ORDINANCE NO. 341

AN ORDINANCE TO AMEND CHAPTER 155, BUILDING REGULATIONS, REGARDING SETBACK REQUIREMENTS FOR TOWNHOUSES

WHEREAS, the City of Harpers Ferry, Iowa currently has Chapter 155 of its City Code addressing building regulations, which includes property line setback requirements; and

WHEREAS, the City Council finds that it is in the interest of the health, safety and general welfare of the City and its residents and the safety of property to address minimum standards regarding setback requirements for buildings that share a common wall or that have abutting walls.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Harpers Ferry Iowa, as follows:

Para. One. That Section 155.02, Definitions, is amended by deleting the same and inserting in lieu thereof the following:

155.02 DEFINITIONS. As used in this chapter, except when the context clearly indicates otherwise, the following definitions shall apply:

1. "Building" or "structure" means any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals or property of any kind and which is permanently affixed to the land. Included in this definition are garages, sheds, porches, decks and steps, including any addition to or enlargement of the same or of any other type of building or structure, and mobile homes, as defined in Section 146.01(3) of this Code of Ordinances, located outside of mobile home parks which have been converted to real estate as provided in Section 435.26 of the *Code of Iowa* and placed on a permanent foundation as provided in 146.03 of this Code of Ordinances. This definition does not include sidewalks, driveways, patios or other ground level constructions, or fences, yard ornament or utility poles and lines.

2. "Dwelling" means any building or portion thereof which is designed or used primarily for residential purposes, but not including a tent or trailer.

3. "Lot" means a single tract of land, under common ownership and/or legal control, used as a unit or designated in a building permit application to be used, developed or built upon as a unit. A lot may be composed of all or part of one or more lots of official record.

4. "Permanent foundation" means a poured concrete or concrete block wall on top of a concrete footing which extends a minimum of four feet below the average ground surface elevation surrounding the structure, or a series of pilings or columns of concrete, steel or treated wood placed along the perimeter of a dwelling at no less than six-foot centers and extending into the ground a minimum of four feet, and with such foundation system skirted with continuous and permanent material for the entire height of the foundation so as to conceal the foundation system and to prevent the habitation of rodents under such structure.

5. “Townhouse” or “townhome” means a dwelling unit that is attached horizontally, and not vertically, with a common or abutting wall to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned by the owner of the dwelling.

Para. Two. That Section 155.04, Streets and Property Line Setbacks, is amended by deleting the same and inserting in lieu thereof the following:

155.04 STREET AND PROPERTY LINE SETBACKS. All buildings or other structures shall be set back from any public right-of-way line and from any property line the following minimum distances:

1. All buildings, except for townhouses:

a. Except as provided in subsection 4, from any public street right-of-way…	15 feet
b. From any public alley……..	7 feet
c. From any property line……	5 feet
d. From the east (river) side of Sandy Point Road right-of-way……	5 feet

2. Townhouses shall have the following setback requirements:

   a. zero-set back requirement with the adjacent dwelling as to the common or abutting wall.
   b. All other setback requirements for buildings set forth in this chapter shall apply to townhouses, to include all structures that are not attached to a townhome shall not be permitted within any required setback areas.

3. Porches, decks and other building appurtenances and free-standing buildings and structures shall not be permitted within any required setback areas.

Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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.

When Effective. This Ordinance shall be in effect after the final passage, approval and publication as provided by law.

Date of First Reading: June 9, 2025

Date of Final Reading: June 9, 2025

Councilmen Voting Aye: Kenny Barta, Tom Diggins, Daren Kaeppel, Alan Garin, Russ Walker

Councilmen Voting Nay: None

PASSED AND ADOPTED this 9th day of June, 2025.

CITY OF HARPERS FERRY, IOWA

Jerry Valley

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Jerry Valley, Mayor

ATTEST:

Kelli Melcher

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Kelli Melcher, City Clerk-Treasurer

Moved by: Kenny Barta

Seconded by: Tom Diggins

Roll Call Vote: Alan Garin, Russ Walker, Tom Diggins, Kenny Barta, Daren Kaeppel

Councilmen voting Aye: Alan Garin, Russ Walker, Tom Diggins, Kenny Barta, Daren Kaeppel

Councilmen voting Nay: None