

CHAPTER 155

BUILDING AND LAND USE REGULATIONS

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155.01 PURPOSE. The purpose of this chapter is to provide and establish reasonable rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds, as well as the use and occupancy of such buildings to promote the health, morals, safety and general welfare in the City.

(Code of Iowa, Sec. 364.1)

155.02 ENFORCEMENT. The Council is responsible for the administration and enforcement of this chapter.

155.03 PERMIT REQUIRED. No building or other structure shall be erected, structurally changed, used or occupied within the City without first receiving a permit therefor.

155.04 APPLICATION. Application shall be made in writing, filed with the Council and contain the following information:

1. Name. The name and address of the applicant.
2. Location. The street address and full legal description of the property.
3. Proposed Work. The nature of work proposed to be done.
4. Use. The use for which the structure is or will be used.
5. Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations, and structural details, as the Council may require.
6. Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction.

155.05 FEES. Fees are based on construction costs of the project. The fee shall accompany the application.

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| 1. | Up to \$1,000 | \$ 20.00 |
| 2. | \$1,001 to \$10,000 | \$ 50.00 |
| 3. | \$10,001 up | \$100.00 |

155.06 AMENDMENTS. Nothing shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

155.07 COMPLETION OF EXISTING BUILDINGS. Nothing contained in this chapter shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of the 1997 Code of Ordinances; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework, including structural parts of the second floor, shall have been completed within one year and the entire building completed within two (2) years after the effective date of the 1997 Code of Ordinances.

155.08 ACTION BY COUNCIL. The Council shall examine applications for permits within a reasonable time after filing. If, after examination, the Council finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the Council shall issue a permit therefor. The permit shall be issued in triplicate, one copy for the applicant, one copy for the County Assessor and one copy to be retained in the City records. If the application is disapproved, the Council shall state its reasons for disapproval and notify the applicant of same.

155.09 EROSION CONTROL. When a land disturbing activity, as defined by the Code of Iowa, is to occur as a part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Soil Conservation District Commissioners.

(Code of Iowa, Sec. 161A.64)

155.10 RESTRICTIONS. No permit for the erection, alteration, use or occupancy of a building or similar structure shall be granted unless it definitely appears that such erection, alteration, use or occupancy shall not cause or be the source of the following:

(Code of Iowa, Sec. 414.24)

1. Noise. Any undue noise.
2. Electrical Interference. Any undue radio or television interference.
3. Odors. Any offensive odors.
4. Refuse. Any offensive or unsightly refuse.
5. Smoke. Any offensive or undue smoke.
6. Fire Hazard. Any fire hazard.

7. Appearance. Any unsightliness due to the appearance of any building or structure on the premises.
8. Congestion. Any undue gathering, congregating, parking of cars, or undue congestion of people or traffic.
9. Other. Any effect which will be obnoxious, offensive, dangerous or injurious to the health, welfare and safety of citizens.

155.11 CONDITION OF THE PERMIT. All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It is unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

155.12 POSTING OF PERMIT. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Council may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Council shall be given at least twenty-four (24) hours' notice of the starting of work under a permit.

155.13 REVOCATION. The Council may revoke a permit or approval issued under the provisions of this chapter in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

155.14 PERMIT VOID. The permit becomes null and void if work or construction authorized is not commenced within sixty (60) days or if construction or work is suspended or abandoned for a period of one hundred twenty (120) days at any time after work is commenced.

155.15 RESTRICTED RESIDENCE DISTRICT. The following area is hereby defined and established as a restricted residence district:

(Code of Iowa, Sec. 414.24)

All that area lying within the corporate limits of the City except the following described area: From Benton Street to Harrison Street on Washington Street, on Van Buren Street from Fountain Street to Main Street, and on Benton Street from Fountain Street to alley south of Washington Street

155.16 PROHIBITED USE. No building or other structure, except residences, school houses, churches and other similar structures, shall be erected, altered, used or occupied within the restricted residence district as defined herein without first receiving from the Council a special use permit therefor. No such special use permit shall be issued without the affirmative vote of three-fourths ($\frac{3}{4}$) of the full Council.

