

CHAPTER 165.75 ADMINISTRATION

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165.75.010 Building Official; Powers and Duties

The Building Official (or the Building Official’s designee) shall enforce this Chapter and in addition thereto and in furtherance of said authority shall:

- A. Examine and approve any application pertaining to the use of land, buildings or structures when the application conforms with the provisions of this Chapter.
- B. Review and check for compliance all zoning certificates and keep permanent records thereof.
- C. Review all certificates of occupancy for compliance prior to approval.
- D. Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the terms of the Zoning Chapter.
- E. Receive, file and forward for action all applications for appeals, special uses, variances and amendments to this Chapter which may be filed in the zoning office.
- F. Maintain permanent and current records of the Zoning Chapter, including all maps, amendments, special uses and variances.
- G. Provide and maintain a public information file relative to all matters arising out of the Zoning Chapter.

165.75.020 Zoning Certificates

- A. Scope of permits: Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by an officer, department or employee of the city unless the application for such permit has been examined by the office of the Building Official and has affixed to it a certificate of his office that the proposed building or structure an use thereof complies with all the provisions of this Chapter.

However, with respect to the performance standards of this Chapter for manufacturing and other specified uses, the Building Official may accept as proof of compliance with such standards as may be technical in nature the certificate of an architect or structural engineer licensed by the State of Iowa stating that the building or structure and proposed use thereof does conform with the said performance standards for the district in which it is located. Upon receipt of such certificate and if all other relevant requirements of this Chapter are met, the Building Official shall without further delay approve and authorize the issuance of a zoning certificate, provided that within 15 days from the date of such approval, the Building Official shall examine said application and shall advise the architect or structural engineer in writing if the building, structure or use thereof may not in fact comply with the performance standards of this Chapter for the district in which it is or is to be located, and in this case the Building Official may require posting of a performance bond, such bond to be subject to forfeiture an the money to be applied to the cost of any remodeling or other alterations necessary to ensure compliance with all performance standards, should the establishment in fact fail to so comply.

Failure of the architect or structural engineer to show compliance with or to submit said bond or certified check within 30 days of such notification shall be cause for revocation of the zoning certificate and all further work authorized by said certificate shall be immediately discontinued.

B. Conflicting Permits: Any permit, zoning certificate or certificate of occupancy issued in conflict with the provisions of this Chapter shall be null and void.

C. Plats: Every application for a zoning certificate shall be accompanied by:

1. A plat of the parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions, according to the registered or recorded plat of such land; and

2. A plat drawn to scale showing the ground area, height and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building or structure or land, and such other information as may be required by the Building Official or the proper endorsement of this Chapter.

Each of the two plats shall be attached to the application for a zoning certificate and shall be retained by the Building Official as a public record.

165.75.022 Site Provisions

A. Site Plans Required. The Building Official shall not approve any site plan, and building permits shall not be issued for any development which does not conform to the general requirements of this Chapter and the specific design standards identified as follows:

B. Parking Lots. Parking areas shall be designated and constructed in accordance with the following standards:

1. All parking lots shall be set back from the front property lines at least 10 feet. This setback may be reduced to five feet if a solid fence, wall or shrubbery hedge 42 inches in height is developed within the five foot setback. Parking lots shall be set back from side and rear lot lines at least five feet with a solid fence, wall or shrubbery hedge at least four feet in height developed within the five foot setback provided.

2. All parking lots shall be provided with an attractive wall, guard rail or concrete safety curb, being at least six inches above the parking lot grade, along the perimeter of the parking lot and adjacent to public sidewalk to limit points of ingress and egress and to prevent encroachment of a portion of any parked vehicles upon or over any sidewalk.

3. Driveways shall not exceed 30 feet in width where they cross the sidewalk. Adjacent driveways shall be separated by an island at least four feet in width. Driveways shall be at least four feet from the property lines of any adjacent property. Driveways shall be located at least 50 feet from the intersection of two streets or as far as practical.

4. All areas designed for vehicular use shall be paved with either an asphalt concrete mat, Portland cement concrete pavement, bricks or paving stones or other equivalent all weather, dust-free non-granular hard surface pavement certified by a licensed engineer. The paving surface must be so designed as to allow prompt and effective drainage of storm water unless designed as a part of detention system.

