

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 ENFORCEMENT. The Council 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. 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 Council, 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 Council may require. There shall also be filed a diagram or sketch in a form and size acceptable to the 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 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 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 APPLICATION APPROVED. The Council shall examine applications for permits within a reasonable time after filing. If, after examination, the Council 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 Council shall issue a permit. If disapproved, the Council shall state its reasons for disapproval and notify the applicant of same. 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 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 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 60 days, 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.

155.13 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 12 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.

155.14 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. The owner of a fence shall provide and maintain a two-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 70 percent of the total surface may be erected to a height not exceeding four feet along the boundaries of a lot, except that no such fence shall be erected within 30 feet of the intersection of two street lines. Wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than 70 percent of the total fence area may be erected to a height of six feet, except within 30 feet of the intersection of two street lines.

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

155.16 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)

155.17 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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