

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 Mayor is the building official and is 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 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. 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. A building permit application must be filed with the Clerk on or before the Friday prior to the next regular Council meeting. If the permit needs to be approved before the next regularly scheduled Council meeting and a special meeting is called for that purpose, the applicant shall pay to the City a one hundred dollar (\$100.00) special meeting charge. The permit application shall be made in writing, filed with the building official 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, 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 FEES. The following fees shall be required for any permits issued under the provisions of this chapter.

1. \$10.00 fee is required for each permit issued.
2. The City reserves the right to pursue civil penalties if proper procedure is not followed concerning obtaining a building permit:
 - A. \$100.00 fee is required to obtain a building permit if work has begun without prior approval of the City Council.
 - B. \$250.00 fee is required if work is completed without a valid building permit or if the property owner has been notified that a permit is required and the property owner continues his/her work.
3. Notice of Building Permit Violation: The notice of violation shall contain:
 - A. Description of Violation. A description of what constitutes the code violation.
 - B. Location of Violation. The location of the violation.
 - C. Acts Necessary to Abate the Violation. A statement that a permit needs to be issued to allow for the project's compliance with existing Code of Ordinances.
 - D. Time. Statement that work should cease until an approved building permit has been issued.
 - E. Assessment of City Costs. Statement that if the building permit violation is not abated, the City reserves the right to assess fines in accordance with subsection 2 of this section.
 - F. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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 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.

155.08 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.

155.09 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 which 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 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.

155.12 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.

155.13 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 except the following described area:

Lots 1 to 7, inclusive, in Block 9; Lots 1 and 2, inclusive, in Block 10; Lots 4, 5 and 6, inclusive, and the vacated alley adjacent to the lots in Block 21; Lots 4, 5 and 6 in Block 76 and the subdivision described as Lot 5 bordering Block 76

on the north; all of Block 75 including any subdivisions attached thereto so as to include all of the property bordering the Canadian National Railroad right-of-way on the south; Lots 1, 2, 3, 4, 5, 6, 11 and 12 in Block 74; all lots in Blocks 87 and 88 and all the area north of said blocks within the City limits; all that portion of Lot 2 of Auditor's Subdivision of North ½ of Section 29, Township 90 North, Range 17 West of the 5th P.M. lying north of U.S. Highway 20, also known as Parriott Street.

155.14 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 (¾) of all of the members of the Council.

(Code of Iowa, Sec. 414.24)

155.15 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.

155.16 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 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)

155.17 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than twenty (20) feet (measured from the front lot line to the outermost extension of all buildings or other structures, including the overhang of any building or structure, but excluding fences hereafter erected, reconstructed or altered within the district), 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 twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed building is to be erected. *Street*
3. **Double Frontage.** Where lots have a double frontage, the front yard as required herein shall be provided on both streets. *5 ft from Alley*

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

side lot line to the outermost extension of the building or other structure, including the overhang of the building or structure, but excluding fences hereafter erected, reconstructed or altered).

(Code of Iowa, Sec. 414.24)

155.19 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than five (5) feet (measured from the rear lot line to the outermost extension of the building or other structure, including the overhang of the building or structure, but excluding fences hereafter erected, reconstructed or altered).

(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 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.

155.21 DETACHED ACCESSORY STRUCTURES. Accessory structures shall be permitted within the restricted residence district subject to the flood plain regulations where applicable, in accordance with the following criteria:

