

CITY OF NEW HAMPTON, IOWA
ZONING ORDINANCE UPDATE

ORDINANCE NUMBER 835

THIS IS AN ORDINANCE REPEALING ORDINANCE NUMBER 670, ZONING ORDINANCE OF THE CITY OF THE NEW HAMPTON, IOWA, INCLUDING ZONING MAP AND ALL OF THE AMENDMENTS THERETO;

AND ENACTING IN LIEU THEREOF AS NEW ORDINANCE NUMBER 835, THE CITY OF NEW HAMPTON, IOWA ZONING ORDINANCE INCLUDING ZONING MAP AND SHALL BE INTEGRATED INTO THE NEW HAMPTON CITY CODE OF ORDINANCES. ORDINANCE NUMBER 835 IS AN ORDINANCE CREATED FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF NEW HAMPTON, IOWA, AS WELL AS THE UNINCORPORATED AREA WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF THE CITY.

Recommended for Adoption by
New Hampton Planning and Zoning Commission
After a Public Hearing on:
May 19th, 2014

Adopted by
New Hampton City Council
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Public Hearing and Second Reading: June 16th, 2014
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Prepared by the
Iowa Northland Regional Council of Governments

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CITY OF NEW HAMPTON, IOWA

ZONING ORDINANCE UPDATE

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF NEW HAMPTON, CHICKASAW COUNTY, IOWA:

THIS IS AN ORDINANCE REPEALING ORDINANCE NUMBER 670, ZONING ORDINANCE OF THE CITY OF THE NEW HAMPTON, IOWA, INCLUDING ZONING MAP AND ALL OF THE AMENDMENTS THERETO;

AND ENACTING IN LIEU THEREOF AS NEW ORDINANCE NUMBER 835, THE CITY OF NEW HAMPTON, IOWA ZONING ORDINANCE INCLUDING ZONING MAP AND SHALL BE INTEGRATED INTO THE NEW HAMPTON CITY CODE OF ORDINANCES. ORDINANCE NUMBER 835 IS AN ORDINANCE CREATED FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF NEW HAMPTON, IOWA AS WELL, AS THE UNINCORPORATED AREA WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF THE CITY.

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETINGS LAW, AND DEFINITIONS

Section 1.00 TITLE

This Ordinance shall be known as and may be referred to and cited as “The City of New Hampton, Iowa Zoning Ordinance”. It is adopted in accordance with the New Hampton Comprehensive Plan.

Section 1.01 PURPOSE

The various use districts that are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purpose, among others, of:

1. Carrying out the Comprehensive Plan for the City of New Hampton, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Implementing the Comprehensive Plan for the City of New Hampton, Iowa;
4. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
5. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the city that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
6. Lessening or avoiding congestion in the public streets and highways;
7. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;

8. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
9. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
10. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
11. Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;
12. To prevent, whenever possible, land boundary disputes or real estate title problems;
13. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city is developing or enforcing land use regulations;
14. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
15. Conserving the taxable value of land and buildings throughout the City; and
16. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

Section 1.02 NATURE

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of New Hampton, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

Section 1.03 AUTHORITY

This Ordinance, in pursuance of the authority granted by the Revised Statutes of the State of Iowa, Chapter 414, Section 1, shall be known and cited as the “Zoning Ordinance of the City of New Hampton, Iowa.”

Section 1.04 IOWA OPEN MEETINGS LAW

The New Hampton City Council, Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

Section 1.05 DEFINITIONS

For the purpose of the Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word “lot” includes the word “plot” or “parcel” and the word “building” includes “structure”. The word “shall” is mandatory; the word “may” is permissive. The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. Accessory Building or Use: A permanent detached building or permanent use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use (See Section 3.02 for accessory building standards.).
2. Agricultural Uses: Uses primarily adapted for growing or raising crops or animals which are used for food, fuel or fiber.
3. Alley: A public access, other than a street, twenty (20) feet in width affording secondary means of access to abutting property. The right-of-way of an alley shall be a minimum of thirty (30) feet.
4. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
5. Apartment: A room or suite of rooms used as the dwelling for a household, including bath and culinary accommodations for each apartment, located in a building in which there are three (3) or more such dwelling units.
6. Appeal: A request for review by the Board of Adjustment of the Zoning Administrator’s interpretation of any provision of this Ordinance.
7. Auto Body Repair Shop: Any building, structure or land used for automobile body repair, restoration, and painting.
8. Automobile Service Station: An “automobile service station” is any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.
9. Basement/Cellar: A basement shall be a portion of a building having two (2) or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.
10. Bed and Breakfast: A private residence which provides lodging and meals for guests only, in which the host or hostess resides, and in which no more than six (6) guest families are lodged at the same time. A bed and breakfast does not hold itself to the public to be a restaurant, hotel, or motel and serves food only to overnight guests.
11. Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of way, rivers, tracts of public and/or the boundary of the subdivision.
12. Billboard: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
13. Board of Adjustment: “Board of Adjustment” shall mean the Zoning Board of Adjustment of the City of New Hampton, Iowa.

14. Boarding, Rooming, and Lodging House: A building other than a hotel where, for compensation and by arrangement, meals, lodging are provided for three (3) or more persons on a weekly basis.
15. Breezeway: A roofed or covered walkway between a principal building and accessory building. If connected to the principal building with a breezeway, an accessory building is no longer “accessory” to the principal use or building, and said building shall be considered part of the principal building for determining bulk requirement standards.
16. Building: Any structure designed or built for supporting, enclosing, or sheltering of any use or occupancy. This definition does not include signs of any type.
17. Building Height: The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of the building or roof line for gable, hip and gambrel roofs. The only exceptions to the building height requirements set forth in this Ordinance appear in Section 18.01.
18. Building Line: A line on a plat between which said line and a street, alley, or private place no building or structure may be erected.
19. Business or Commercial Use: Engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
20. Car Wash: A building, or portion thereof, containing facilities for washing two (2) or more automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by a customer.
21. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport attached to a principal building shall be subject to all yard requirements herein.
22. Child Care Center (Institutional): Any established institution, such as a church or non-profit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
23. Child Care Center (In-Home): An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center operated in the home shall be considered a “home occupation” and shall follow the provisions outlined in this Ordinance.
24. City Attorney: “City Attorney” shall mean the legal professional licensed in the State of Iowa that is designated by the City Council as such.
25. City Council: “City Council” shall mean the City Council of the City of New Hampton, Iowa.
26. City Engineer: “City Engineer” shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.

27. Clinic: A building or buildings used by physicians, dentists, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
28. Commercial Sales (Electronic): Sales of merchandise by means of telephone, fax or internet. No outside storage is allowed under this particular use. Not limited to materials, components, parts, storage containers, machinery or other equipment.
29. Common Sewer System: A central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.
30. Common Water System: A central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.
31. Comprehensive Plan: The general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
32. Consignment and Auction Sales Operations: A business which, as a primary use, stores and sells personal property of others to the public either indoors or outdoors.
33. Contiguous: Adjoining or lying next to.
34. Convenience Store: A retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
35. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
36. Cul-de-sac: A street, which is not longer than five hundred (500) feet in length, having one (1) end connecting to another street that is terminated by a vehicular turn around. A cul-de-sac shall have an outside paved roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
37. Curblin: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblin shall be determined by the city engineer.
38. Deck: An outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
39. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
40. Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

41. Developmentally Disabled: For the purpose of the “family home” provisions of this Ordinance, a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following.
 - a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - b. Attributable to any other condition found to be closely related to mental retardation.
 - c. Attributable to dyslexia resulting from a disability.
 - d. Attributable to a mental or nervous disorder.
42. District: A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
43. Drive-in Restaurant or Refreshment Stand: Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
44. Driveway: A private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
45. Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.
46. Dwelling, Attached: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
47. Dwelling, Condominium: A multiple-family dwelling, with common approved walls, as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common or association ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
48. Dwelling Detached: A dwelling that is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of five (5) feet away from other buildings or structures.
49. Dwelling, Multiple-Family: A residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each dwelling unit.
50. Dwelling, Row or Townhouse: A series of three (3) or more individual dwellings in a continuous row that are on individual lots, constructed with common approved walls, and are individually owned.
51. Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only. Single-family dwelling shall include a “manufactured home”, as herein defined.
52. Dwelling Two-Family/Duplex: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each dwelling unit.

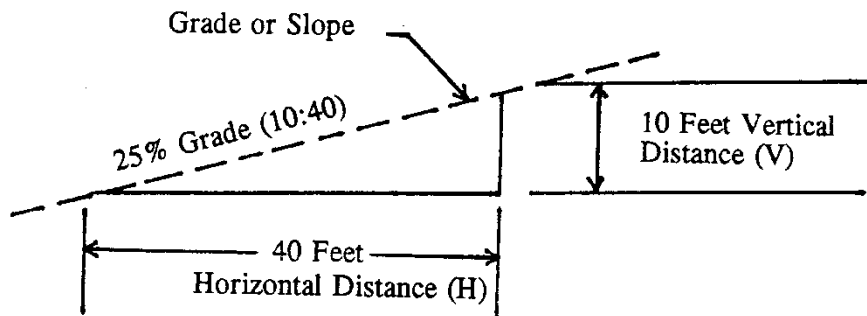
53. Dwelling Unit: A room or group of rooms that are arranged, designed or used as living quarters for the occupancy of one (1) family containing bathroom and/or kitchen facilities.
54. Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
55. Economic Base: The production, distribution and consumption of goods and services within a planning area.
56. Egress: An exit.
57. Elder Home: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
58. Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
59. Environmental Impact Statement (EIS): A statement on the effect of development proposals and other major activities that significantly affect the environment.
60. Essential Services: The erection, alteration, or maintenance, by public utilities, municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, cable television, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streets, bridges, right-of-way, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare of the City of New Hampton. All buildings or telecommunication towers associated with 'essential services' however, must abide by this Ordinance (See Section 3.08).
61. Exotic Animals: Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
62. Family: One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
63. Family Home: A community-based residential home which is licensed as a residential care facility licensed under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
64. Farm or Farmland: A parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.
65. Farm Animal: Animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals but not including rabbits kept as pets.

66. Feasibility Study: An analysis of a specific project or program to determine if it can be successfully carried out.
67. Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
68. Fence, Residential: A barrier and/or structure erected in a Residential District intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but shall not include corrugated sheet metal, barbed wire or salvage material.
69. Fence, Non-Residential: A barrier and/or structure erected in a district other than a Residential District intended to provide security, mark a boundary or a means of landscaping. No such fence shall be constructed of salvaged material or use barbed wire unless the use is intended to protect the public health, welfare, and safety of residents.
70. Flag Lot: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
71. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation or runoff of surface waters from any source.
72. Floodplain: Any land area susceptible to being inundated by water from any source, as may be identified by the Federal Emergency Management Agency (FEMA).
73. Floor Area: In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
74. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
75. Frontage: That side of a lot abutting a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.
76. Garage, Attached: An attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
77. Garage, Detached: A detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building (See Section 3.02).
78. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles (See Section 3.02).
79. Garage, Storage: A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles or other private items or materials, as distinguished from daily storage furnished transients, and at which motor fuels and oils

are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold. This definition includes uses also referred to as 'mini-storage'. (See Section 3.02).

- 80. Gas Station: Any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.
- 81. Governing Body: The City Council of the City of New Hampton, Iowa.
- 82. Grade: The degree of rise or descent of a sloping surface (See Figure 1).

