DELAWARE COUNTY IOWA
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DEBORAH L. FEITEN
DELAWARE CO. RECORDER
26.00

City of Masonville
P.O. Box 135
Masonville IA
50654

Prepared by: East Central Intergovernmental Association, 799 Main Street, Ste 330, Dubuque, IA 52004

ORDINANCE NO. 02-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MASONVILLE, IOWA, BY CREATING A CHAPTER TITLED RESTRICTED RESIDENCE DISTRICT

Be It Enacted by the City Council of the City of Masonville, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Masonville, Iowa is amended by including a new chapter establishing a Restricted Residence District

6-10-1 PURPOSE. The purpose of this Ordinance is to establish a restricted residence district in the City of Masonville, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds, and to provide that there shall be no use in such district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this Ordinance.
(Code of Iowa, Sec. 414.1 and 414.24)

6-10-2 DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop, conducted solely by the occupant and one person not resident on the property; music or art teacher, a rooming or boarding house with no more than two guests; and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (but the sign may be double faced) nor shall the sign have a single face area of over one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the state department of public instruction as to curriculum.

3. "Garage" is a structure for sheltering motor vehicles or household equipment and/or effects.

4. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage with a capacity of not more than three cars or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

5. "Church", or "church school" is a building used for public worship, or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-10-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established.

All area within the City Limits of the City of Masonville

6-10-4 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches, and other similar structures shall be hereafter erected, reconstructed, altered, repaired, or occupied within said district without first securing from the City Council a permit therefor. Permits for residences, schoolhouses, churches, and other similar structures, and for structures outside restricted residence districts, shall be applied for and are required, but shall be issued by the City Clerk if the requirements of this and other applicable City Ordinances are met, but no council permission shall be required under this Ordinance.

6-10-5 RULES AND REGULATIONS. As permitted under Section 414.24 of the Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering, and repairing of buildings of all kinds within restricted districts established by this Ordinance for the use and occupancy of such buildings, and for the granting of permits to erect, reconstruct, alter, or repair any structure other than a residence, residential accessory use, school, church, or church school within said districts.

6-10-6 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the council.

6-10-7 SPECIAL PERMITS. A written special permit shall be required for the erection, reconstruction, alteration, or repair of any building and for its occupancy and use within the restricted residential district of this City except for buildings for residences, residential accessory use, schools, churches, and church schools. Any such permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable Ordinances of the City. Said application shall be made to the City Clerk at least seven (7) days before the council meeting at which council action is taken. No permit shall or will be granted until notice of the application has been posted at least four (4) days prior to the meeting at which final action is taken to grant or deny the permit.

6-10-8 PROTEST. No permit shall be granted when sixty (60) percent of the resident real estate

owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a three-fourths (3/4) vote of all the members of the council.

6-10-9 FEES. There shall be no fee required for a permit under this Ordinance.

6-10-10 ACTION TO ABATE. Any building or structure erected, reconstructed, altered, or repaired in violation of the provisions of this Ordinance shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the municipality.

6-10-11 CERTIFYING ORDINANCE. Within fifteen (15) days after this Ordinance becomes effective the Clerk shall prepare or have prepared a plat of the restricted residence district as established by this Ordinance and certify such Ordinance and plat to the County Recorder.
(Code of Iowa, Sec. 380.11)

