

Ordinance 1210

AN ORDINANCE AMENDING CHAPTER 25 - HOUSING MAINTENANCE AND OCCUPANCY
CODE

Section 25-34; Appendix A – Zoning Ordinance
Sections 104, 202.2, 203.2, 204.2, 205.2, 202.3, and 203.3

BE IT ORDAINED by the City Council of the City of Oelwein, Iowa, as follows:

Section 1. That Chapter 25 of the City Code of the City of Oelwein, Iowa, be amended by adding the following language:

CHAPTER 25 - HOUSING MAINTENANCE AND OCCUPANCY CODE - SECTION 25-34
EXTERIOR STRUCTURE

X. Utility Tarps. A utility tarp, plastic membrane, or similar material, may be used as a temporary roof covering for no more than 90 consecutive days and/or 90 total days in any three-hundred sixty-five (365) day period on any Structure. Use of a utility tarp, plastic membrane, or similar material, to cover all or any portion of a porch, carport, doorway, garage, or window, or to cover anything stored outside in the front yard of a Structure, whether temporarily or permanently, is prohibited.

Section 2. That APPENDIX A – ZONING – SECTION 104 – DEFINITIONS, be amended by adding the following definitions:

Shipping containers - include standardized reusable vessels that were:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and/or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of shipping containers.

Intermodal Shipping Container - A six-sided steel unit originally constructed as a general cargo container used for the transport of goods and materials. (See IBC 2021 Edition)

Section 3. That APPENDIX A – ZONING – SECTION 202.2 AND 203.2 AND 204.2 AND 205.2, be amended by adding the following provisions:

202.2. Permitted accessory uses and structures.

10. Shipping containers and other similar storage units do not qualify as accessory buildings on residentially zoned properties and are prohibited.

203.2. *Permitted accessory uses and structures.*

8. Shipping containers and other similar storage units do not qualify as accessory buildings on residentially zoned properties and are prohibited.

204.2. *Permitted accessory uses and structures.*

9. Shipping containers and other similar storage units do not qualify as accessory buildings on residentially zoned properties and are prohibited.

205.2. *Permitted accessory uses and structures.*

8. Shipping containers and other similar storage units do not qualify as accessory buildings on residentially zoned properties and are prohibited.

Section 4. That APPENDIX A – ZONING – SECTION 202.3 AND 203.3 be amended by adding the following provisions:

202.3. *Special Exception Uses and Structures*

8. Setback relaxations
 - a. Setback relaxation shall be based on the average setback of one or more existing principal use buildings on the same side of the road, setback shall be within 10 feet of that average setback distance.
 - b. Setback relaxation shall not exceed 10 feet.
 - c. Setback relaxation shall not allow detached accessory structures in front yard.
 - d. Setback relaxations for side yards shall not be permitted.

203.3. *Special Exception Uses and Structures*

8. Setback relaxations
 - a. Setback relaxation shall be based on the average setback of one or more existing principal use buildings on the same side of the road, setback shall be within 10 feet of that average setback distance.
 - b. Setback relaxation shall not exceed 10 feet.
 - c. Setback relaxation shall not allow detached accessory structures in front yard.
 - d. Setback relaxations for side yards shall not be permitted.

Section 5. 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 6. Effective Date. Effective February 12, 2023, this ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the Council this 12th day of February 2024.

Brett DeVore, Mayor

Attest:

Dylan Mulfinger, City Administrator

First Reading on January 8, 2024:
It was moved by Weber and seconded by Seeders that the Ordinance as read be adopted, and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Recorded February 13, 2024.

Weber x
Garrigus x
Lenz x
Ricchio x
Seeders x
Payne x

Second Reading on January 22, 2024:
It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules), and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Weber
Garrigus
Lenz
Ricchio
Seeders
Payne

Third Reading on February 12, 2024 It was moved by _____ and seconded by _____ that the Ordinance as read be adopted (or to suspend the rules) and upon roll call there were:

AYES NAYS ABSENT ABSTAIN

Weber
Garrigus
Lenz
Ricchio
Seeders
Payne