City of Linden, Iowa

ORDINANCE NO. #2026-20

AN ORDINANCE AMENDING THE ENTIRETY OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF LINDEN, IOWA.

BE IT ENACTED by the City Council of the City of Linden, Iowa:

Section 1. CHAPTER AND SECTIONS MODIFIED. Chapter 155 and Sections 155.01 through 155.18 of the Code of Ordinances of the City of Linden, Iowa, is **repealed and the following adopted** in lieu thereof:

CHAPTER 155

BUILDING AND LAND USE REGULATIONS

155.01 Purpose
155.02 Building Official
155.03 Restricted Residence District
155.04 Prohibited Use
155.05 Exceptions
155.06 Protest
155.07 Notice Requirements
155.08 Front Yard Requirements
155.09 Side Yard Requirements
155.10 Rear Yard Requirements
155.11 Minimum Standards of Principal Structure
155.12 Special Requirements for Residences
155.13 Accessory Buildings
155.14 Fences
155.15 Variances
155.16 Curb Cuts
155.17 Certifying Ordinances
155.18 Abatement of Violation

155.1 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)

155.2 BUILDING OFFICIAL. The Building Official is responsible for the administration and enforcement of this chapter.

155.3 RESTRICTED RESIDENCE DISTRICT. The restricted residence district for the City is the entire City limits.

155.4 PROHIBITED USE. No building or other structure, except residences, schoolhouses, 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. No such special use permit shall be issued without the affirmative vote of three-fourths of all of the members of the Council.

(Code of Iowa, Sec. 414.24)

155.5 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 the effective date of this chapter, except in the matter of reconstruction, alteration, or change in use of the structure.

155.6 PROTEST. No special use permit shall be granted when 60 percent of the residential

real estate owners in the restricted residence district who are located within 600 feet of the proposed building or occupancy object thereto, except by a unanimous vote of all of the members of the Council.

155.7 NOTICE REQUIREMENTS. Whenever a restricted residence district is established or its boundaries changed, a public hearing must be held, notice of which shall be given at least seven days in advance of the hearing and in the manner prescribed in Section 18.05 of this Code of Ordinances. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

(Code of Iowa, Sec. 414.24)

155.8 FRONT YARD REQUIREMENTS. Within the restricted residence district there shall be a front yard of not less than 25 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. Double Frontage. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

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

(Code of Iowa, Sec. 414.24)

155.10 REAR YARD REQUIREMENTS. Within the restricted residence district there shall be a rear yard provided for each principal building of not less than five feet (when measured from the rear lot line).

(Code of Iowa, Sec. 414.24)

155.11 MINIMUM STANDARDS OF PRINCIPAL STRUCTURE. No dwelling shall be erected, placed, or occupied within the restricted residence district unless such dwelling shall have a minimum dimension of 22 feet measured at the narrowest point of such dwelling. Said dimension shall be exclusive of attached garages, porches or other accessory structures. All principal structures shall be placed on a permanent frost-free foundation.

155.12 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 1,000 square feet of livable space on the main floor.

2. A manufactured home installed on a foundation system compatible with the structural design of the manufactured home structure shall have skirting installed to provide visual compatibility with a perimeter foundation.

155.13 ACCESSORY BUILDINGS. No accessory building may be erected in a required front yard. An accessory building may be built in a rear yard, but the combined footprints of all accessory buildings shall not occupy more than 30 percent of a rear yard. In addition, an accessory building shall not be nearer than five feet to any side or rear lot line. The maximum height of an accessory building shall be 12 feet, as defined in this code. 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.

1. "Building height" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level (between eaves and ridge) for gable, hip, and gambrel roofs.

Gable Roof Mansard Roof Hip Roof

155.14 FENCES. Fences shall be constructed of material commonly used for permanent landscape fencing including, but not limited to, masonry block, lumber, chain-link, wrought iron or natural plantings, but shall not include corrugated sheet metal or salvage material. Fences within required front yards shall not exceed 4' in height. Fences in all other yards shall not exceed 6' in height.

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 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit. Curb cuts shall be limited to one per property. Additional curb cuts may be approved by securing an affirmative vote of three-fourths of all of the members of the Council. Such approval shall be supported by a demonstrated need or unique circumstance, including, but not limited to, a corner lot, extra wide frontage, or on a heavy traveled roadway.

155.17 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)

155.18 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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Section 2. 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 not adjudged invalid or unconstitutional.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication (or posting as permitted by law).

Section 4. This ordinance only makes changes to Chapter 155. All other relevant building code chapters like Chapter 156, remain in full effect.

PASSED AND APPROVED this 3rd day of November 2025.

Tom Kenfield
Mayor City of Linden

Attest:
Shannon Barbu
City Clerk of Linden