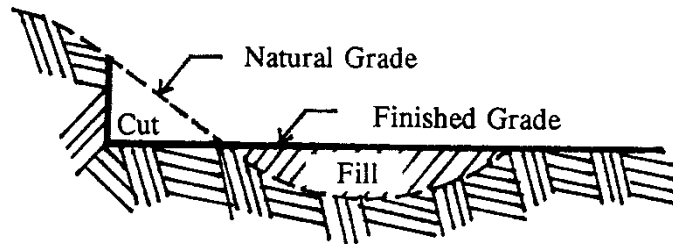
Figure 1: Grade or Slope



$$\text{SLOPE CALCULATION} = V / H$$

- 83. Grade, Finished: The final elevation of the ground surface after development (See Figure 2).
- 84. Grade, Natural: The elevation of the ground surface in its natural state before human-made alterations (See Figure 2).

Figure 2: Grade or Slope; Cut and Fill Cross Section



- 85. Grain Elevator: A structure or group of related structures whose purpose is limited to the receiving, storing, drying, and transporting of bulk grain.
- 86. Group Home or Group Care Facility: A facility that provides resident services to nine (9) or more individuals, or an unlicensed (under Chapter 135C or 237 of the Iowa Code)

facility regardless of the number of individuals served. These individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This definition includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

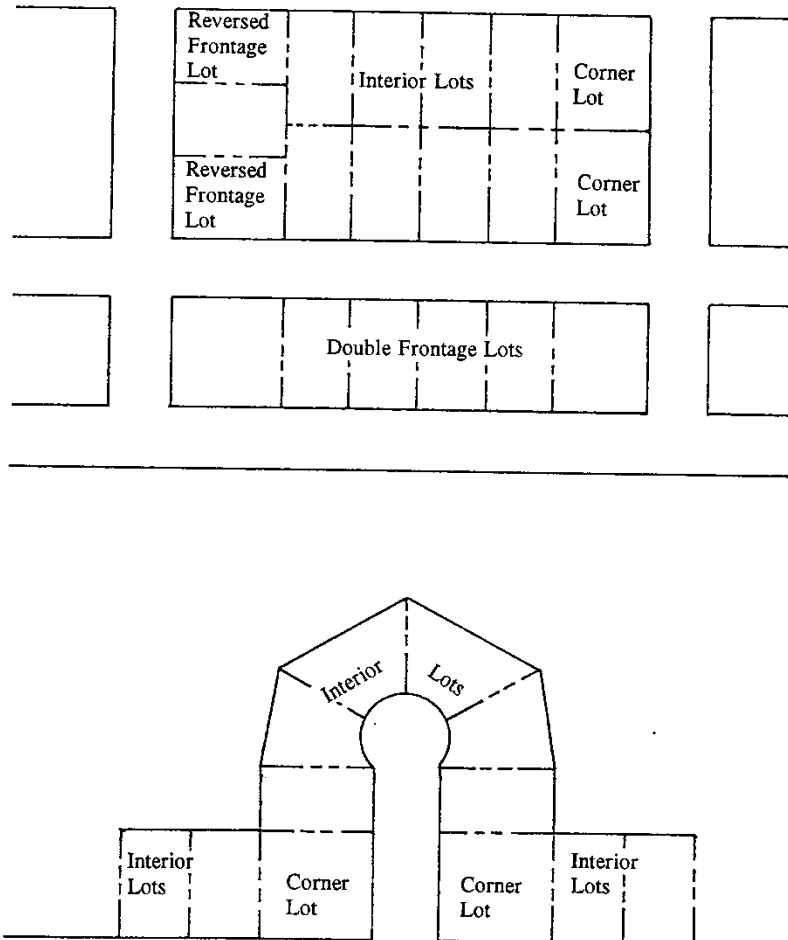
87. Historic Preservation: The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.
88. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.
89. Home Occupation: A “home occupation” is an accessory use of a dwelling unit, conducted entirely within the dwelling unit or attached garage, and that which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
90. Home Industry: An occupation or profession conducted entirely within an enclosed accessory building(s) and/or a detached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
91. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, as opposed to a boarding house or rooming house.
92. Household: A group of persons living together in a single “dwelling unit”, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
93. Improvements: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.
94. Ingress: Access or entry.
95. Institution: A nonprofit or quasi-public use or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
96. Junk or Salvage: All old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolition materials including wood and lumber, yard waste (trees, brush, wood, leaves), firewood stored on vacant or unoccupied lots, rubble concrete, structural steel materials, or similar materials. This definition shall also include junked,

dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.

97. Junk or Salvage Yard: Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking and/or salvaging; or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property; and contractor's storage yards. The presence on any lot, parcel, or tract of land of two (2) or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.
98. Junk Vehicle: As may be defined in the New Hampton Code of Ordinances.
99. Kennel, Dog (Commercial): Any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
100. Kennel, Dog (Private): Any parcel of land on which no more than three (3) dogs, six (6) months old or older, are kept for private purposes. Private kennels shall be considered accessory uses for the purposes of this Ordinance.
101. Laundromat: An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.
102. Loading Space: An off-street space or berth used for the loading or unloading of vehicles.
103. Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
104. Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.
105. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections (See Figure 3).
106. Lot Depth: The mean horizontal distance between the front and rear lot lines.
107. Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 3).
108. Lot Frontage: The length of the front line measured at the street right-of-way line.
109. Lot, Interior: "Interior lot" means a lot other than a corner lot (See Figure 3).
110. Lot Line: A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

- 111. Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- 112. Lot Line, Side: Any lot line other than a front or rear lot line.
- 113. Lot, Minimum Area of: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
- 114. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which it is located, or a lot or parcel described by metes and bounds, the description of which has been so previously recorded.
- 115. Lot Width: Lot width is measured at the building line at right angles to its depth or side lot lines.

Figure 3: Examples of Lot Definitions



116. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
117. Massage Establishment: Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by massage therapist's hands) is administered or used.
118. Manufactured Home: A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling, and if located outside of a factory built home park, shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the Iowa Code. For the purposes of this Ordinance, a manufactured home may also be known as a modular home.
119. Manufacturing or Industrial Use: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
120. Mobile Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A mobile home may be used with or without a permanent foundation when connected to utilities and shall only be located in a "Mobile Home Park". The term mobile home does not include "recreational vehicle."
121. Mobile Home Park/ Land Lease Community: A parcel of land, not less than five (5) acres in area, divided into two (2) or more mobile home lots for rent or sale.
122. Motor Court or Motel: A "motor court or motel" is a building or groups of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
123. Nonconforming Building: A building which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
124. Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
125. Nursing, Rest, or Convalescent Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.
126. Overhang: The part of a roof or wall which extends beyond the facade of a lower wall.

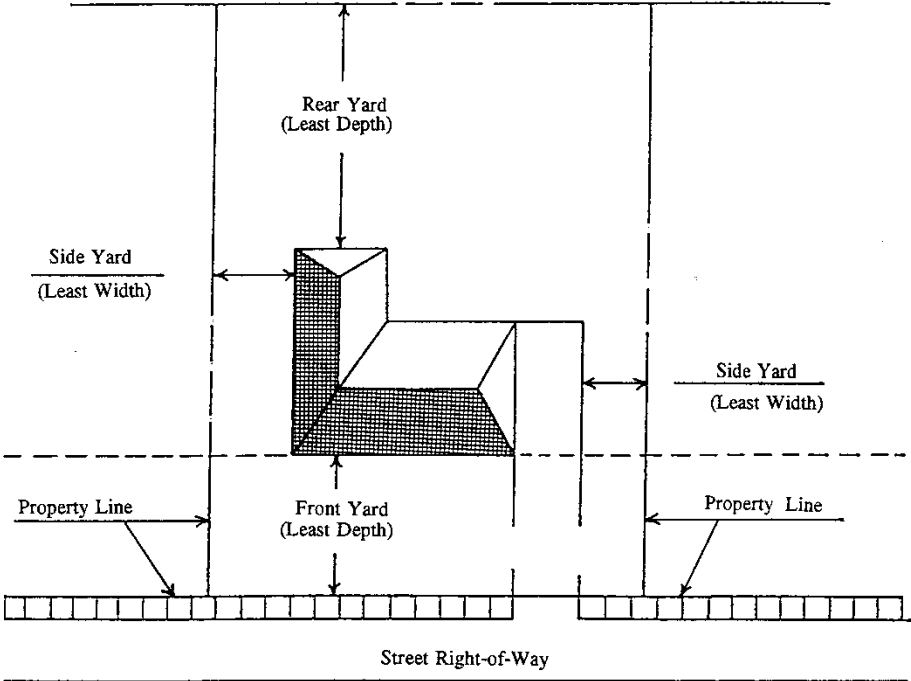
127. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
128. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
129. Parcel: A part of a tract of land.
130. Parking Lot: An area of land devoted to unenclosed parking spaces.
131. Parking Space: A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
132. Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
133. Planned Industrial Use: An industrial zoning district designation that is intended to accommodate industrial or mix of industrial and limited commercial uses, as herein defined, on a tract that is to be not less than ten (10) acres, in size. Planned industrial areas are to be developed in accordance with a site plan and may be constructed in phases.
134. Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
135. Planning and Zoning Commission: "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the City of New Hampton, Iowa.
136. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
137. Principal Building or Use: The primary use of land or structures as distinguished from an accessory use.
138. Recreational Vehicle: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck (i.e. travel trailer), and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
139. Residential Use: Uses that are primarily adapted or constructed for human habitation as dwellings. To be considered a "residential use" a building shall have greater than fifty (50) percent of its main floor area used for residential purposes.
140. Restaurant: An establishment that prepares and retails food for consumption on the premises or for carry-out.

141. Rights-of-Way: The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.
142. Satellite Dish Antenna: A satellite receiver, a satellite ground dish antenna or a satellite rooftop antenna which may or may not be able to rotate to enable the “dish” to aim at different satellites for the purpose of television reception.
143. Screening: Either: (a) a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in accordance with this Ordinance.
144. Sidewalk: A paved, or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
145. Sign: “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. “Sign” includes “billboard” but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
146. Site Plan: A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
147. Special Exception: A listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this Ordinance by the Board of Adjustment.
148. Stable, Private: A building, incidental to an existing residential, principal use, that shelters equine for the exclusive use of the occupants of the premises.
149. Stable, Public: An accessory building in which equine are kept for commercial use including boarding, hire, and sale.
150. Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages.
151. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

152. Story, First: The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.
153. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.
154. Street or Road: Any throughway having a public right-of-way that is designed to channel or circulate vehicular and pedestrian traffic. The term “street” may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.
155. Street, County: Any road or street owned, operated, and maintained by Chickasaw County.
156. Street, Local or Service: A street whose sole function is to provide access to abutting properties. Standards for a local street shall be those established in the New Hampton Subdivision Ordinance.
157. Street, Private: Any privately-owned road, street, or driveway.
158. Street Width: Street width is defined as the horizontal distance, paved or unpaved, that is located within rights-of-way.
159. Structure: A structure shall be anything constructed or built with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings (principal and accessory) and signs.
160. Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
161. Structural Member: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.
162. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision. “Subdivision” includes the division or development of residential or non-residential zoned land, whether by deed, sale on contract, devise, intestate succession, lease, map, plat, or other recorded instrument. The subdivision process is governed by the City’s subdivision ordinance.
163. Surveyor: A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
164. Swimming Pool: A “swimming pool” is a permanent tank of water, either above or below grade level in which the depth of water exceeds 12 inches. Swimming pools, hot tubs, whirlpool baths and tubs, and Jacuzzi type tubs and baths shall be considered “swimming pools” if they are located outdoors.
165. Towers: Any radio, television, telephone, short-wave, cellular telephone, or microwave antenna or tower.

