be built within 50 feet of any existing building whether or not same may be of fireproof construction.

165.09 CLASS D DISTRICTS - INDUSTRIAL.

- 1. The districts shown on the Norway zoning map and designated Class D shall be zoned Class D.
- 2. The following uses should be allowed in any Class D District:
 - A. Subject to subsection 3 of this section, all lawful uses not permitted in any other class or district shall be permitted in any district zoned Class D.
 - 3. Prohibited Uses. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibrations, or similar substances or conditions and uses that have been declared a nuisance in any court of record are prohibited in any district zoned Class D.

165.10 ENFORCEMENT.

- 1. Administration and Enforcement. This chapter shall be enforced by a building inspector. No building permit or certificate of occupancy shall be issued by the inspector except where the provisions herein have been complied with.

2. Permits and Certificates of Occupancy. No land shall be used or occupied and no building erected hereafter, or extended, until a certificate of occupancy and a building permit shall have been issued by the Council or the building inspector in accordance with the provisions of this chapter. Said permit shall be valid for one-year and a new permit shall be required if the first permit expires. The second permit shall be in the same amount as the first.

3. The building inspector shall be appointed by the Council for the term of one year and shall have the following powers and duties:

A. The inspector or the Council shall issue building permits, when it has been shown to their satisfaction that such proposed building or extension will be in conformity with this chapter, and upon the payment as referenced in Section 155.03.

B. The inspector shall inspect buildings being erected or extended at any time and when the same have been completed and shall issue a certificate of occupancy if the provisions of this chapter have been complied with.

C. The building inspector shall receive compensation set by the Council to be paid from the fees collected for the issuance of building permits.

165.11 BOARD OF ADJUSTMENT.

1. Board of Adjustment Created. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of three members, each to be appointed by the Council for staggered terms of six years. Vacancies shall be filled by the Council for the unexpired term of any member whose term becomes vacant. The board shall elect a Chairperson from its membership, and appoint a Secretary. Matters of procedure, powers, and judicial review relating to this board are regulated by statute.

2. Review by Board of Adjustment. All prohibitions as above provided are subject to review by the Board of Adjustment and an otherwise prohibited use may be permitted if approved by said board, subject to securing a permit therefore and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals, and general welfare of the community.

165.12 NONCONFORMING USES.

1. The lawful use of any building or land existing at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter.

2. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this chapter.

165.13 FENCE AND HEDGE REGULATIONS.

1. Front Yard. A decorative picket type fence that is no more than 50 percent solid or exceeding three feet in height may be located in the area acknowledged as front yard or that area of the lot located between the most frontage part of a dwelling and the street right-of-way line, subject to the following restrictions and conditions:

A. Not less than 20 feet of any intersection of adjoining streets curb line/street edge. In the event said street does not have constructed curb, the measurement shall be from outside edge of maintained area of said street.

B. The finished side of a fence shall be facing to the outside of the property.

2. Side or Rear Yard. A wire mesh type, wood, or simulated wood fence, or a hedge having a height of seven feet or less may be located within three feet of a side or a rear yard of lots in residential districts, subject to the following restrictions and conditions:

A. No fence or hedge, or any part thereof, shall be located on or within three feet of an alley or 10 feet of a street right-of-way boundary line.

B. No fence or hedge, or any part thereof, shall be located less than three feet of a lot line shared by lots owned by different persons, unless the owners of such lots enter into an agreement as to the construction material, location and height of a proposed fence, and such agreement is filed with the County Recorder, and evidence of said agreement and filing is presented with the application for a building permit.

C. The finished side of a fence shall be facing to the outside of the property.

3. Business Lots. Fences may be located along the boundary of a zoning lot of a business or industrial use district upon the approval of the location, height and material by the Council or the building inspector.

165.14 SWIMMING POOL REGULATIONS.

1. A swimming pool is defined as any pool with a designed depth of 22 inches or more, whether temporary or permanent, and shall include both above ground and below ground pools.

2. No pool shall be constructed or placed upon the property until a building permit has been issued in accordance with Section 155.03 of this Code of Ordinances and the required building permit fee has been paid. Following issuance of the building permit, the property owner and the building inspector shall keep a copy thereof. The building permit shall specify the design depth of the pool and the pool shall thereafter be erected in strict accordance with the limitations of the permit.

3. No swimming pool shall be located except in compliance with all applicable setback requirements and in no event shall any part of the swimming pool extend beyond the front of the dwelling and any attached buildings.

165.15 ESTABLISHING PARKING RESTRICTIONS IN SINGLE FAMILY RESIDENTIAL ZONES. There is established Parking Restrictions in Single Family Residential Zones in the City of Norway, Iowa as follows:

1. Vehicles must be parked on an approved hard surface.

2. Vehicles must have and display current registration.

3. Owner must show inspector that the vehicle is operable.

4. Maximum number of vehicles stored outside is eight plus one recreation vehicle.

5. The addition of hard surface other than main driveway for the purpose of parking vehicles or recreational vehicle(s) will be approved at Council discretion.

6. Parking and storage of semi-tractor and/or trailers as well as but not limited to other heavy equipment is prohibited in residential zoned areas. Semi-tractor, straight truck, and bus parking may be allowed only at Council discretion on a per case basis. A semi-truck and trailer parking shall be limited to Railroad Street.

165.16 RESIDENTIAL DWELLING STANDARDS. All residential dwelling units shall meet the following minimum standards:

1. The dwelling unit must have a minimum width of 22 feet for at least 65 percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches or other accessory structures.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of 750 square feet of floor space.
4. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.
5. All dwelling units shall have an exterior wall covering that is either:
 - A. Wood or masonry finish or its appearance, and/or
 - B. Vertical or horizontal grooved siding or lap siding or its appearance.
6. The use of flat or corrugated sheet metal for the exterior walls or roof covering is prohibited.

165.17 ZONING MAP.

1. Districts. The city is divided into the following use districts:
 - A. Class A-1 Districts - new single-family residential.
 - B. Class A-2 Districts – single-family residential.
 - C. Class B District – multiple-family residential.
 - D. Class C District - business.
 - E. Class D District - industrial.
2. Zoning Map. The use districts are bounded and defined as shown on a map entitled “Zoning Map of the City of Norway,” a certified copy of which is on file in the office of the City Clerk.
3. Map Changes. No changes of any nature shall be made in the official zoning map or matters shown thereon except in conformity with procedures set forth in this section. Any unauthorized change of whatsoever kind by any person or persons shall be considered a violation of the Zoning Ordinance. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the City.
4. Map Replacement. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Zoning Commission may by resolution adopt a new official zoning map which shall supersede the prior official zoning map.
5. Map Interpretation. When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:
 - A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys, shall be construed to follow such centerlines.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following section subdivision lines shall be construed as following such section or such section subdivision lines.
 - D. Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - E. In subdivided property, the location of any district boundary unless the same is indicated by dimensions shown on the same map shall be determined by the use of the scale appearing thereon.

F. Boundaries indicated as parallel to or extensions of features indicated in paragraphs A through E above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

G. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by paragraphs A through E above, the Board of Adjustment shall interpret the district boundaries.

6. Street/Alley Vacated. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel or abutting property shall apply to the portion of such street or alley added thereto by virtue of such vacation or abandonment.

EDITOR'S NOTE			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.16 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
291	October 9, 2017		