(Code of Iowa, Sec. 414.24)

155.17 EXCEPTIONS. The provisions of the preceding section shall have no application to any business, store, shop or factory existing and in operation in a restricted residence

district on the effective date of the 1997 Code of Ordinances except in the matter of reconstruction, repair, alteration or change in use of the structure.

155.18 NOTICE REQUIREMENTS. Whenever a restricted residence district is established or changed, a public hearing must be held, notice of which shall be given at least seven (7) days in advance in the manner prescribed in Section 18.05 of this Code of Ordinances. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

(Code of Iowa, Sec. 414.24)

155.19 RESIDENTIAL DWELLING STANDARDS. Within the restricted residence district all single-family dwelling units shall meet the following minimum standards:

1. The minimum horizontal dimension of a single-family detached dwelling shall be twenty-two (22) feet for at least sixty-five percent (65%) of the longer horizontal dimension of the original structure, said dimensions 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 900 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.

155.20 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than fifteen (15) feet (measured from the front lot line), except as follows:

(Code of Iowa, Sec. 414.24)

1. **Between Existing Buildings.** Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings on the two (2) sides, or
2. **Adjacent to Existing Building.** Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only within the same block, such building may be erected as close to the street as a line drawn from the closest front corner of that building to a point fifteen (15) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected.
3. **Double Frontage.** Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

155.21 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than eight (8) feet to either side lot line.

(Code of Iowa, Sec. 414.24)

155.22 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than eight (8) feet (when

measured from the rear lot line). The rear yard shall be not less than five (5) feet when said yard abuts on an alley.

(Code of Iowa, Sec. 414.24)

155.23 MINIMUM SIZE OF PRINCIPAL STRUCTURE. Within a restricted residential district no principal structure shall have a width or length less than twenty-two (22) feet.

155.24 GARAGES AND OTHER ACCESSORY BUILDINGS. A garage or other similar accessory building may be built in a rear yard but such garage or accessory building shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line and except that a garage that is located closer than ten (10) feet to the rear line of the main building shall provide the side yard for the main building. Also, a garage or accessory building may be built in a side yard if compliance is made with the same side yard requirements as for the main building.

155.25 FENCES.

1. Fences in which the openings between the materials of which the fence is constructed represent less than seventy percent (70%) of the total surface may be erected to a height not exceeding eight (8) feet along the boundaries of a lot, except that no such fence shall be erected within thirty (30) feet of the intersection of two (2) street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy percent (70%) of the total fence area may be erected to a height of six (6) feet, except within thirty (30) feet of the intersection of two (2) street lines.
2. Additional Requirements.
 - A. No fence shall be erected until a permit has been obtained through the procedures contained in this chapter. However, no fee shall be assessed in the granting of a fence permit.
 - B. For purposes of obtaining a fence permit, property lines must be located exactly. Estimates are not acceptable.
 - C. The following building setbacks will apply to erecting a fence: 8 feet from an adjoining property line, 5 feet from the alley, and 15 feet from front lot line. Note that a corner lot has two front lot lines.
 - D. Fencing must not exceed the front of existing structure.
 - E. A variance to the setbacks may be granted if adjoining property owners sign a written agreement to the items and the agreement is recorded.

155.26 CERTIFYING ORDINANCES. Within fifteen (15) days of the effective date of the adoption of any amendments to the provisions of this chapter the Clerk shall certify such amendment to the County Recorder.

(Code of Iowa, Sec. 380.11)

155.27 ABATEMENT OF VIOLATION. Any building or structure erected, altered, used or occupied in violation of this chapter shall be determined a nuisance and the same may be

abated by the City or by any property owner within said district in the manner provided for the abatement of nuisances.

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