166. Trailer Camp or Tourist Camp: An area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
167. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision. See the definition of “essential services”.
168. Variance: A grant of relief considered from the terms of this Ordinance by the Board of Adjustment.
169. Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.
170. Wetlands: That classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources.
171. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used (See Figure 4).
172. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (See Figure 4). This area is to be considered clear area and is not to be used for storage or obstruction. A front yard shall be measured from the wall of the structure(s).
173. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard (See Figure 4). A rear yard shall be measured from the wall of the structure(s).
174. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto (See Figure 4). A side yard shall be measured from the wall of the structure(s).
175. Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

Figure 4: Yard Definitions



ARTICLE II

ESTABLISHMENT OF DISTRICTS, ZONING MAP, BOUNDARY
INTERPRETATIONS, ANNEXED TERRITORY

Section 2.00 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the City of New Hampton is hereby organized into the following zoning districts:

Agricultural District

“A-1” Suburban Agricultural District

Residential Districts

“R-1” Single Family Residential District

“R-2” Low Density Residential District

“R-3” Moderate to High Density Residential District

“R-4” Planned Mobile Home District

“R-5” Planned Residential Development District

Commercial Districts

“C-1” Commercial District

“C-2” Commercial District

“C-3” Commercial District

Manufacturing Districts

“M-1” Light Industrial and/or Manufacturing District

“M-2” Heavy Industrial and/or Manufacturing District

“M-P” Planned Industrial District

Section 2.01 ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are set forth on the map entitled “Official Zoning Map” which is located in the New Hampton City Hall and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

Section 2.02 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets highways, or alleys;
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines;
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines;

4. Boundaries shown as following or approximately following the courses of streams, rivers, or other continuously flowing waters shall be construed as following either the channel centerline or the mean high water mark of such water courses;
5. Boundaries shown as following or closely following the City limits of New Hampton shall be construed as following such city limit lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 2.02.1 through 2.02.6 shall be so construed. Any distances not specifically dimensioned on the official zoning map shall be determined by the scale of the map;
7. Where existing physical or cultural features conflict with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries;
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

Section 2.03 ANNEXED TERRITORY

All territory that may hereafter be annexed to the City of New Hampton shall be automatically classified as being in an “R-1” Single Family Residential District until such classification shall be changed by amendment of this Ordinance as provided hereafter.

Section 2.04 EXTENSION OF ZONING POWERS BEYOND PRESENT CITY LIMITS

Zoning powers are extended beyond the present city limits as follows:

1. Extra-territorial Limits. The applicability of these regulations and all of its amendments are hereby extended to a point occurring up to two (2) miles beyond the present, corporate limits of the City of New Hampton, Iowa, as shown on the Official Zoning Map.
2. Zoning Classification. Except as otherwise provided in these regulations, all of the real estate described above in subsection 2.04.01 is hereby given a classification of “A-1”, which classification shall be limited in its applicability to the points of land lying outside of the city limits of the city, and as described herein above, and shall so apply to all such land and which shall limit such land usage to agricultural and horticultural purposes and any other non-commercial or non-industrial usage; and provided further, however, nothing herein contained shall prohibit any future development within the area regulated under this Ordinance including Official Zoning Map, and subject to the following limitations and restrictions:
 - a. No single family dwelling unit shall be constructed on a lot area of less than one acre in size and shall have a front yard width of not less than two hundred (200) feet and a depth of not less than fifty (50) feet, and a rear yard depth of not less than fifty (50) feet. The said depth and widths shall be measured from the property line of the said property at each respective point.
 - b. Any such future construction as contemplated herein shall be in compliance with all of the laws of the State of Iowa and all of the ordinances of the city, specifically including any ordinances of the city, specifically including any ordinances regulating or pertaining to health, sanitation or safety now in effect or hereinafter to be enacted.

3. Accessory Buildings. Structures, and uses customarily incidental to any of the above uses shall be allowed, provided, however, that the said accessory buildings and structures shall have and maintain the same depth and widths with regard to front yard, side yard, and rear yard as the principal dwelling or building are required to have under these regulations and other ordinances of the city.
4. Mobile Homes. No mobile homes or mobile home parks shall be installed or constructed except in strict conformity with the regulations of the city pertaining to mobile homes and mobile home parks.
5. Front Yards. The minimum front yard depth of any lot abutting on a county, state, or federal street, road or highway shall be fifty (50) feet, measured from the right-of-way line of such street, road or highway.
6. Exemptions. In the unincorporated area only, nothing herein contained shall be construed to apply to land, farm houses, farm buildings, farm outbuildings, and other buildings, structures, or erections which are primarily adapted by reason of nature or area, for use for agricultural purposes, while being so used, provided that the area comprises thirty-five (35) contiguous acres or more which is used for agricultural purposes and the growing and production of all agricultural products thereon. The regulations contained in the said zoning code, if any, shall, however, relate to and have effect upon any structures, dams, obstructions, deposits, or evacuations in or on the flood plains of any river or stream in the area described above. A permit, approved by the City shall be required for an exemption.
7. Right of Hearing. Property owners affected by the zoning regulations, and its amendments, shall have the same right of hearing, protest and appeal as owners of property affected thereby within the corporate limits of the city.

ARTICLE III
GENERAL PROVISIONS

Section 3.00 ZONING AFFECTS EVERY STRUCTURE

Except as hereinafter provided, no building, structure or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations specified herein for the class of District in which it is located.

Section 3.01 MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT, AND LOTS UNSERVED BY SEWER OR WATER

1. Minimum Street Frontage: No lot shall be created after the adoption of this Ordinance unless it conforms to Table 1: Bulk Requirements, and is on a public street right-of-way, or is accessible to a public street by an easement.

2. Lot of Record: In any Residential District on a lot of record at the time of enactment of this Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are met.

Further, where two (2) or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

3. Lots Unserved by Sewer and Water: In any Residential District where neither public water supply nor public sanitary sewer are reasonably available, one (1) single-family dwelling may be constructed on a lot provided the otherwise specified lot area and width requirements are met. In no case, shall the lot area be less than one (1) acre.

Section 3.02 DETACHED ACCESSORY BUILDINGS, GARAGES, STRUCTURES, AND USES

1. General Provisions: No accessory building or structure shall be erected in any front yard. Accessory buildings or structures shall be no closer than five (5) feet from any principal buildings. No more than three (3) permitted accessory structures shall be placed on any lot and the same must be bolted to a cement slab on each corner and every six (6) feet or have two (2) metal cables or straps over the roof attached to cement footing on either side. Accessory buildings are not allowed in the "C-2" or "C-3" Districts.

2. Time of Construction: No garage, accessory building, or structure shall be constructed on any lot prior to the completion of the principal building to which it is accessory. In situations where an accessory building is to be built on a vacant lot that is contiguous to the lot of the principal building and where both lots are held in common ownership, a deed restriction on both lots may be used to satisfy this requirement.

3. Percentage of Rear Yard Occupied Within a Residential District: No detached accessory building or buildings shall occupy more than thirty (30) percent of the area of a rear yard.

4. Height of Accessory Buildings Within a Residential District: No detached accessory building or structure shall exceed twenty (20) feet in height or the height of the principal building, whichever is lower.

5. Accessory Building Materials: No detached accessory building walls or roofs shall be constructed of any type of fabric, plastic, vinyl, or fibrous materials, unless or until a permit has been issued.
6. Swimming Pool Fences or Covers: No public or private swimming pool shall be erected unless the same is entirely enclosed by buildings, fences or walls not less than five (5) high, nor more than eight (8) feet in height, and of such construction that a child may not reach the pool from the street or from adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four(4) inches or less in least dimension. Such fences or walls shall be equipped with self-latching gates or doors. All doors from houses and garages must also be self-closing and self-latching. Hot tubs, whirlpool baths and tubs, and Jacuzzi type tubs and baths need not be fenced if they have covers that prevent access to the tub or bath by a child when the same are not in use.

Section 3.03 MORE THAN ONE PRINCIPAL STRUCTURE ON LOT

In any District, more than one (1) principal structure (except in the case of condominium complexes, apartment complexes, etc. on a single lot), housing a principal permitted use, may be erected on a single lot provided the area, yard, and other requirements are met.

Section 3.04 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

Section 3.05 CONVERSION OF DWELLINGS

The conversion of any principal building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the article applying to such district.

Section 3.06 YARD AND PARKING SPACE RESTRICTION

No part of yard, or other open space, or off-street parking or loading space required by this title, shall be included as part of yard, open space, off-street parking, or loading space similarly required for any other building.

Section 3.07 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In a Residential or Agricultural District on any corner lot, no fence, wall, hedge, or other planting will be allowed to obstruct vision between a height of two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets. Nor shall the above be erected, placed, or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining the right-of-way lines at points that are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way line.

Section 3.08 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this Ordinance. Associated buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the corresponding requirements thereof.

Section 3.09 VALIDITY OF EXISTING PERMITS

Nothing contained herein shall require any change in the overall layout, plans, construction, size or designated uses of any development, structure or part thereof, for which the official approvals and required permits have been granted prior to enactment of this Ordinance. The construction of which, conforming with such plans, shall have been started prior to the effective date of the Ordinance and the completion thereof carried on in a normal manner within the subsequent one (1) year period, and not discontinued until completion, except for reasons beyond the property owner and/or builder's control.

Section 3.10 HEIGHT EXCEPTIONS

The height limitations contained in Articles IV through XV do not apply to spires, steeples, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level that are specifically not intended for human occupancy. Article XVIII shall govern the height restrictions for these structures.

Section 3.11 PUBLIC RIGHT-OF-WAY USE AND EASEMENTS

No portion of the established public street, alley, or right-of-way shall be used, or occupied by an abutting use of land or structures for any purpose including storage or display purposes. No portion of a public street or alley right-of-way shall be used to provide any parking or signage required by this Ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

No building, sign, fencing or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.

Section 3.12 FENCES IN AN "R" DISTRICT

Residential fences shall comply with the following regulations:

1. Fences in the front yard area shall not exceed four feet in height.
2. Fences in the front yard shall be set a minimum of two and one-half (2 ½) feet inside the side walk or where a sidewalk would be located.
3. Front yard fence regulations also apply to shrubs, hedges and any other continuous plantings.
4. Fences in the rear and side yards shall not exceed eight (8) feet in height.
5. The height of fences shall be measured from the average natural grade at the fence site.
6. The finished side of the fence must face the adjoining property.

7. A residential fence may be constructed on a lot line only if each property owner signs a written agreement providing that the owner constructing the fence has the responsibility to maintain the fence and that the fence owner has permission to access the adjoining property for maintenance and rebuilding purposes. The City will record this fence agreement with the fence owner to pay the recording fee. If such an agreement cannot be obtained, any desired fence along a lot line must be set back at least two (2) feet from the lot line. Two (2) fences adjacent to each other along a lot line will not be allowed unless the Board of Adjustment grants a special exception.
8. More restrictive fencing provisions provided for elsewhere in this zoning ordinance shall continue in force and take priority over the provisions in this section.
9. The zoning administrator may deny fence construction where factors such as topography, driveway location, or proposed fence material would create a hazard, or cause site distance problems, or cause safety concerns.