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

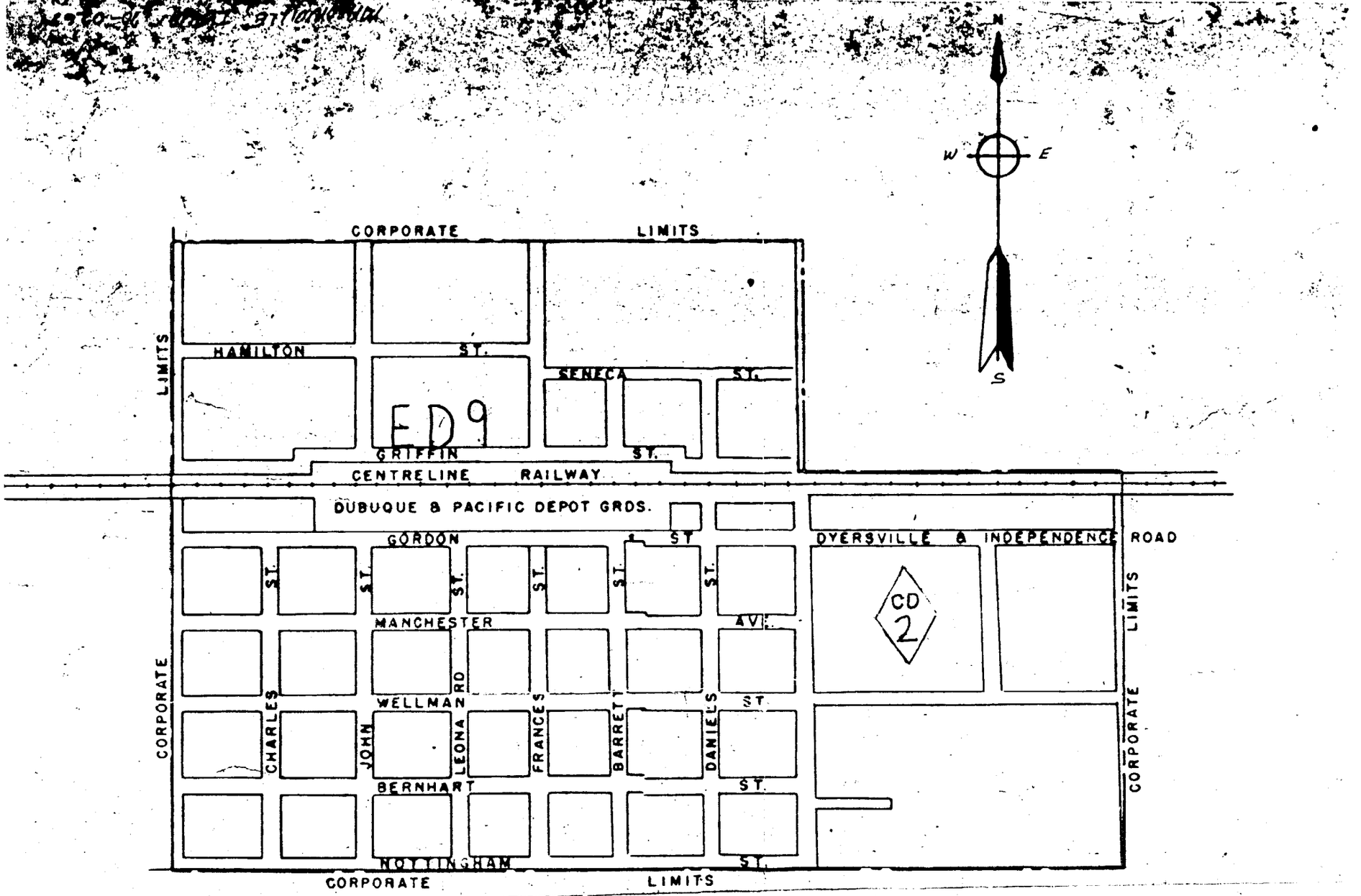
SECTION 4. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 9th day of September, 2002, and approved this 9th day of September, 2002.

Gale F. Resor, Mayor

Attest: Christine Boudreau
Christine Boudreau, City Clerk

City Clerk's Certificate: I hereby certify that the foregoing was posted as Ordinance Number 02-01 on September 19, 2002



MASONVILLE

DELAWARE CO., IOWA

SCALE

400 0 400 800

ALL E. D. NUMBERS PRECEDE

MASONVILLE


No. 7
367 Acs.
No. 6
363 Acs.
No. 5
331 Acs.
No. 4
331 Acs.
No. 3
403 Acs.
No. 2
444 Acs.
Lot No. 1
444 Acs.
HAMILTON ST.
SENECA ST.
No. 8
363 Acs.
No. 9
333 Acs.
No. 10
292 Acs.
No. 11
291 Acs.
GRIFFIN ST.
Central Iowa Railway
Dubuque & Pacific Depot Grounds
GORDON ST
MANCHESTER AVE.
WELLMAN ST.
BERNHART ST.
CHARLES ST.
JOHN ST.
LEONARD ST.
FRANCES ST.
BARRETT ST.
DANIELS ST.
MAIN STREET
NORTH
49