

## CHAPTER 74. ZONING

### ARTICLE IV. Conditional Uses

#### DIVISION 4. Miscellaneous Conditional Use Permits

##### **Section 74-161. Moving of Buildings.**

- (a) *Generally.* It is unlawful for any person to move a building within the City without first obtaining a conditional use permit. Prior to submission of a request for a conditional use permit to the planning commission and City Council, the building inspector must certify compliance with the following:
- (1) The building, after being moved, must be worth at least 50 percent of the cost of a similar new building.
  - (2) The City Manager or his designee has certified that all sewer, water, and electric bills against the property on which the building is currently located are paid, that all sewer connections have been plugged, all water connections have been disconnected, and all taxes against the property are paid in full, if the site is located in the City.
  - (3) The building to be moved complies in all respects with the building code, this chapter, and all other applicable ordinances. The owner of the building to be moved must submit detailed plans showing changes that will be made to the building to the building inspector for review and approval.
  - (4) The building to be moved is structurally safe to move without endangering persons or property in the City.
- (b) *Application for a conditional use permit.* A person seeking issuance of a moving permit must first file an application for a conditional use permit to the Planning Director. The application must include the following:
- (1) A certificate from the building inspector that the building or structure meets the requirements of the building code.
  - (2) The legal description of the premises from which the building is to be moved.
  - (3) The legal description of the premises to which the building will be moved.
  - (4) A certificate of survey from a registered land surveyor showing the proposed location of the building on the premises to which the building will be moved.
  - (5) A rendering showing the proposed:
    - a. Grade and elevation as it relates to adjacent lots;
    - b. Elevation of the first floor; and
    - c. Drainage and fill requirements.

- (6) Photos showing:
    - a. All sides of the building or structure; and
    - b. The proposed building location.
  - (7) The highways, streets, and other property over which the building is proposed to be moved.
  - (8) Evidence that the applicant has no charges or fees owing to the City and that all taxes and other charges against the lot to which, and from which, the building is to be moved are currently paid, if the lot or lots are located in the City.
  - (9) Evidence, such as a bill of sale, showing that the applicant is entitled to move the building.
  - (10) The application fee as established by the City Council.
  - (11) A bond, letter of credit, or certified check from the property owner for \$5,000.00, payable to the City, to insure that the structure is properly removed from the former property, located on the proposed property, and attached to the foundation in compliance with the permit, building code, and this chapter.
  - (12) Any additional information requested by the City necessary to review the conditional use permit request.
- (c) *Conditional use permit approval.* In reviewing a request for a conditional use permit to allow the moving of a structure, the Planning Commission and City Council shall determine that the following conditions are met:
- (1) That the structure will, in the new location, conform to the general neighborhood character. The following is a nonexclusive list of factors to be considered in determining neighborhood compatibility.
    - a. The main entry feature (which should not be the garage door) is prominently placed on the elevation facing the street.
    - b. A linear, repetitive streetscape appearance and building facades are avoided by providing variation between the front elevations or through landscaping.
    - c. Front yard landscaping plans are submitted and approved and will be completed as part of the project.
    - d. The structure is compatible in scale, mass, form and color with adjacent structures and the pattern of the surrounding area.
    - e. The actual or apparent height of the structure has been considered in relation to adjoining structures. This is especially applicable where buildings are located very close to each other.

- f. The structure is architecturally compatible.
- (2) Placement of the structure, as well as the structure itself, conforms to all City Codes and ordinances.
- (d) *Denial.* The City Council may refuse to issue a conditional use permit to allow the moving of a building into the City if the Council finds that:
  - (1) Any requirement of any fee or deposit requirement has not been met.
  - (2) The building is too large to move, or that no routes are available to be used, without endangering persons or property or seriously inconveniencing traffic in the City.
  - (3) The proposed route includes use of private property, and no consent from the owner has been obtained.
  - (4) For any reasons, persons or property in the City would be endangered by the moving of a building.

**Sections 74-162—74-190.**

**Reserved.**