Section 3.13 PROPOSED USE NOT COVERED BY TITLE

Any proposed use not specifically addressed or listed in this Ordinance as a principal permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper District in which said use should be permitted. The Ordinance shall be amended as provided in Article XIX, Section 19.10, before a request is made or permit is issued for the proposed use.

Section 3.14 ACCESS REQUIRED

Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by easement.

Section 3.15 APPLICATION OF REGULATIONS

The regulations within each district of this Ordinance shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

Section 3.16 PERMITTED USES

For the purposes of the distribution of essential services, these uses are permitted in all zoning districts. However, the design and placement of essential services equipment and devices may be reviewed by the Planning and Zoning Commission at the request of the City Council and then approved by the Council.

All other uses are permitted only as listed under each specific Zoning District.

Section 3.17 TEMPORARY USES

The following uses may be permitted by a Temporary Use Permit after review and approval of a completed application by the City Council or Board of Adjustment, as so noted.

1. Carnival, circus-City Council review and consideration
2. Festivals-City Council review and consideration.
3. Asphalt or concrete plant-Board of Adjustment review and consideration
4. In determining whether a Temporary Use Permit shall be granted the City Council or Board of Adjustment shall give consideration to the health, safety, morals, and comfort of

area residents, length of time requested for the permit, any adverse impact on neighboring land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property and threat to any source of water supply. Conditions and restrictions as determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

Section 3.18 BULK REQUIREMENTS

All buildings constructed after enactment of this Ordinance shall conform to the building regulations established herein for the district in which each building shall be located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this Ordinance for the district in which such buildings shall be located, unless allowed to do so under this Ordinance.

Bulk requirements are listed in Table 1 on the following page.

Table 1: Bulk Requirements.

District Use	Maximum Building Height ⁴	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard ^{2,3,5}	Minimum Side Yard ^{2,3,5}	Minimum Side Yard on a Corner Lot ^{2,3,5}	Minimum Rear Yard ^{2,3,5}	Minimum Floor Area ⁶
A-1								
Single Family (Incorporated Area)	45 Ft. or 3 Stories	1 Acre	150 Ft.	30 Ft.	8 Ft.	30 Ft.	35 Ft.	1 Story: 910 Sq. Ft.; 2 Story: 1,220 Sq. Ft.; 3 Story: 1,100 Sq. Ft.
Single Family (Unincorporated Area)	45 Ft. or 3 Stories	1 Acre	200 Ft.	50 Ft.	10 Ft.	50 Ft.	50 Ft.	
Other Permitted Uses	--	3 Acres	180 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.	
R-1								
Single Family	45 Ft. or 3 Stories	12,000 Sq. Ft.	90 Ft.	30 Ft.	10 Ft.	30 Ft.	35 Ft.	1 Story: 910 Sq. Ft.; 2 Story: 1,220 Sq. Ft.; 3 Story: 1,100 Sq. Ft.
Single Family Unit Not Served by Public Water and/or Sewer	35 Ft. or 3 Stories	30,000 Sq. Ft.	100 Ft.	30 Ft.	8 Ft.	30 Ft.	30 Ft.	1 Story: 910 Sq. Ft.; 2 Story: 1,440 Sq. Ft.
Other Permitted Uses	---	30,000 Sq. Ft.	160 Ft.	40 Ft.	16 Ft.	40 Ft.	40 Ft.	
R-2								
Single Family	45 Ft. or 3 Stories	9,500 Sq. Ft.	75 Ft.	30 Ft.	8 Ft.	30 Ft.	35 Ft./or 20% of Lot depth	1 Story: 860 Sq. Ft.; 2 Story: 1,160 Sq. Ft.; 3 Story: 1,030 Sq. Ft.
Two Family	45 Ft. or 3 stories	10,500 Sq. Ft.	80 Ft.	30 Ft.	10 Ft.	30 Ft.	35 Ft./or 20% of Lot depth	
Multiple Family; 3 to 8 family	45 Ft. or 3 Stories	11,500 Sq. Ft. Plus 2,875 Sq. Ft. Per Unit Over Four	90 Ft.	30 Ft.	15 Ft.	30 Ft.	35 Ft./or 20% of Lot depth	400 Sq. Ft. Per Unit
Other Permitted Uses		2,000 Sq. Ft. Plus	150 Ft.	30 Ft.	10 Ft.	30 Ft.	30 Ft.	
R-3								
Multiple Family; Four (4) or more units	45 Ft. or 3 Stories	6,000 Sq. Ft. Plus 1,500 Sq. Ft. Per Unit	75 Ft.	25 Ft.	8 Ft.	25 Ft.	30 Ft. or 20% of Lot depth	400 Sq. Ft. Per Unit
Other Permitted Uses	---	20,000 Sq. Ft.	150 Ft.	30 Ft.	12 Ft.	30 Ft.	30 Ft. or 20% of Lot depth	
R-4								
Mobile Home, Per Unit	---	3,600 Sq. Ft.	40 Ft.	20 Ft.	10 Ft.	---	10 Ft.	
Mobile Home Park	---	5 Acres	150 Ft.	35 Ft.	35 Ft.	35 Ft.	35 Ft.	
C-1								
C-1	---	8,700 Sq. Ft.	66 Ft.	30 Ft.	10 Ft.	30 Ft.	20 Ft.	
C-2 or C-3								
C-2	---	---	---	---	¹	---	---	
M-1	---	---	100 Ft.	30 Ft.	10 Ft. ¹	30 Ft.	40 Ft.	
M-2	---	---	120 Ft.	40 Ft.	20 Ft. ¹	20 Ft.	30 Ft.	
M-P	---	1 Acre	160 Ft.	40 Ft.	20 Ft.	40 Ft.	40 Ft.	
Accessory Buildings for R-1, R-2, R-3	20 Ft. or height of principal bldg. whichever is lower	---	---	---	**	Same as permitted uses	**	30% of rear yard

NOTES:

¹None required except adjoining any Residential District, in which case not less than fifty (50) feet. However, development shall not have a negative impact on surrounding properties.

²Accessory buildings to be placed in the rear or side yards may reduce minimum rear yard requirements to five (5) feet, provided all other bulk requirements are met.

³Accessory Buildings standards are defined in Section 3.02.

⁴Maximum Height shall be measured by either the designated footage or by stories, whichever is lower.

⁵Yard dimensions shall be measured from the walls of the structure(s).

⁶Excludes Basement.

Section 3.19 HOME OCCUPATION STANDARDS

The following standards and criteria shall apply to home occupations.

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
2. The home occupation shall be conducted entirely within an existing dwelling unit.
3. The home occupation shall be conducted by a member(s) of the family residing within the dwelling unit and no more than one (1) non-resident employee.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. The home occupation shall occupy less than fifty (50) percent of the floor area of the dwelling unit in which it is located.

Section 3.20 HOME INDUSTRY STANDARDS

The following standards and criteria shall apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located upon the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building(s) located upon the property.
3. The home industry shall be conducted by a member(s) of the family residing within the dwelling unit located on the property and no more than one (1) non-resident employee.
4. There shall be no evidence of such industry being conducted within the accessory building(s) which is perceivable at or beyond the lot lines, by virtue of: outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Customer parking shall be provided and be as inconspicuous as possible on the premises.
7. Meet the accessory building requirements outlined in Section 3.02.

Section 3.21 HOME OCCUPATION AND HOME INDUSTRY SIGN REGULATIONS

Only one (1) identification sign may be displayed upon the lot, subject to the following requirements.

1. Contains only the name of the occupant and the nature of the occupation.

2. Shall not contain more than four (4) square feet and shall be attached to the principal building, in the case of a home occupation, or the accessory building, in the case of a home industry.
3. Shall not be illuminated.
4. If located along a state or federal highway, an Iowa Department of Transportation permit must be obtained.

Section 3.22

HOME OCCUPATION AND HOME INDUSTRY PERMIT PROCESS

1. An initial application for a home occupation or home industry permit shall be completed by the property owner and presented to the City staff for review and consideration. When reviewing the application, the City staff shall consider the provisions of this Ordinance as well as the effect of the proposed home occupation or home industry upon the character of the neighborhood, traffic conditions, public utility infrastructure, and other matters pertaining to the general welfare of the City. The staff shall make a formal recommendation to the City Council regarding the application.
2. The City Council will then notify surrounding property owners, within two hundred (200) feet, of the request by mail as a courtesy. If approved by the City Council, a home occupation or home industry permit will be valid until the home occupation or home industry ceases; or the property changes ownership; or it is revoked by the City Council after a public hearing.
3. Because operating a home occupation or home industry is a privilege, a previously approved application may be revoked by the City Council upon substantiated complaint of the surrounding neighborhood, or upon violation of this Ordinance, or the City of New Hampton Code of Ordinances. Prior to considering revocation of an existing permit, the City Council shall hold an additional public hearing, according to the standards established in Section 19.10(1) of this Ordinance.
4. If an initial permit application is denied by the City Council, or a previously approved permit is revoked by the City Council, a property owner must wait for a period of one (1) year before reapplying for a home occupation or home industry permit.

ARTICLE IV

“A-1” SUBURBAN AGRICULTURAL DISTRICT

Section 4.00 GENERAL DESCRIPTION

The “A-1” Suburban Agricultural District is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes, but which may be undergoing urban development in the near future. Land in this District may be in the incorporated and unincorporated area. Many tracts in this District will be in close proximity to developing residential, commercial, or industrial uses, and as such this District shall be considered a transition or holding zone. The purpose of this district is to restrict the permitted uses to those that are compatible with agricultural uses and developing residential, commercial, or industrial use(s). For land in the unincorporated area only, the City may consider an agricultural exemption permit request (See Section 2.04(6)).

Section 4.01 PRINCIPAL PERMITTED USES

Property and buildings in an “A-1” Suburban Agricultural District shall be used only for the following purposes:

1. Agricultural uses involving crop activity only.
2. Single-family dwellings, including manufactured homes.
3. Churches and temples.
4. Public buildings and facilities, including essential service buildings.
5. Public and semi-public parks and playgrounds.
6. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit.
7. Home occupations and home industries, provided Sections 3.19 through 3.22 are met.
8. Accessory uses and buildings that are customarily incidental to any of the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, solar energy equipment, and private greenhouses not operated for commercial purposes.

Section 4.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Hospitals; rest, nursing, convalescent and family homes; home for children and aged; off-street parking and yards comparable for other institutional uses to be provided under this Article.
2. Public utilities
3. Airports, airfields, and airstrips, public or private.
4. Cemetery or mausoleum that is a minimum of ten (10) acres in size.

