

ORDINANCE 2023-04

AN ORDINANCE AMENDING TITLE VI, PHYSICAL ENVIRONMENT, CHAPTER 14, BUILDING PERMITS OF THE MILES, IOWA CODE OF ORDINANCE BY AMENDING SECTIONS 6-14-8, 6-14-9, 6-14-10., AND ADDING SECTION 6-14-15 SPECIAL REQUIREMENTS FOR COMMERCIAL BUSINESSES.

**TITLE VI PHYSICAL ENVIRONMENT**

**CHAPTER 14 BUILDING PERMITS**

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6-14-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-14-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6-14-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-14-4 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-14-5 FEES. There shall be a permit fee of \$40.00 for such permit. Any person commencing construction without a permit shall pay a permit fee of \$80.00. If a permit is rejected the fee shall be returned to the applicant.

6-14-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-14-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

1. Height of structure. Side walls shall have a maximum height of 12'-0" measured from floor to ceiling at the interior of the structure.

6-14-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-14-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-14-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than five (5) feet **or twenty percent (10%)** of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-14-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,200 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-14-12 VARIANCES. The city council may grant a variance to sections 6-14-8, 6-14-9, and 6-14-10 where the setback requirements would cause a hardship on the property owner.

6-14-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-14-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-14-15 SPECIAL REQUIREMENTS FOR COMMERCIAL BUSINESS: Any or all commercial permits shall be submitted to the city clerk for council approval.

6-14-16 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-14-17 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-14-18 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

Editor's Note: If this Ordinance is adopted be sure that the provisions of this Ordinance are consistent with the provisions of the Restricted Residence Ordinance if the City has one. Specifically, the set back and permit fee requirements should be reviewed.

(Amended during 2021 codification)

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by the court to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 3. REPEALING OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this this Ordinance full force and effect.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Miles, Iowa this 6th, September day of 2023.

Date of 1<sup>st</sup> Reading: July 12, 2023

Date of 2<sup>nd</sup> Reading: August 2, 2023

Date of 3<sup>rd</sup> Reading: September 6, 2023

Date of Publication: September 13, 2023

#### CERTIFICATION

I, Brenda Tebbe, City Clerk do hereby certify that the above is a true and correct copy of Ordinance 2023-04 which was passed by the Miles City Council on 6th day of September 2023, published in the Preston Times on 13<sup>th</sup> day of September, 2023 and posted at the Miles Post Office, Facebook, and Miles City Hall on 2023.