



## 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 City Council 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.** 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 FEE.** A permit fee, as established by resolution of the Council, shall be paid to the City prior to issuance of the permit. In the event that work has commenced without first obtaining a permit, the permit fee shall be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work.

**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 (2) years after the effective date of this chapter. Extensions to this time frame may be granted by affirmative vote of three-fourths (3/4) of all 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 objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable hereto, the building official shall issue a permit therefor.

**155.09 APPLICATION DENIED; APPEAL.** If the building official denies an application for permit, the reasons for such denial shall be stated and the applicant notified of such denial and of the right to appeal to the Council. The Council upon appeal may affirm, modify or reverse the determination of the building official; provided however, no application shall be approved and permit issued which would result in an abrogation of the intent and purpose of this chapter.

**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.

**155.12 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.

**155.13 REVOCATION.** The building official may revoke a permit or approval issued under the provisions of the 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 days (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(3/4) of all of the members of the Council.

**155.15 RESTRICTED RESIDENCE DISTRICT.** The restricted residence district for the City is depicted on the official restricted residence district map which is hereby adopted by reference and is on file in the office of the Clerk.

**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 (3/4) of all the members of the Council.

**155.17 HOME BASED OCCUPTION.** For any occupation carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate not more than two(2) square feet in area or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is kept no stock in trade nor commodity sold upon the premises; no mechanical equipment is used except such as is permissible for purely domestic or household purposes; the use occupies no more than twenty-five percent (25%) of the gross floor area of the residence; a special use permit shall be issued upon the affirmative vote of three-fourths (3/4) of all the members of the Council.

**155.18 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 this chapter, except in the matter of reconstruction, alteration, or change in use of the structure.

**155.19 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 the members of the Council.

**155.20 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 heard earlier than the next regularly scheduled City Council meeting following the published notice.

**155.21 FRONT YARD REQUIREMENTS.** Within the restricted residence district there shall be a front yard of not less than ten (10) 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 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 with 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 ten(10) 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.

**155.22 SIDE YARD REQUIREMENTS.** Within the restricted residence district no building shall be erected closer than three (3) feet to either side lot line.

**155.23 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 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.

**155.24 FENCES.**

1. Fences shall be constructed of material commonly use 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. The owner of a fence shall provide and maintain a two (2) foot setback from adjoining property for the purpose of fence maintenance access.

2. Placement. 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 four (4) 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.

**155.25 EXISTING LOTS.** No yard or lot existing on the effective date of this chapter shall be reduced in dimension or area below the minimum requirements established in this chapter.

**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 amendments to the County Recorder

**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.