5. Roadside stand for sale of produce raised on the premises.
6. Greenhouses and plant nurseries operated for commercial purposes.
7. Telecommunications and individually-owned wind towers (See Section 18.01(3)).
8. Extraction of sand, gravel, topsoil or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district.
9. Dog kennels (Commercial).
10. Riding Stables (Public or private).
11. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 4.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 4.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 4.05 SIGN REGULATIONS

1. General Provisions. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.
2. In any Agricultural District the following signs are permitted:
 - a. Name Plates not to exceed two (2) square feet in area.
 - b. Off premise church or public bulletin boards.
 - c. Temporary signs advertising the lease or sale of the premises, not to exceed twelve (12) square feet in area.
 - d. Bulletin boards and signs pertaining to the lease, hire or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon the building or on the property in which such materials are treated, processed, or stored, and not to exceed twelve (12) square feet on each side.
 - e. Temporary, non-flashing, illuminating, portable signs
3. Sign Setbacks. In all districts where permitted, signs shall be set back from the right-of-way line of any street or highway so that the sign will not impede site distance, cause any safety hazard of any nature, and maintain the general location of signs in relation to nearby properties. No sign will be permitted within fifteen (15) feet of any electric utility wire. The minimum setback for larger signs in the special commercial sign district shall be fifteen (15) feet. For all signs, a representative of the police department, street department, electric utility and zoning authority will approve the proposed setback prior to any permit issuance after duty considering the above factors.

No outdoor advertising sign shall be permitted which faces the front or side yard of any lot in a "R" district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or other similar institution within three hundred (300) feet thereof.

4. Billboards. No billboards will be allowed within the city limits.

ARTICLE V

“R-1” SINGLE FAMILY RESIDENTIAL DISTRICT

Section 5.00 GENERAL DESCRIPTION

The “R-1” District is the most restrictive Residential District and is to be considered the most restrictive District in this Ordinance. The principal use of land is exclusively for single-family residential uses as well as related recreational, religious, and educational facilities normally found in an orderly and attractive residential area. Residential uses in this District are intended to be protected from encroachment of uses that are not appropriate to a residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

Section 5.01 PRINCIPAL PERMITTED USES

Property and buildings in an “R-1” Single Family Residential District shall be used only for the following purposes:

1. Single-family dwellings, including manufactured homes.
2. Public schools, elementary, junior high and high schools.
3. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
4. Public, semi-public parks, swimming pools, and playgrounds.
5. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation, centers including country clubs and golf courses.
6. Family Homes.
7. Farming and truck gardening, but not on a scale that would be obnoxious to adjacent areas because of noise or odors.
8. The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two (2) per building.
9. Home occupations and home industries, provided Sections 3.19 through 3.22 are met.
10. Accessory uses and buildings that are customarily incidental to any of the above stated uses. Accessory uses shall include private garages and carports, private swimming pools, solar energy equipment, and private greenhouses not operated for commercial purposes.
11. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 5.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Hospitals, nursing homes, or convalescent homes with the same off-street parking and yards as those required for other institutional uses under this Ordinance.
2. Public utilities.
3. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
4. Churches and temples.

Section 5.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 5.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 5.05 SIGN REGULATIONS

The following signs are allowed, but require a permit unless otherwise stated.

1. General Provisions. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.
2. In any Residential District the following signs are permitted:
 - a. Name Plates not to exceed two (2) square feet in area.
 - b. Off premise church or public bulletin boards.
 - c. Temporary signs advertising the lease or sale of the premises, not to exceed nine (9) square feet in area.
 - d. Allowed facilities, other than single family dwellings, may have signs, bulletin boards and name plates not to exceed twelve (12) square feet per side, and may be illuminated only with indirect or shielded, non-intermittent lights that do not exceed one hundred twenty (120) watts or seven hundred fifty (750) cd/m² or NITs, whichever is less.
 - e. Subdivisions, condominiums, and schools, churches, and multi-family units for more than three families may have an identifying monument sign that does not exceed five feet above the natural surface of the ground or eight feet in width.
 - f. Signs must not project more than four (4) feet above the roof line.
 - g. Temporary, non-flashing, illuminating, portable signs.
3. Sign Setbacks. In all districts where permitted, signs shall be set back from the right-of-way line of any street or highway so that the sign will not impede site distance, cause any

safety hazard of any nature, and maintain the general location of signs in relation to nearby properties. No sign will be permitted within fifteen (15) feet of any electric utility wire. The minimum setback for larger signs in the special commercial sign district shall be fifteen (15) feet. For all signs, a representative of the police department, street department, electric utility and zoning authority will approve the proposed setback prior to any permit issuance after duly considering the above factors.

No outdoor advertising sign shall be permitted which faces the front or side yard of any lot in a "R" district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or other similar institution within three hundred (300) feet thereof.

4. Billboards. No billboards will be allowed within the city limits.

ARTICLE VI

“R-2” LOW DENSITY RESIDENTIAL DISTRICT

Section 6.00 GENERAL DESCRIPTION

The “R-2” Mixed Residential District is to provide for single, two-family, and low-density residential development. The principle use of land may range from single family to low density multiple-family dwelling units, which may permit up to a maximum of eight (8) dwelling units as well as rowhouses and condominiums. Certain uses are permitted that are more compatible with intensive residential uses than with commercial uses. The recreational, religious, and educational facilities normally found in an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 6.01 PRINCIPAL PERMITTED USES

Property and buildings in an “R-2” Mixed Residential District shall be used only for the following purposes:

1. Any use principally permitted in the “R-1” Single Family Residential District.
2. Condominiums and rowhouses up to eight (8) units provided each unit has individual access to essential services.
3. Multiple-family dwellings up to eight (8) units.
4. Private club or lodge, excepting one where the major activities are a service customarily carried on as a business.
5. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 6.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Any special exception allowed in the “R-1” Single Family Residential District, unless said use is specifically listed as a principally permitted use in this District.
2. Child care centers, institutional.
3. Mortuary or funeral homes.
4. Planned unit developments upon tracts of ten (10) acres or more, subject to the requirements in Section 3.18.
5. Group care facilities.
6. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 6.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 6.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 6.05 SIGN REGULATIONS

Shall be those regulations specified in the “R-1” Single Family Residential District

ARTICLE VII

“R-3” MODERATE TO HIGH DENSITY RESIDENTIAL DISTRICT

Section 7.00 GENERAL DESCRIPTION

The “R-3” Mixed Residential District is to provide for moderate to high-density residential development and compatible, light commercial uses. The principal residential use of land may range from single-family to high-density multiple-family dwelling units, which may permit nine (9) or more dwelling units. Certain light commercial uses that are compatible with intensive residential uses and with customary commercial uses are permitted. The recreational, religious, and educational facilities normally found in an orderly and attractive residential area are included. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.

Section 7.01 PRINCIPAL PERMITTED USES

Property and buildings in an “R-3” Mixed Residential District shall be used only for the following purposes:

1. Any use principally permitted in the “R-2” Low Density Residential District.
2. Condominiums and rowhouses with nine (9) or more units provided each unit has individual access to essential services.
3. Multiple-family dwellings that are nine (9) units or greater.
4. Group homes.
5. Offices such as, or for: accountants, attorneys, architecture, dental services, engineering, insurance, medical (included chiropractic, optometric, and psychiatric businesses), mental health, and real estate uses, subject to review and recommendation by the Planning and Zoning Commission and approval of the City Council.
6. Beauty and barber shops, after review and recommendation by the Planning and Zoning Commission and approval by the City Council.
7. Religious and educational institutions.
8. Boarding and lodging houses.
9. Family home.
10. Hospitals (except animal hospitals day nurseries or care facilities, nursing and convalescent home and medical clinics).
11. Private clubs, lodges and similar uses.
12. Funeral homes and mortuaries.
13. Hotels, motels and motor courts, in which retail shops may be operated for convenience of the occupants of the building; provided, however, that there shall be no entrance to such place of business, except from the inside of the building, nor shall any display of

stock or goods for sale be so arranged that it can be viewed from the outside of the building.

14. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 7.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Any special exception allowed in the “R-2” Low Density Residential District, unless said use is specifically listed as a principally permitted use in this District.

Section 7.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 7.04 OFF STREET PARKING AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 7.05 SIGN REGULATIONS

Shall be those regulations specified in the “R-1” Single Family Residential District

ARTICLE VIII

“R-4” PLANNED MOBILE HOME DISTRICT

Section 8.00 GENERAL DESCRIPTION

The intent of the “R-4” District is to provide sites only for the location of mobile homes which will allow the maximum amount of freedom possible in the design of mobile home parks and will provide for the related recreational, commercial, and other service facilities for the planned mobile home residential developments.

Section 8.01 PRINCIPAL PERMITTED USES

1. Mobile homes in mobile home parks, as regulated herein.
2. Non-commercial community recreational facilities that are intended exclusively for the use of the residents and their guests of the mobile home development.
3. Pedestrian oriented personal service facility that is intended exclusively for the use of the residents of the mobile home development, provided that such personal service facilities occupy not more than ten (10) square feet of gross floor area for each mobile home in the development.
4. Buildings used for the management and maintenance of the development.
5. Commercial mobile home sales.

Section 8.02 ACCESSORY USES PERMITTED IN THE “R-4” DISTRICT

1. Buildings and uses customarily accessory to mobile homes such as garages and storage buildings.
2. One (1) indirectly lighted, non-flashing sign not to exceed one (1) square foot for each five (5) feet of frontage of said mobile home park.

Section 8.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18

Section 8.04 DESIGN PROCEDURE, STANDARDS, AND REQUIREMENTS

1. Procedure. The owner or owners of any tract of land comprising an area of not less than five (5) acres shall submit to the Planning and Zoning Commission a plan for the use of development of the entire tract of land. This plan shall include the site location and uses of all buildings, the location of each single-wide and double-wide mobile home stand, the locations and types of all community and recreational facilities; open spaces, including developed open spaces and those to be preserved in their existing state; points of access to the site, principal pedestrian and vehicular circulation ways, parking facilities, and other principal elements of the vehicular and pedestrian transportation system. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning, and landscape architecture. The Planning and Zoning Commission may after holding a public hearing and reviewing the development plan recommend approval, approval with modifications, or disapproval of

the development plan which accompanies the application. The Planning and Zoning Commission shall forward its written recommendations to the City Council which shall after notice and public hearing, approve or disapprove said application and plan, or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this Ordinance.

2. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set out as follows which shall prevail over conflicting requirements of this Ordinance or the City's subdivision ordinance.
 - a. Uses along the project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end the Planning and Zoning Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.
 - b. A plat of the development shall be recorded, showing building locations, common land, streets, easements, and other applicable items required by the City's subdivision ordinance.
 - c. No permits shall be issued until the final plat of the development is approved and recorded, and the applicant must file with the Zoning Administrator of the City, proof of compliance with all requirements of the Department of Health of the State of Iowa.
3. Deed Restrictions. In its review of the plan, the Planning and Zoning Commission or City Council may consider any deed restrictions or covenants entered into or contracted for by the developer concerning the use of common land or permanent open space. Common land as herein contained shall refer to land dedicated to the public use and to land retained in private ownership but intended for the use of the residents of the development unit or the general public.
4. Land Use and Density Requirements.
 - a. Ten (10) mobile home stands shall be permitted for each acre of land contained in the useable area of the plan.
 - b. No part of any mobile home or other structure shall be located within twenty-five (25) feet of any public road shown on the official Major Street Plan, nor within twenty (20) feet of any exterior boundary of the Planned Mobile Home Development.
 - c. Parking facilities shall be provided within the development at the rate of two (2) spaces per mobile home.
 - d. Commercial uses and accessory uses within the "R-4" District shall not consume more than fifteen (15) percent of the total district.
 - e. No permit for any commercial structure or building shall be issued until at least twenty-five (25) percent of the mobile home site is developed for residential uses.
 - f. Mobile home parks shall include storm/emergency shelters sufficient in size to accommodate the number of occupants living in the development.