5. All parking spaces shall be clearly and permanently marked. Appropriately placed signs and/or pavement direction shall be employed to guide internal circulation and traffic ingress and egress.

6. Parking lots intended for regular use during hours of darkness shall be provided with not less than two-tenths lumens of light per square foot, measured on the pavement surface. Illumination devices shall be designed so as to direct light on the lot and not on abutting properties. In residential areas, devices shall be placed so as not to shine on or into residential lots or structures.

7. Parking lots shall also conform to the landscaping standards contained in subsection D.

C. Drainage Control. Storm water from parking lots, roofs and driveways shall not be directed to cross sidewalks or run directly on adjacent property unless easements have been obtained. All storm water shall be directed into municipal storm water collection facilities where available, or natural features such as creeks or draining swales. Where this is not practical, private facilities such as detention ponds or dry wells may be required to control drainage from the site limiting release rates to those preceding the development. In cases where construction is proposed within the 100 year flood plain of any stream or river, adequate provisions shall be made to minimize potential damage to existing and proposed structures both on and off the site. Large scale developments which require sophisticated drainage design to control run-off, shall be designed by a licensed engineer in accordance with sound engineering practices of the Municipal Code.

D. Landscaping, Buffering and Screening. So as to reduce glare, heat radiation, noise and air pollution, all developments containing parking lots of more than five spaces shall plant live trees within and on the perimeter of such lots in a prudent manner at the minimum rate of one tree for every five parking spaces or fraction thereof. Said trees shall be of a species which are hardy to the area and shall have diameters of 1 ½ inches measured one foot above the soil ball. An unpaved area of at least 36 square feet shall surround each tree and be sodded or mulched. In parking lots of 20 or more spaces, a minimum of 5% of the landscaping required shall be within the perimeter of the parking lot or as required.

E. Site Preservation and Erosion Control. A serious and responsible effort, consistent with the type, scale and nature of the proposed development, must be demonstrated so as to conserve and protect those natural physical characteristics on the site which are of some lasting benefit to the property and to the community at large, including, but not limited to;

1. Trees with trunks six inches or greater in diameter measured one foot above the ground
2. Streams, springs, ponds or other bodies of water
3. Large scale natural areas of unique value
4. Trees and shrubs of any size within required yard areas unless removal is absolutely necessary for purposes of access, grading traffic circulation, utility installation or drainage. Efforts to conserve valuable topsoil in the development shall include the stripping and stockpiling of topsoil for later re-use over finished areas. Erosion control during and after development shall conform to any applicable requirements.

F. Rubbish, Garbage, Storage, Burning. Rubbish, garbage, storage and burning areas shall be permanently screened from view to a height of at least six feet and shall be constructed to prevent accidental dispersal of the material contained herein.

G. Fire Department Approval. All site plans shall be submitted with the approval of the Fire Department as evidenced by signature of the Fire chief or shall include a plan (subject to approval by the Building Official with comment by the Fire Department if necessary) for on site fire hydrants and provisions for hard surfaced interior roads or other measures to facilitate all weather emergency access to large buildings.

165.75.030 Certificate of Occupancy

A. Scope of Permits: No building or addition thereto, constructed after the effective date of this Chapter, and no addition to a previously existing building shall be occupied, and no land vacant on the effective date of this Chapter shall be used for any purpose, until a certificate of occupancy has been issued by the Building Official. No change in use to the production, processing or storage of materials or goods, and not change in use from the production, procession or storage of one kind of materials or goods to another kind shall be made until a certificate of occupancy has been issued by the Building Official. Every certificate of occupancy shall state that the use or occupancy complies with all the provisions of this Chapter.

B. Application for Occupancy Certificate: Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land shall be made directly to the office of the Building Official.

C. Issuance of Occupancy Certificate: No occupancy certificate shall be issued until construction and water meter installation have been completed or the use established and until all premises have been inspected and certified by the office of the Building Official to be in compliance with all the provisions of this Chapter; provided, that pending the issuance of an occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during the partial occupancy of the premises. An occupancy permit shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued not later than 15 days after the office of the Building Official is notified in writing that the building or premises is ready for occupancy.

D. Display of Certificate of Occupancy: All certificates of occupancy shall be posted upon the building or lot for which the certificate was issued in a place where it may be seen at all times for a period of at least three months from the date of issuance.