1. Such detached accessory structures shall not be closer to a side lot line than ten percent of the width of the lot, unless the front line of such accessory structure is situated at least 18 feet behind the front line of the principal structure, in which case the accessory structure may be two feet from the side lot line, except on corner lots, and two feet from the rear lot line. In any case, when the rear lot line abuts an alley, the structure may be built within one foot of the rear property line. However, no portion of the accessory structure, including roof eaves, shall extend across the private property line. On corner lots, accessory structures shall be no closer to the side property line abutting the longer street side of the property than the rear of the required side yard setback, or no closer to the longer street side than the building line of the principal structure, whichever setback is greater. No detached accessory structure shall be allowed in the required front yard.
2. Regardless of its location, an unattached accessory structure shall maintain a clearance of eight feet, wall-to-wall, between structures on a single lot.
3. An accessory structure serving principal single family or two family residences shall not exceed 1200 square feet in area, not 45 percent of the required rear yard, whichever is least. An accessory structure serving a commercial, professional office, industrial or institutional use, including religious, educational, government, hospital, or nursing homes or convalescent centers shall not exceed 1200 square feet in area. The maximum allowable square footage of the floor area of accessory structures serving residential uses shall be calculated in the following manner: lot width times required rear yard times thirty percent ($LW \times RY \times .45 =$ maximum allowable square footage). The total allowable square footage calculation shall be based upon the area of the base or "footprint" of the structure.
4. Accessory structures serving principal agricultural uses on properties larger than 20 acres in area shall not be subject to the size or height limitations specified

herein. However, on those properties which contain less than 20 acres in area and where the principal use is residential, the regulations specified herein for residential uses shall apply.

5. An accessory building serving a commercial, professional office, industrial or institutional use including religious, educational, government, hospital, nursing homes, or convalescent centers shall not exceed 20 feet in height as measured from the slab floor of the structure to the top of the roof ridge. For all residential uses, including single family, duplex, and multi-family residences, the maximum height of detached accessory structures shall be 18 feet as measured from the slab floor to the top of the roof ridge.

However, on properties containing principal residential structures exceeding one story in height, the residential accessory structure may exceed the 18 foot overall height limitation provided that the structure does not exceed the following components:

A. Maximum allowable wall height for two opposite walls as measured from the slab floor to the top of the wall is 18 feet.

B. The maximum overall height of the detached structure, as measured from the slab floor to the roof ridge, shall not exceed 30 feet.

C. The overall height of the detached structure shall not exceed the height of the principal residence on the property. The height of the principal residential structure shall be determined from the natural grade immediately adjacent to the residential structure to the highest point of the roof ridge of the structure. The natural grade adjacent to the principal residential structure shall be considered to be at a point that represents the prevailing or average grade surrounding the structure excluding the at-grade elevation of an exterior basement entryway.

D. There shall be no more than two floors, including the base or main floor of the structure, within any detached accessory structure.

6. When more than one accessory structure is constructed on a lot, the total floor area of all accessory structures on the lot shall not exceed the area requirements specified in this section.

7. When additions are made to accessory structures, the entire structure shall thereafter meet all the requirements specified in this section.

8. No accessory structure is permitted on any lot unless such lot has a principal permitted use located thereon.

9. No portion of an accessory structure shall be allowed to encroach into a public utility easement.

10. An accessory structure used in conjunction with a multifamily residence (3 or more dwelling units) shall not exceed a total size of more than 576 square feet in area per dwelling unit, or 45 percent of the total required rear yard, whichever is least.

11. A detached accessory structure can be attached and become a part of the principal structure only under the following conditions:

- A. All minimum building setbacks pertaining to principal structures must be satisfied.
- B. Both structures must be constructed on a permanent foundation and connected together by foundation footings or walls.
- C. An above ground structural connection must be established between the two structures consisting of a roofed enclosure that is placed on a permanent foundation.

NOTE:

- Accessory structures are prohibited from being constructed on or infringing upon any easements.
- Placement of structures on corner lots can vary.

155.22 FENCES.

*Height
Limit 6'*

- 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. Fences shall be placed inside the property line of adjoining side lot lines. Support rails for any slats or opaque fence material must be placed on the inside. No fence shall be placed closer than five (5) feet to any public alley or closer than twenty (20) feet to any public street.

155.23 VARIANCES. Variances to minimum yard or fence requirements may be approved by securing an affirmative vote of three-fourths (¾) 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.

155.24 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)

155.25 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.

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