ARTICLE IX

“R-5” PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

Section 9.00 GENERAL DESCRIPTION

Any such planned residential development (may also be known as a planned unit development) shall promote the following tenets to the extent possible and without adversely affecting adjacent property:

1. A maximum choice in the types of environment available to the public by allowing a development which would not be possible under the strict application of the provisions of the “R-2” Low Density Residential District;
2. The permanent preservation of open areas and recreational facilities;
3. A creative approach to the use of land and related physical facilities which results in better development, design and construction;
4. A development which is consistent with the spirit and intent of the City's Comprehensive Plan;
5. The efficient use of land resulting in more economic networks of utilities, streets and other facilities;
6. A use of land which promotes the health, safety, comfort, morals, and welfare of the public;
7. The foregoing shall not be interpreted to permit the reduction of the other standards set forth in this Ordinance.

Section 9.01 PRINCIPAL PERMITTED USES

The permitted uses within any planned residential development shall be limited to the following:

1. Single-family, two-family, townhouse, row house, condominium, and multiple-family residential uses;
2. Parks and playgrounds;
3. Customary accessory or associated uses, such as private garages, storage spaces, solar energy equipment, and recreational and community facilities.

Section 9.02 DENSITY

The maximum residential density within any planned residential development shall be as follows:

Type of Development and Maximum Density

1. Single-family dwellings: seven (7) units or eighteen (18) bedrooms per acre
2. Two-family dwellings: eight (8) units or twenty (20) bedrooms per acre
3. Townhouse dwellings: nine (9) units or twenty-two (22) bedrooms per acre

- 4. Row house and condominium dwellings eleven (11) units or twenty-five (25) bedrooms per acre
- 5. Multi-family dwellings twelve (12) units or thirty (30) bedrooms per acre

Section 9.03 YARD REQUIREMENTS

The minimum lot size for this district shall be ten (10) acres.

The minimum yard requirements within any planned residential development shall be as follows:

Type of Development	Front Yard	Rear Yard	Side Yard
1. Single-family dwelling	25 feet	25 feet	8 feet
2. Two-family dwelling	25 feet	25 feet	8 feet
3. Townhouse dwellings	25 feet	30 feet	11 feet
4. Row house and condominium dwellings	25 feet	35 feet	12 feet
5. Multifamily dwellings	30 feet	35 feet	12 feet

Provided that nothing herein contained shall reduce the yard abutting upon any public street to less than twenty-five (25) feet.

Section 9.04 HEIGHT REQUIREMENTS

The maximum height of any structure within any planned unit development shall not exceed forty-five (45) feet.

Section 9.05 FLOOR AREA REQUIREMENTS

The minimum floor area of any dwelling unit within any planned unit development shall be those established in the Bulk Requirements Table (Table 1 of this Ordinance).

Section 9.06 PARKING

The off-street parking within any planned residential development shall not be less than five hundred (500) square feet nor more than eight hundred (800) square feet for each dwelling unit, exclusive of access drive or aisles.

Section 9.07 SIGNS

Shall be those regulations specified in the “R-1” Single Family Residential District

Section 9.08 DESIGN STANDARDS

All improvements within any planned unit development, including street pavement, the sidewalks and the electric, sewer, water and gas lines and mains, shall be built to the design standards of the City.

Section 9.09 SUBDIVISION

If any planned residential development is to be subdivided into two (2) or more lots, then the development shall be subdivided in accordance with the applicable ordinance of the City, provided that the City may:

1. Reduce the width of any street right-of-way to not less than forty (40) feet.
2. Reduce the size of any lot to not less than eight thousand (8,000) square feet.

Section 9.10 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. The petition for special exception pursuant to the provisions of this chapter shall include a site development plan.
2. Prior to the granting of special exception pursuant to this chapter, the Board of Adjustment shall refer the petition for the special exception and all supporting documents to the Planning and Zoning Commission for its review and recommendation.
3. Any decision of the Board of Adjustment relative to the development shall include, but not by limitation, findings of fact on the following:
 - a. The extent to which the development is consistent with the purposes of planned residential development as set forth in this Article;
 - b. The extent to which the development meets the requirements and standards of planned residential developments as set forth in this Article;
 - c. Consistency with the Special Exceptions Standards defined in the Administration and Enforcement Article of this Ordinance.
4. Any special exception granted pursuant to this chapter shall be expressly subject to such conditions as may be necessary to fully carry out the intents and purposes of this Article, the City's Comprehensive Plan and this Ordinance.
5. The petition for the special exception and all supporting documents and the conditions to which the special exception is subject shall be binding upon the titleholders and upon their successors in interest, and shall limit and control the use of the development and the location of buildings and structures within the development as therein set forth.
6. Upon the granting of a special exception pursuant to this chapter, the Zoning Administrator shall issue permits for construction within the development, provided that the application for such permits conforms to the petition for the special exception and all supporting documents and the conditions to which the special exception is subject.

ARTICLE X

“C-1” COMMERCIAL DISTRICT

Section 10.00 GENERAL DESCRIPTION

The “C-1” Commercial District is intended and designed for business professions and occupations that are oriented toward automobile traffic or which require amounts of space and parking too great to be located inside of the Central Business District.

Section 10.01 PRINCIPAL PERMITTED USES

Property and buildings in a “C-1” Commercial District shall be used only for the following purposes:

1. Any use principally permitted in the “R-3” Moderate to High Density Residential District, provided the setbacks from the “R-3” District can be met.
2. Agricultural feed and seed sales, storage and sales of mobile containers of chemicals and the storage and treatment by coating of seed, provided such treatment is done exclusively within a building, but otherwise excluding all grinding, mixing and blending.
3. Animal hospitals and veterinary clinics.
4. Antique shops.
5. Apartments above first story level of a store or shop with off-street/on site parking.
6. Apparel shops.
7. Arcade and other commercial amusements.
8. Art shops.
9. Automobile accessory stores.
10. Automotive body repair and paint shop.
11. Automobiles, trailer, motorcycle, boat and farm implement establishment for display, hire, rental and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
12. Automobile, trailer, motorcycle, boat and farm implement service/repair establishment.
13. Bakeries, bakery outlets, or catering businesses.
14. Banks, savings and loan associations, and similar financial institutions.
15. Barbershops and beauty parlors.
16. Bicycle shops sales and repair.
17. Bowling alleys.

18. Building material sales and storage.
19. Business offices, professional offices, and studios.
20. Business and vocational schools.
21. Camera stores.
22. Carpenter and cabinet making shops.
23. Car washes, including truck bays.
24. Churches and temples.
25. Clothes cleaning and laundry pick-up stations, excluding dry-cleaning establishments.
26. Clothing stores.
27. Collection office of public utility.
28. Commercial sales (electronic).
29. Confectionery stores, including ice cream or snack bars.
30. Consignment and auction sales operations but excluding the sale of livestock, fish fowl, or animals of any kind.
31. Convenience stores.
32. Dairy stores, retail only.
33. Dance studio.
34. Delicatessens.
35. Dental and medical clinics.
36. Department stores.
37. Drive-in restaurants.
38. Drug stores, including pharmacies.
39. Dry-cleaning establishments.
40. Dry goods stores.
41. Florist and gift shops.
42. Furniture stores.
43. Funeral homes and mortuaries.
44. Gift shops.
45. Grocery stores, including supermarkets.

46. Hardware stores.
47. Health club.
48. Hobby shops.
49. Hotels and motels.
50. Household appliances, sale and repair.
51. Jewelry stores and watch repair shops.
52. Launderette or coin-operated laundry establishments.
53. Lawn mower repair shops.
54. Locker plant for storage and retail sales.
55. Leather goods store.
56. Lumber yards.
57. Music stores and music studios.
58. Office supply store or shop.
59. Paint and wallpaper stores.
60. Pet shops, including kennels.
61. Pharmacies.
62. Photographic studios, printing and developing establishments.
63. Plumbing, heating, and electrical business.
64. Post offices.
65. Printing and lithographing shops.
66. Playgrounds and public parks.
67. Public buildings and facilities, including essential service buildings.
68. Publishing and engraving establishments.
69. Radio and television sales and repair shops.
70. Rental or rent-to-own store.
71. Restaurants, taverns, and cafes.
72. Restaurants, mobile (excludes farmers markets and fresh produce stands). This use requires a permit from the City with a copy of the vendor's state permit attached.

73. Sheet metal shops.
74. Shoe and hat repair shops.
75. Sporting goods stores, excluding external boat storage or display.
76. Tailor and dressmaking shops.
77. Theaters.
78. Toy stores.
79. Truck or bus garage and repair shop.
80. Upholstering and embroidery shops.
81. Used car lots.
82. Variety stores
83. Welding and machine shops
84. Wholesale display and sales rooms and offices
85. Accessory uses and buildings that are customarily incidental to the above stated uses, including solar energy equipment.
86. Other uses similar to the foregoing designated uses after review and approval per Section 19.10.

Section 10.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

- 1 Billiard parlors and pool halls.
- 2 Book stores.
3. Consignment and auction sales operations but excluding the sale of livestock, fish, fowl, or animals of any kind.
4. Dance halls.
5. Liquor stores and lounges.
6. Private clubs and lodges.
7. Roadside stands for the sale of fresh fruits, vegetables, nursery stock, and plant food.
8. Video equipment rental and sales, including film rental.
9. Accessory uses and buildings that are customarily incidental to any of the above stated uses.
10. Consumer Fireworks Sales

Section 10.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 10.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 10.05 SIGN REGULATIONS

1. General Provisions. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.

a. The following signs are permitted in all Commercial Districts:

(1) Signs permitted in the Residential Districts;

(2) Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or extend more than twelve (12) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line, and the total area of all signs pertaining to the business conducted in any building shall not exceed two (2) square feet in area for every lineal foot occupied by the front of the building displaying such sign, but not to exceed lot frontage. Where the lot adjoins an "R" District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" District, however, this does not apply to the side of the building which is opposite that side adjoining the "R" District;

(3) One (1) "post sign" or business identification sign provided, however, that said "post sign" shall not have a surface area of greater than forty (40) square feet on any one (1) side thereof and not more than two (2) sides of "post sign" shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall not be less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical dimension of ten (10) feet or horizontal dimension of said sign shall not be greater than seven (7) feet. Total maximum height of said sign shall not be over twenty-four (24) feet.

(4) A monument sign providing business identification shall not exceed a sign surface area of seventy-two (72) square feet and the top of the sign shall not be higher than eight (8) feet above the natural surface of the ground. A property may have either a post sign or a monument sign, but not both.

(5) Temporary, non-flashing, illuminating, portable signs.

2. Post-sign Definition. The term "post sign" as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said "post sign" shall not extend over street right-of-way lines

nor otherwise obstruct or impair the safety of pedestrian or motorists.

3. Special Commercial Sign District. A special commercial sign district is hereby created that includes all commercial or industrial zoning areas within the following described locations:
 - a. South of Underwood Street, if extended;
 - b. North of the Railroad right-of-way, and East of a point that is one hundred fifty (150) feet West of the centerline of North Linn Avenue;
 - c. North of the Railroad right-of-way and west of North Sherman Avenue.

In this special commercial sign district, a post sign shall not exceed eighty (80) feet in height. The surface area of a post sign shall not exceed three hundred (300) square feet, and the maximum vertical or horizontal dimension of said sign shall not exceed thirty (30) feet. In all other respects, the general regulations apply.

