

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 moving 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 BUILDING OFFICIAL. The Mayor or Public Works Director 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, altered to the extent it changes square footage, moved, used or occupied within the City without first receiving a permit therefor. Nor shall any concrete be installed in an amount that covers an area that exceeds ten square feet without first receiving a permit.

155.04 APPLICATION. Application shall be made in writing, filed with the building official at least fifteen (15) days prior to the next regularly scheduled Council meeting 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 building official 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 or, in the case of demolition, of such construction as is to be demolished and of all existing buildings.

155.05 FEES. The permit fee schedule is established by Council resolution and is on file at City Hall. Fees will be evaluated and adjusted before July 1 of each year.

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 SUBDIVISION REGULATIONS. No more than two (2) building permits for each separate tract existing as of the date of the adoption of the 2000 Code of Ordinances shall be issued unless the tract has been platted in accordance with subdivision regulations established in the Code of Ordinances, except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions or improvements to a main or accessory building already legally located upon said tract.

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 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 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 triplicate, one copy for the applicant, one copy for the County Assessor and one copy to be retained in the City records.

155.11 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.

155.12 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 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.

155.13 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 building official 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 building official shall be given at least twenty-four (24) hours' notice of the starting of work under a permit.

155.14 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.

155.15 PERMIT VOID. In the event that construction covered by a permit is not initiated and underway within thirty (30) days and/or completed within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect unless a Building Permit Extension Application (BPEA) has been submitted and approved.

1. BPEA for Beginning Construction Date. If property owner submits a BPEA stating why construction will not begin within the designated 30 days, the Council may change the dates of the permit's validation year at its discretion.
2. BPEA for Completion Date. If the property owner submits a BPEA stating why construction will not be completed by the expiration date, the Council may extend the date at its discretion.
3. Deadline. A Building Permit Extension Application for the purpose of changing the beginning date must be submitted within twenty (20) days of the beginning date on the original permit. A BPEA for the purpose of extending the final construction date must be submitted at least sixty (60) days prior to the last day of the permit.
4. Application Fee for Building Extensions. No fee is required when submitted a BPEA prior to the deadline.

155.16 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:

Lots 7 and 8, Block 4

North one-half of Block 10

Block 11

Lots 4 through 13, Block 12

Block 20

*Railroad Industrial Property between Walnut Street and Laurel Street
on the west side of Railroad tracks.*

155.17 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)

155.18 SETBACKS. All buildings shall be set back at least twenty-five (25) feet or the average of the setback within two hundred (200) feet each side of the proposed structure from the property line and next to the right-of-way of the street, and no buildings shall be built closer than five (5) feet or ten percent (10%) of the width of the lot to the side lot line, nor shall any principal building be built in the rear forty percent (40%) of the lot, but in no event closer than five (5) feet of the property line, without special Council permission.

155.19 MINIMUM BUILDING RESTRICTIONS. Residential improvements in restricted residence districts shall have minimum outside building dimensions of twenty (20) feet by thirty (30) feet.

155.20 PROHIBITED USE. No building or other structure, except residences, school houses, churches and other similar structures shall be erected, altered, repaired, 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 the full Council. Nor shall a permit be issued if sixty percent (60%) of the real estate owners in said district object thereto.

155.21 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 March 3, 1958, except in the matter of reconstruction, repair, alteration or change in use of the structure.

155.22 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)

155.23 ABATEMENT OF VIOLATION. Any building or structure erected, altered, repaired, 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.

155.24 VARIANCES. Variances to the provisions of this chapter may be granted by an affirmative vote of two-thirds of all of the members of the Council. Said variance must include the reason for a variance, why the variance was granted and a specific description of the property for which the variance was granted.

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