

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 BUILDING OFFICIAL. The Clerk is the building official and is responsible for the administration and enforcement of this chapter.

155.03 PERMIT REQUIRED. No building, fence, or other structure shall be erected or altered within the City without first receiving a permit therefor. 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. Fences permitted hereunder shall be constructed in compliance with Section 155.24 of this chapter.

155.04 APPLICATION. Application shall be made in writing to the Clerk, at least thirty (30) days prior to commencing construction on the project, 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 building official may require. There shall also be filed a diagram or sketch in a form and size acceptable to the building official 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 of ten dollars (\$10.00) shall accompany the application.

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 two years after the effective date of this chapter. Extensions to this time frame may be granted by an affirmative vote of three-fourths ($\frac{3}{4}$) of all of the members of the Council.

155.08 APPLICATION APPROVED. It is the duty of the building official to examine applications for permits within a reasonable time after filing. If, after examination, the building official 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 building official shall forward findings to the Council for its approval or disapproval.

155.09 ACTION BY COUNCIL. After receiving the findings of the building official, the Council shall, within a reasonable time, either approve or disapprove the application. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. If approved, the Council shall instruct the building official to issue the building permit to the applicant. Said permit shall be issued in duplicate, one copy for the applicant and one copy to be retained in the City records.

155.10 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 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 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.

155.12 REVOCATION. The building official 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.

155.13 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, 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 ($\frac{3}{4}$) of all of the members of the Council.

155.14 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 except for the area listed in the Business District described in Section 60.02(1) of this Code of Ordinances

155.15 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 all of the members of the Council.

(Code of Iowa, Sec. 414.24)

155.16 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 1, 1984, except in the matter of reconstruction, alteration or change in use of the structure.

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

155.18 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 (7) 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)

155.19 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than twenty-five (25) 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 25 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.

155.20 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than five (5) feet to either side lot line.

(Code of Iowa, Sec. 414.24)

155.21 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than twenty (20) feet (when measured from the rear lot line) or 25% of the depth of the lot, whichever amount is smaller.

(Code of Iowa, Sec. 414.24)

155.22 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 twenty-two (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.

155.23 DETACHED GARAGES. Within the restricted residence district no detached garage or other accessory building not attached to the principal building shall be erected closer than five (5) feet to any side or rear yard line.

155.24 CONSTRUCTION OF FENCES, HEDGES AND WALLS. Fences and hedges, when located within a front, side, or rear yard or within one foot of a lot line shall be subject to the following location and height restrictions:

1. No fence, hedge, or wall shall be constructed without first obtaining a building permit from the City and only after the Council has approved said permit.
2. No portion of a fence shall exceed seven feet in height.
3. Fences and hedges shall be located so no part thereof is within three feet of an alley or three feet of a street right-of-way.
4. In residential districts, fences within the front yard shall not exceed four feet in height.
5. The attractive or finished side of the fence shall be constructed to face toward the adjoining property owner, City street, or alley, as the case may be. All posts shall face the builder's lot.

6. Before issuing a permit for a fence proposed to be located on a lot line that is shared by two different property owners, the City shall require the following conditions to be met:
 - A. The owners of the properties that share the lot line on which the proposed fence will be located must sign a written agreement that outlines the material from which the fence will be constructed, the location of the fence, the height of the fence, and the agreement of both property owners to all of the above conditions.
 - B. The agreement must then be filed with the County Recorder.
 - C. A copy of the agreement and proof of its filing with the County Recorder must be presented to the City official responsible for the issuing of fence permits before the permit will be issued.
 - D. If agreement cannot be reached between the property owners on a shared lot line fence, any fence constructed on either property must be a minimum of one foot from said shared lot line.
7. All permits are issued at the total discretion of the Council.

155.25 VARIANCES. Variances to minimum yard or fence requirements may be approved by securing an affirmative vote of three-fourths ($\frac{3}{4}$) of all of the members of the Council. Said variance must include the reason for a variance, why the variance was granted and specific description of the property for which the variance was granted.

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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