4. Sign Setbacks. In all districts where permitted, signs shall be set back from the right-of-way line of any street or highway so that the sign will not impede site distance, cause any safety hazard of any nature, and maintain the general location of signs in relation to nearby properties. No sign will be permitted within fifteen (15) feet of any electric utility wire. The minimum setback for larger signs in the special commercial sign district shall be fifteen (15) feet. For all signs, a representative of the police department, street department, electric utility and zoning authority will approve the proposed setback prior to any permit issuance after duty considering the above factors.

No outdoor advertising sign shall be permitted which faces the front or side lot of any lot in a "R" district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or other similar institution within three hundred (300) feet thereof.

5. Billboards. No billboards will be allowed within the city limits.

ARTICLE XI

“C-2” COMMERCIAL DISTRICT

Section 11.00 GENERAL DESCRIPTION

The “C-2” Commercial District is intended and designed for business professions and occupations that are located in the Central Business District, as well as the area near or around the Central Business District.

Section 11.01 PRINCIPAL PERMITTED USES

Property and buildings in a “C-2” Commercial District shall be used only for the following purposes:

1. Any use principally permitted in the “C-1” Commercial District.
2. Candy shops.
3. Commercial parking lots and garages.
4. Frozen food lockers.
5. Medical and dental clinics.
6. Personal service and repair shops.
7. Pet shops.
8. Accessory uses and buildings that are customarily incidental to the above stated uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
9. Other uses similar to the foregoing designated uses after review and approval per Section 19.10.
10. Tattoo Parlor

Section 11.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Any special exception allowed in the “C-1” Commercial District, unless said use is specifically listed as a principally permitted use in this District.
2. Apartments above first story level of a store or shop with off-street/onsite parking.
3. Grocery stores.
4. Multi-family dwelling with off-street/onsite parking.
5. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 11.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 11.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 11.05 SIGN REGULATIONS

Shall be those regulations specified in the “C-1” Commercial District

ARTICLE XII

“C-3” COMMERCIAL DISTRICT

Section 12.00 GENERAL DESCRIPTION

The “C-3” Commercial District is designed to accommodate the needs of the interior portion of the Central Business District, allowing a wide range of services and goods permitted for consumer daily and occasional shopping service needs.

Section 12.01 PRINCIPAL PERMITTED USES

Property and buildings in the “C-3” Commercial District shall be used only for the same purposes as provided for in Section 10.01 and 11.01 for the “C-2” Commercial District, except the “R-3” uses shall not be permitted in this District unless they are otherwise specifically allowed in a commercial district.

Section 12.02 SPECIAL EXCEPTIONS

Shall be those regulations specified in the “C-1” Commercial District

Section 12.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 12.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 12.05 SIGN REGULATIONS

Shall be those regulations specified in the “C-1” Commercial District

ARTICLE XIII

“M-1” LIGHT INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 13.00 GENERAL DESCRIPTION

The “M-1” Light Industrial and/or Manufacturing District is intended primarily for the limited conduct of manufacturing, assembling, repair, and fabrication. This District is also intended for wholesaling and other non-retail, larger scale enterprises. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this District make it most desirable that they be separated from residential uses.

Section 13.01 PRINCIPAL PERMITTED USES

Property and buildings in an “M-1” Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Automobile body repair and paint shop.
2. Automobile restoration and rebuilding shops.
3. Automobile, trailer, motorcycle, boat, and farm implement service or repair establishments.
4. Bottling works.
5. Building material sales and storage, including lumber yards.
6. Cabinet making plants or factories with more than three (3) employees.
7. Clothing manufacture.
8. Consignment and auction sales operations of any kind having no more than four (4) public sales per month, but excluding the sale of livestock, fish, fowl, or animals of any kind.
9. Construction businesses; contractor's shops; commercial construction equipment parking and storage, including all construction trailers; and storage yards enclosed by a solid, opaque fence, as may be regulated under this Ordinance.
10. Creamery and/or dairy processing plant.
11. Farm implements sales, service, repair, and assembly.
12. Freight terminal and grain elevator.
13. Light manufacturing and assembly plants.
14. Public buildings and facilities, including essential service buildings.
15. Public utilities.
16. Rental storage buildings, including mini-storage facilities.

17. Restaurants, mobile (excludes farmers markets and fresh produce stands). This use requires a permit from the City with a copy of the vendor's state permit attached.
18. Semi-tractor trailer parking.
19. Tool and die operations.
20. Truck or bus garage and repair shop.
21. Welding and machine shops.
22. Wholesaling and warehousing, but not including the bulk storage of hazardous chemicals.
23. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including solar energy equipment and temporary buildings used in conjunction with construction work, provided such temporary buildings are removed promptly upon completion of the construction work.
24. Other uses similar to the foregoing designated uses after review and approval per Section 19.10.

Section 13.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Animal, poultry and bird raising, commercial.
2. Animal pound and commercial kennels.
3. Carnivals, circuses, fairs, road shows.
4. Cleaning and dyeing plants.
5. Radio and television broadcasting tower or station.
6. Sheet metal products manufacture.
7. Telecommunication (Per Section 18.01(3)) and wind energy towers (Per Section 16.04).
8. Accessory uses and buildings which are customarily incidental to the above stated permitted uses and including to the above stated permitted uses and including temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
9. Junkyards, including automobile wrecking and/or salvage, enclosed by a presentable solid fence, as may be regulated by this Ordinance.

Section 13.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 13.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 13.05 SIGN REGULATIONS

Shall be those regulations specified in the “C-1” Commercial District

ARTICLE XIV

“M-2” HEAVY INDUSTRIAL AND/OR MANUFACTURING DISTRICT

Section 14.00 GENERAL DESCRIPTION

The “M-2” Heavy Industrial and/or Manufacturing District is intended primarily for the conduct of manufacturing, assembling, and fabrication on a larger scale. It is designed to provide an environment suitable for industrial activities, which may create appreciable nuisances or hazards, such as noise, fumes, and dust. The uses permitted in this District shall be separated from residential uses.

Section 14.01 PRINCIPAL PERMITTED USES

Property and buildings in an “M-2” Industrial and/or Manufacturing District shall be used only for the following purposes:

1. Any use principally permitted in the “M-1” Light Industrial/Manufacturing District.
2. Brick and clay products and central mixing and proportioning plant.
3. Cleaning and dyeing plants.
4. Concrete and asphalt plants.
5. Flour, feed, and milling operations, including grinding, mixing, and/or blending of feed and seed.
6. Manufacturing and assembly plants, including those for machinery.
7. Mini-steel plants.
8. PVC products manufacturing.
9. Sheet metal products manufacture.
10. Structural iron and steel fabrication.
11. Wholesale and warehousing.
12. Uses and buildings which are accessories and customarily incidental to the above stated permitted uses and including temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.
13. Other uses similar to the foregoing designated uses after review and approval per Section 19.10.

Section 14.02 SPECIAL EXCEPTIONS

Property and buildings in this District may be used for the following purposes in accordance with the provisions contained herein if the Board of Adjustment deems them appropriate:

1. Any special exception allowed in the “M-1” Light Industrial/Manufacturing District, unless said use is specifically listed as a principally permitted use in this District.
2. Bulk storage of petroleum and liquid fertilizer.
3. Extraction of sand, gravel, topsoil, or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district.
4. Fertilizer manufacture.
5. Hazardous chemical sales and distribution, wholesaling and storage.
6. Stockyards, slaughterhouses, and/or sale barns and yards.
7. Wholesaling and warehousing of hazardous chemicals.
8. Accessory uses and buildings that are customarily incidental to any of the above stated uses.

Section 14.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 14.04 OFF STREET PARKING AREAS AND LOADING REQUIREMENTS

Shall be those regulations as specified in Section 16.00.

Section 14.05 SIGN REGULATIONS

Shall be those regulations specified in the “C-1” Commercial District

ARTICLE XV

“M-P” PLANNED INDUSTRIAL DISTRICT

Section 15.00 GENERAL DESCRIPTION

The “M-P” Planned Industrial District is intended to encourage orderly, logical, planned development of large tract of land for industrial and limited commercial uses. This District provides regulations for land where municipal services are available. Tracts of land that are included in this District are ten (10) acres in size or larger. Development within this District is to be consistent with a site plan developed according to requirements as provide herein.

Section 15.01 PRINCIPAL PERMITTED USES

Property and buildings in the “M-P” Planned Industrial District shall be used only for the following purposes:

1. Any principally permitted uses in the “M-1” Light Industrial District.
2. Any principally permitted uses in the “M-2” Heavy Industrial District.
3. Automobile assembly.
4. Bakeries, excluding those sold at retail on premise.
5. Banks, savings and loan associations, and similar financial institutions.
6. Business and professional offices.
7. Business and vocational schools.
8. Cabinet manufacturing shops.
9. Car wash with truck bay.
10. Distribution centers.
11. Enameling, lacquering, and japanning.
12. Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
13. Hotels and motels.
14. Industrial equipment sales and rental.
15. Laboratories.
16. Manufacturing and/or assembly of electrical appliances, instruments and/or devices.
17. Manufacturing and/or assembly of high tech communications and/or computer and electronic equipment.
18. Manufacturing and/or assembly of signs and advertising structures.

19. Manufacturing, compounding, processing, packaging and treatment of cosmetics, pharmaceuticals, and food products.
20. Manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastics, metals, stones, tobacco, wax, yarns, and wood.
21. Manufacturing of sheet metal products, including heating and ventilation equipment.
22. Manufacturing of musical instruments and novelties.
23. Manufacturing of pottery and ceramic products that use previously pulverized clay and kilns.
24. Manufacturing of towing and recovery equipment.
25. Planing mills, including manufacturing of wood products not involving chemical treatment.
26. Plumbing, heating, and electrical shops.
27. Printing or lithographic shops.
28. Publishing and engraving establishments.
29. Recycling of junk, iron, or baling of metals provided the activities are performed entirely within an enclosed building.
30. Restaurants, convenience stores, and combinations thereof.
31. Sheet metal shops.
32. Truck and bus repair shop and/or garage.
33. Welding and machine shops or other metal workshops, excluding shops with drop hammers.
34. Wholesale display and sales rooms and offices.
35. Accessory uses that are customary and incidental to the above state principally permitted uses, including solar energy equipment and temporary buildings used in conjunction with the construction of a facility, provided such temporary buildings are removed from the site promptly upon completion of the construction work.

Section 15.02 SITE PLAN DEVELOPMENT, CONSIDERATION, IMPLEMENTATION, AND AMENDMENT

Development of a site plan is required in this District. The establishment, implementation, approval, and amendment of a site plan shall be according to this Section.

