

ORDINANCE NO. 1078 (2025/2026)
AN ORDINANCE AMENDING CHAPTER 165 (LAND DEVELOPMENT-ZONING REGULATIONS) OF THE CITY CODE TO UPDATE SUPPLEMENTAL USE REGULATIONS

BE IT ENACTED by the City Council of the City of Nevada, Iowa, as follows:

SECTION 1. SECTION MODIFIED. Chapter 165 (Land Development – Zoning Regulations), Section 165.16 (Supplemental Use Regulations) is hereby amended by updating the **highlighted, bold underlined** language:

165.16 SUPPLEMENTAL USE REGULATIONS.

Purpose. The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Section 165.09 of this chapter. The regulations contained in this section pertain both to uses allowed by right within various zoning districts; and to uses that require approval as special uses by the Board of Adjustment. Nothing contained in this section shall limit the right of the Board of Adjustment to impose additional conditions on developments seeking special use approval.

3. Supplemental Use Regulations: Residential Uses.

- A. Zero-Lot Line Single-Family Detached Residential. Within a common development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:
- (1) The side yard opposite to the zero yard must equal at least twice the normal required minimum side yard and must taken by itself comply with all side yard requirements for the zoning district.
 - (2) The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development; or not otherwise designated for zero lot line use.
 - (3) An easement for maintenance of the zero lot line facade shall be filed with the Story County Recorder and the City Clerk at the time of application for a building permit.
- B. Single-Family Attached. Whenever single-family attached dwellings are constructed, there shall be recorded restrictive covenants or a common element agreement addressing the following issues:
- (1) Wall in Common. These walls form a common wall between adjacent lots along a common lot boundary. Where such walls exist each owner of a lot shall grant to the adjacent owner sharing a common wall an easement over, across and under the portion of such owner's lot upon which the common is constructed. In addition, the rights and responsibilities for the repair and rebuilding of such walls shall be addressed in the easement document.
 - (2) Roofs. Those structures that share a common wall also share that portion of the roof which lies immediately above the common wall. Each owner of a lot upon which an improvement has been constructed shall keep in good maintenance and repair his or her respective roof so as not to cause damage to the roof of the adjoining lot owner. In addition, the rights and responsibilities for the repair and

rebuilding of such roofs shall be addressed in the easement document referenced in paragraph (1) above.

- (3) **Shared Driveways and Sidewalks.** All shared driveways and sidewalks shall be acknowledged as such and the respective owners of the affected lots shall have the right to use such driveways and sidewalks jointly. Cross easements shall be granted over, across and under that portion of each owner's lot where such shared driveways and/or sidewalks are located. In addition, the rights and responsibilities for the maintenance, repair and rebuilding of such driveways shall be addressed in the cross-easement document.
- (4) **Materials.** The restrictive covenant or common development agreement shall address the need for the use of the same or similar materials for building elements, driveways and sidewalks when making repairs or when any portion of a group of attached single-family attached dwellings is rebuilt.

C. **Townhouse Residential.** Where permitted, townhouse residential is subject to the following regulations:

- (1) The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved creative subdivision.
- (2) Coverage percentages are computed for the site of the entire townhouse common development.

D. **Downtown Residential and Group Residential Uses in the DC District.** Downtown Residential and Group Residential uses are permitted in the DC District subject to the following conditions:

- (1) Downtown and Group Residential uses are permitted in the DC District only on levels above street level except that a unit specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.
- (2) Residents of units must be informed by the owner of the building that lawful commercial uses have priority over residential uses.
- (3) All upper level apartments must have two separate means of egress.
- (4) Two parking spaces marked and reserved for tenants must be provided for each unit. This parking space shall be located within a maximum distance of 300 feet of the unit.

E. **Group Residential.** Where permitted, Group Residential use must comply with the following requirements:

- (1) Within the AR, RR, R-1, R-2, and R-5 districts, no more than six persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than five persons shall be permitted to reside in a non owner-occupied dwelling unit.
- (2) Within the R-3 and R-4 districts, no more than ten persons in addition to the family of the owner shall be permitted to reside in an owner-occupied dwelling unit. No more than seven persons shall be permitted to reside in a non owner-occupied dwelling unit.
- (3) A minimum of 250 square feet must be provided in the dwelling unit for each resident.

- F. Mobile Home Parks. In the R-5 Mobile Home Residential District, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of the Zoning Ordinance, no mobile home shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to compliance with the following regulations:
- (1) Certification. A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be issued by the Zoning Administrator prior to the occupancy of any new Mobile Home Park or any expansion of an existing Mobile Home Park.
 - (2) Minimum and Maximum Area. A Mobile Home Park shall be considered to be one zoned lot. The contiguous area of a Mobile Home Park shall have a minimum of five (5) acres and a maximum of forty (40) acres.
 - (3) Density Requirements.
 - a. The minimum gross site area per dwelling unit shall be 5,000 square feet.
 - b. The minimum size of an individual mobile home space shall be 4,000 square feet for single-wide mobile home units and 6,000 square feet for double-wide mobile home units.
 - c. Each mobile home space shall have a width of at least 50 feet wide and a length of at least 80 feet.
 - (4) Site Development Standards.
 - a. Setbacks. Each Mobile Home Park shall have a minimum perimeter setback of 30 feet from adjacent nonresidential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
 - b. Setback Landscaping: All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Section 165.18 of this chapter. Screening shall be provided in conformance with Section 165.18 for any common property line with another nonresidential use.
 - c. Impervious Coverage: Impervious coverage for a Mobile Home Park shall not exceed 50 percent of the total site area.
 - d. Open Space: Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Such space shall be provided at a central location accessible from all parts of the park by pedestrians. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
 - e. Separation Between Mobile Home Units: The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be **15 7** feet.
 - f. Separation and Setbacks for Accessory Buildings: An accessory building on a mobile home space shall maintain a minimum rear and side yard setback of five feet. A minimum distance of ten feet shall be provided between any mobile home and an unattached accessory building.

SECTION 2. REPEALER. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed.

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

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved 1st Reading on this ___ day of April, 2026.

Passed and approved 2nd Reading on this ___ day of April, 2026.

Passed and approved 3rd and final Reading on this ___ day of May, 2026.

Ryan Condon, Mayor

Erin Mousel, City Clerk