

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 erecting and altering of buildings in the City, as well as the use and occupancy of such buildings.

(Code of Iowa, Sec. 364.1)

155.02 ADMINISTRATION AND ENFORCEMENT. The Mayor and Council are responsible for the administration and enforcement of this chapter.

155.03 PERMIT REQUIRED. No building or other structure shall be erected or altered within the City without first receiving a permit. A permit is required for work such as new homes, additions, patios, decks, porches, garages, accessory buildings, or for work that would change the outside dimensions of an existing building. A permit is not required for interior remodeling, roofing, window replacement, or siding a building. The construction of a fence does not require a building permit, but the construction of such fence shall comply with standards established in this chapter.

155.04 APPLICATION. Application shall be made in writing, filed with the Clerk at least seven days before the Council meeting at which Council action is taken, and shall 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, including such floor plans, sections, elevations and structural details, as the Mayor and Council may require. There shall also be filed a plot diagram or sketch in a form and size acceptable to the Mayor and Council, with all dimensions figured, showing accurately the size and location of the lot to be built upon, and the location and size of the building or structure to be erected or altered.

155.05 FEE. A fee shall accompany the application. The fee shall be based upon the valuation of the proposed construction, reconstruction, alteration or repair. The fee shall be as follows:

Valuation	Fee
0-\$500	0
\$500-\$10,000	\$20.00
\$10,000-\$30,000	\$40.00
\$30,000-\$60,000	\$60.00
\$60,000-\$100,000	\$80.00
>\$100,000	\$100.00

There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof. All fees as are required shall be paid to the City Clerk, who shall keep a complete and accurate record of fees received and shall deposit them to the credit of the general fund of the City.

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, or size of a building for which construction was started before the effective date of this chapter; provided, however, construction under such circumstances shall be completed within one year after the effective date of this chapter. Extensions to this time frame may be granted by an affirmative vote of three-fourths of all of the members of the Council.

155.08 ACTION ON APPLICATION. It is the duty of the Mayor and Council to examine applications for permits within a reasonable time after filing. If, after examination, the Mayor and Council find no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the Mayor and Council shall issue the permit. One copy of the permit shall be issued to the applicant and one copy retained in the City records. If the application is disapproved, the Mayor and Council shall state the reasons for disapproval and notify the applicant of the same.

155.09 RESTRICTIONS. No permit for the erection or alteration of a building or similar structure shall be granted unless it definitely appears that such erection or alteration 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 that will be obnoxious, offensive, dangerous, or injurious to the health, welfare, and safety of citizens.

155.10 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 plan, 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 plan has been filed and has been used as the basis for a permit, unless a revised plan 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.

155.11 REVOCATION. The Mayor and 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.

155.12 PERMIT VOID. The permit becomes null and void if work or construction authorized is not commenced within one year, or if construction or work is suspended or abandoned for a period of 120 days at any time after work is commenced, or if the work is not completed within the time frame specified in the building permit. Extensions to these time frames may be granted by an affirmative vote of three-fourths of all of the members of the Council. Additional fees may be applied.

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

All that area lying within the corporate limits of the City.

155.14 PROHIBITED USE. No building or other structure, except residences, schoolhouses, 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. No such special use permit shall be issued without the affirmative vote of three-fourths of all of the members of the Council.

(Code of Iowa, Sec. 414.24)

155.15 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 January 16, 1987, except in the matter of reconstruction, alteration or change in use of the structure.

155.16 PROTEST. No special use permit shall be granted when 60 percent of the residential real estate owners in the restricted residence district who are located within 600 feet of the proposed building or occupancy object thereto, except by a unanimous vote of all of the members of the Council.

155.17 NOTICE REQUIREMENTS. Whenever a restricted residence district is established or its boundaries changed, a public hearing must be held, notice of which shall be given at least seven days in advance of the hearing and 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)

155.18 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than 12 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 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 sides; or
2. **Adjacent to Existing Building.** Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only within the same block, such building may be erected no closer to the street than the existing building is located.
3. **Double Frontage.** Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

155.19 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than four feet to either side lot line.

(Code of Iowa, Sec. 414.24)

155.20 MINIMUM STANDARDS OF PRINCIPAL STRUCTURE. No dwelling shall be erected, placed, or occupied within the restricted residence district unless such dwelling shall have a minimum dimension of 22 feet measured at the narrowest point of such dwelling. Said dimension shall be exclusive of attached garages, porches or other accessory structures. All principal structures shall be placed on a permanent frost-free foundation.

155.21 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 30 percent of a rear yard. In addition, the garage or accessory building shall not be nearer than five feet to any side or rear lot line, or closer than eight feet to any building unless it is connected thereto. The maximum size of a garage or accessory building shall be 32 feet by 36 feet and 16 feet in height. 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 principal building.

155.22 FENCES.

1. **Materials.** Fences shall be constructed of material commonly used for landscape fencing such as masonry block, lumber, chain-link, wrought iron or natural plantings, but shall not include corrugated sheet metal or salvage material.

2. Placement. A fence constructed of materials other than chain-link and which is near a public alley or street shall provide and maintain a setback as determined on a case-by-case basis by the Mayor and Council. Setbacks will be determined by the Mayor and Council to ensure clear visibility.

155.23 VARIANCES. Variances to the maximum size of a garage or accessory building and yard or fence requirements may be approved by securing an affirmative vote of four-fifths of all the members of the Council. Said variances must include the reasons for a variance, why the variance was granted and specific description of the property for which the variance was granted.

155.24 CERTIFYING ORDINANCES. Within 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)

155.25 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.