1. Development of the Plan. A site plan shall be prepared by the developer and/or landowner and submitted along with the request for appropriate zoning. The Plan shall show the location and property boundaries for the area to be zoned and provide details as may be available. The site plan shall include the following information:

- a. The relation of the portion to be developed to the overall zoning district. Internal street location and right-of-way lines, railroad tracks and right-of-way lines, proposed sanitary and stormwater sewer lines, and water and utility lines shall also be shown.
 - b. Front building setback lines shall not be less than forty (40) feet. Said yards created by these setback requirements shall be landscaped with trees shrubs or grass in such a manner as to reflect an industrial park. Off-street parking lots may be permitted in these yards provided they extend no closer than forty (40) feet from property lines. No outdoor storage shall be permitted in the front yard areas. All yards on the perimeter of the site plan abutting an Agricultural or Residential District shall maintain a landscaped strip of trees, shrubs or grass that is free of buildings, storage area, or parking.
 - c. If applicable, the site plan must conform to the regulations and requirements of the Iowa Department of Natural Resources.
 - d. In reviewing a site plan, the Planning and Zoning Commission and City Council shall review restrictive covenants or deeds of dedication and landowner agreements.
2. Consideration of the Plan. Prior to development of all or a portion of the District, the site plan shall be submitted to the Planning and Zoning Commission and the City Council for review and consideration. The Commission shall make a recommendation on the site plan prior to Council consideration. The Council, upon receipt from the Commission, may approve, deny, or table a site plan. The Council shall provide reasons to the applicant for denying or tabling a site plan.
3. Implementation of the Plan. A copy of the site plan required under this Section, upon approval by the Planning and Zoning Commission and City Council, shall be filed with the Zoning Administrator and maintained as a part of the permanent municipal records. The site plan shall also be recorded along with the approved zoning ordinance. No permit shall be issued for any building or structure unless the location and use are in conformance with the approved site plan.
4. Amendment of the Plan. In order to amend or change an approved site plan, the Zoning Administrator shall classify the change as either “major” or “minor”. Changes shall then be made according to the following requirements:
- a. Major Amendment. All major amendments, changes, or modifications to an approved site plan shall be resubmitted and considered in the same manner as originally required. A major amendment shall include, but not be limited to, changes such as street realignment, reconfiguration of lots, and revisions to the design of water, sanitary, and/or storm water systems.
 - b. Minor Amendment. All minor amendments, changes, or modifications to an approved site plan shall be reviewed by the Zoning Administrator. Other technical staff, such as the City Engineer, Street Superintendent, and municipal utility staff members may also review minor amendments. If the change is deemed insignificant by this administrative review process, the Zoning Administrator may recommend approval of the change to the City Council without prior approval of the Planning and Zoning Commission. The City Council may approve the change or may determine that the change is significant and require that the amended site plan be resubmitted and considered in the same manner as originally required.

Section 15.03 HEIGHT REGULATIONS, LOT AREA, FRONTAGE, AND YARD REQUIREMENTS

Shall be those regulations as specified in Section 3.18.

Section 15.04 OFF STREET PARKING AND LOADING REQUIREMENTS

No on-street parking will be allowed at any location within an M-P District. All visitor, customer, and employee parking areas shall be hard surfaced with either: Asphalt Cement Concrete (ACC), Portland Cement Concrete (PCC), or permeable concrete within twelve (12) months following completion of construction of a permanent building, structure, or improvement located upon said site.

Section 15.05 SIGN REGULATIONS REQUIREMENTS

Shall be those regulations specified in the “C-1” Commercial District.

Section 15.06 ADDITIONAL REQUIREMENTS

1. Outdoor storage shall be permitted only when related to a Principal Permitted Use listed herein and only when storage areas are suitably screened. A maximum height of twenty (20) feet is allowed for storage, however, the stored items or materials shall not exceed the height of the screen. Outdoor storage shall be located inside the required yard areas and not within two hundred (200) feet of a Residential District.
2. Yard and landscaped areas must be adequate and protected from the movement of trucks and other vehicles. Areas designed to accommodate vehicular movement shall be within property boundaries. Loading docks and overhead doors may be located on any side of a building, but all loading, parking, and backing areas shall be inside of the property line and shall be subject to approval of the Zoning Administrator.

ARTICLE XVI

SPECIAL PROVISIONS

Section 16.00 OFF-STREET PARKING AREAS

1. Provisions of Off-Street Parking: In all Districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, and to the extent indicated therewith, in addition to the above required loading and unloading spaces.
 - a. With the exception of the “C-2” or “C-3” Commercial Districts, parking areas in Commercial and Manufacturing Districts shall be on the premises intended to be served.
2. Number of Parking Spaces Required: With the exception of the “C-2” or “C-3” Commercial Districts, employee parking in Commercial and Manufacturing Districts shall be provided at the rate of one (1) space per employee.
3. Development Standards: Off-street accessory parking lot areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area.
 - a. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provide an access drive not less than eight (8) feet in width in the case of a one (1) or two (2) family dwelling. The drive shall not be less than sixteen (16) feet in width, at the widest point, in all other cases leading to the loading or unloading spaces and parking or storage areas required herein.
 - b. No part of any parking lot or space shall be closer than five (5) feet to any established street right-of-way or alley line. In case the parking lot adjoins a Residential District, it shall be set back at least five (5) feet from the Residential District boundary and shall be effectively screened.
 - c. Any off-street parking or drive area, including any commercial parking lot, for more than five (5) vehicles shall be hard surfaced with either: Asphalt Cement Concrete (ACC), Portland Cement Concrete (PCC), or permeable concrete or such other surfaces so as to provide a durable and dustless surface. The parking area shall be so graded and drained to dispose of surface water accumulation within the area, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking, and storage of self propelled vehicles. Stormwater shall be managed in such a way that it does not negatively impact surrounding properties.
 - d. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from, or shield, adjoining premises in any Residential District.
4. Off-Street Parking Lots In “R” Districts Abutting “C” Or “M” Districts: In any “R” Residence District abutting a “C” or “M” District off-street parking lots shall be permitted in accordance with the following requirements:
 - a. Off-street parking lots located in an “R” Residence District shall provide front and side yards in accordance with the district in which it is located. Provided further that front or side yards shall be used for fences, walks or landscaping only, with no vehicular parking in said yard area. Provided further that where a

contiguous development of lots is used for parking purposes, no side yard shall be required for abutting parking lots having a common side lot line.

- b. Off-street parking lot in any “R” Residence District shall provide a permanent fence or shrubbery screen on all side yards of the abutting “R” Residence District, such screen to be located in the provided side yard.
 - c. Off-street parking lots in any “R” Residence District shall be hard surfaced with either: Asphalt Cement Concrete (ACC), Portland Cement Concrete (PCC), or permeable concrete or such other surfaces so as to provide a durable and dustless surface. Such surfacing shall be approved further that such parking lots shall be maintained in an orderly manner free from refuse or debris.
 - d. All lighting for said off-street parking lots shall be such that no light is directed or reflected on adjacent residential properties.
5. Gas Stations, Convenience Stores, Automotive Repair Shops, And Parking Lots: No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop, shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street, on which is located any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on a street which the lot in question does not abut. No gasoline filling station or public garage shall be permitted where any oil draining pit or fuel filling appliance is located within twelve (12) feet from any street line or within twenty-five (25) feet from any “R” District, except where such appliance or pit is within a building.
6. Exceptions: The Board of Adjustment may authorize on appeal a modification, reduction or waiver of the foregoing parking requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or condition would justify such modification, reduction, time extension, or waiver.

Section 16.01 TRUCKS, BUSES, AND MOBILE HOMES

- 1. Truck trailers and buses shall not be parked or stored on any lot occupied by a dwelling.
- 2. Mobile Home: A “mobile home” shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied whether temporarily or permanently while it is parked or stored in any area within the incorporated limits except in a mobile home park authorized under the ordinances of the City of New Hampton.

Section 16.02 MOBILE HOMES, RECREATIONAL VEHICLES, AND EMERGENCY USE PERMITS

Mobile homes shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following provisions:

- 1. Mobile Home: A “mobile home” shall be parked or stored only in a mobile home park or mobile home sales area. A mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under the ordinances of the City of New Hampton. In any case, a mobile home shall not be used as an accessory building.
- 2. Recreational Vehicle: A “recreational vehicle” shall only be used as living quarters for a maximum of two (2) weeks. Using a “recreational vehicle” for living quarters beyond two (2) weeks, shall require Planning and Zoning Commission and City Council approval. A “recreational vehicle” shall not be stored on a vacant Residential lot.

3. Emergency Use and Disaster Recovery Permit: In the event of an emergency, a Factory built/Mobile Home may be used temporarily as living quarters in any Residential District or as a business in a Commercial District under the following conditions:
 - a. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
 - b. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
 - c. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;
 - d. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot;
 - e. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. Each grant and extension is reviewable by City Council at the request of the applicant or the City Council.

Section 16.03 EXTERIOR SIDING IN CERTAIN RESIDENTIAL AND COMMERCIAL DISTRICTS

No exterior siding containing materials, unlike those of surrounding buildings, shall be used in the construction, remodeling, or repair of a structure within areas zoned as “R-1”, “R-2”, “R-3”, “C-2”, and “C-3”. Structures that are two hundred (200) square feet or less are excluded from this requirement. Property owners may appeal to the Board of Adjustment for an exception to this requirement to be determined on a case-by-case basis.

Section 16.04 WIND ENERGY CONVERSION SYSTEMS

1. Purpose. The purpose of this section is to allow and encourage the safe, effective and efficient use of small wind energy systems; identify locations in areas of the City which would be least adversely impacted by the visual, aesthetic, and safety implications of their siting; and enhance the ability of the providers of wind energy services to provide such services to the community quickly, efficiently, and effectively.
2. Definitions.
 - a. Blade: an element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - b. Height, Total System: the height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
 - c. Meteorological Equipment: equipment primarily used to measure wind speed and directions, including other data relevant to locating an operational wind energy conversion system.

- d. Qualified Professional: an individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
- e. Rotor Diameter: the diameter of the circle described by the moving rotor blades.
- f. Shadow Flicker: alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
- g. Tower: the vertical component of a wind energy conversion system that elevates the wind generator above the ground.
- h. Wind Turbine: a wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.
- i. Wind Energy Conversion System: a system consisting of at least one of the following: a wind turbine, a tower, and associated control or conversion electronics, which is intended to reduce on-site consumption of utility power, is incidental and subordinate to a permitted use on the same parcel and has a rated capacity of up to one hundred (100) kilowatts.

3. General Regulations.

- a. General: wind energy conversion systems shall be allowed as a special use accessory to a permitted use in all zoning districts other than residential zoning districts.
- b. Prohibited: commercial wind energy conversion systems are prohibited within the City.
- c. Number of systems per property: no property shall contain more than one wind energy conversion system.
- d. Permit required: all wind energy conversion systems require a special use permit to be obtained from the Board of Adjustment prior to site grading and installation. The Board of Adjustment can revoke a special permit at any time if the requirements set forth in this ordinance and/or any conditions imposed by the Board of Adjustment are not met. The Board of Adjustment will revoke the special use permit of an abandoned wind energy conversion system.
- e. Insurance: the owner/operator of a wind energy conversion system unit must demonstrate adequate liability insurance.
- f. FAA Regulations: wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The applicant has the responsibility of determining applicable FAA regulations and must provide evidence of securing the necessary approvals.
- g. Maintenance: all wind energy conversion systems shall be properly maintained in operational condition at all times, subject to reasonable maintenance and repair outages. The owner of any wind energy conversion system deemed unsafe by the zoning official or his/her designee shall repair the structure to meet all federal, state and local safety standards or remove it within six (6) months.

4. Bulk Regulations:

- a. Minimum Lot Size: two (2) acre minimum lot size required for any tower mounted wind energy conversion systems.
- b. Minimum Setback Requirements: all wind energy conversion systems shall require a setback of one hundred ten percent (110%) of the total system height from any property line.
- c. Maximum Height: the maximum height for wind energy conversion system is eighty (80) feet.
- d. Number of Systems Allowed: no more than one (1) wind energy system may be placed on any parcel.
- e. