

ORDINANCE NO. 25-31

AN ORDINANCE AMENDING CHAPTER 340-11.1 OF THE MARION CODE OF ORDINANCES RELATED TO ZONING BOARD OF ADJUSTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1: Section 340-11.1 of Chapter 340 Zoning, of the Marion Code of Ordinances, is amended by deleting and inserting in lieu thereof:

§ 340-11.1.D

D. Powers. The Board shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Official in the enforcement of this zoning ordinance.

(2) To hear and decide by granting or denying an exception to this zoning ordinance in the following instances:

(a) A request for the extension of a district where the boundary line of a district divides a lot of record held in single ownership.

(b) Interpret the provisions of the zoning ordinance in such a way as to carry out the intent and purpose of the official Zoning District Map where the street layout actually existing on the ground varies from the street layout as shown on the map.

(c) Permit the erection and use of a building or the use of premises for railroads or public utility purposes.

(d) Permit the reconstruction of a nonconforming building which has been damaged by fire, explosion or act of God, to the extent of more than 65% of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the Board further finds that the public interest will best be served by permitting a continuance of the nonconforming use.

(e) Waive or reduce the parking, loading or screening requirements in any of the zoning districts whenever the character or use of the building is such as to make unnecessary the full provisions of such requirements, or where such regulations would impose an unreasonable hardship on the lot as contrasted with merely granting an advantage or convenience.

(f) Permit a use not specifically designated as a principal permitted use in a zoning district, provided that the Board determines that such use is similar and compatible to uses allowed as principal permitted uses in that district.

(3) To authorize upon appeal in specific cases, variances from the terms of the zoning ordinance with respect to the area, dimensional, or other numerical limitations when the following are made to appear by the property owner:

(a) That a strict application of the terms of the zoning ordinance will impose upon the property owner unusual and practical difficulties or particular hardship.

(b) That the variance granted is in harmony with the general purpose, intent and spirit of the zoning ordinance.

(c) That the Board determines that the granting of the requested variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable practical difficulty unique to the property which is not self-created as to warrant a deviation from the zoning ordinance.

(d) That surrounding property will be protected and will not significantly alter the essential character of the neighborhood.

(e) That by granting the request for a variance substantial justice will be done.

(4) To authorize the granting of conditional uses as provided in Subsection F of this section.

§ 340-11.1.E

E. Standards for review in general. In considering all requests for appeals, variances, exceptions or conditional uses, the Board, before making any decision in a specific case, shall first determine:

(1) That the granting of a request will not permit any use which is not allowed as a permitted use, or as a conditional use except in accordance with the provisions set forth in this section, in the zoning district in which a property is located, or any use expressly or by implication prohibited from the district.

(2) That area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, and signage.

(3) That it will not materially diminish or impair an adequate supply of light and air to adjacent property.

(4) That it will not materially increase the congestion in public streets.

(5) That it will not materially increase the danger of fire or of the public safety.

(6) That it will not unreasonably diminish or impair established property values within the surrounding area.

(7) That it will not in any other respect materially diminish or impair the public health, comfort, safety, morals or welfare of the inhabitants of the City.

Section 2: That all other sections and subsections shall remain unchanged.

Section 3: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 4: This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved on December 02, 2025.

Rachel Bolender, City Clerk