

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 and altering 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 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, used or occupied within the City without first receiving a permit therefor.

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, 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. A fee of \$2.00 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 SUBDIVISION REGULATIONS. No more than two building permits for each separate tract existing as of April 19, 1979, 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 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.

155.12 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 24 hours notice of the starting of work under a permit.

155.13 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.

155.14 PERMIT VOID. In the event that construction covered by a permit is not initiated and under way within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect.

155.15 CERTIFICATE OF OCCUPANCY. No building shall be occupied or the use of a parcel of land changed before a certificate of occupancy has been issued. A certificate of occupancy shall be applied for coincident with the application for a building permit and said certificate shall be issued within three business days after the request for same shall have been made in writing to the Building Official after the erection or alteration of a building or change in the use of a parcel of land shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of the regular certificate, a temporary certificate of occupancy may be issued by the Building Official for a period not exceeding one year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the tenants relating to the use or occupancy of the premises or any other matter covered by these regulations and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

155.16 CONTENTS OF CERTIFICATE OF OCCUPANCY. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

155.17 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:

A tract of land commencing at the southwest corner of Lot Numbered Four (4) in Block Twenty-eight (28), thence north to the northwest corner of Lot Numbered Five (5), Block Numbered Twenty (20), thence east to the northwest corner of Lot Numbered Seven (7) in Block Twenty (20), thence north to the northwest corner of Lot Numbered Two (2) in Block Numbered Seventeen (17), thence east to the northwest corner of Lot Numbered One (1) in Block Seventeen (17), thence south to the southeast corner of Lot Numbered One (1), Block Seventeen (17), thence east to the southeast corner of Lot Numbered Three (3) in Block Fifteen (15), thence south to the southeast corner of Lot Numbered Three (3) in Block Numbered Twenty-six (26), thence west to the point of beginning, all located in the Original Town of Fontanelle, Adair County, Iowa, and a tract of land commencing at the southwest corner of Lot Numbered Eleven (11), thence north along the eastern boundary of West Third Street, to the northwest corner of Lot Numbered Seventeen (17), thence east to the northeast corner of Lot Numbered Nine (9), thence south to the southeast corner of Lot Numbered Eight (8), thence west to the point of beginning, all located in the Lands Adjoining subdivision lying west

*of First Street and east of West Third Street in the City of Fontanelle,
Adair County, Iowa.*

155.18 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 of the full Council.

(Code of Iowa, Sec. 414.24)

155.19 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 April 19, 1979, except in the matter of reconstruction, alteration or change in use of the structure.

155.20 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than 20 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 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 sides, or
2. Adjacent to Existing Building. Where a building is to be erected on a parcel of land that is within 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 20 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.

155.21 SIDE YARD REQUIREMENTS. Within the restricted residence district no building shall be erected closer than seven feet to either side lot line.

(Code of Iowa, Sec. 414.24)

155.22 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than 30 feet (when measured from the rear lot line) or 20 percent of the depth of the lot, whichever amount is smaller.

(Code of Iowa, Sec. 414.24)

155.23 DETACHED GARAGE. Within the restricted residence district, no detached garage or other accessory building not attached to the principal building shall be erected closer than three (3) feet to any side or rear yard line.

155.24 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)

155.25 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.

155.26 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.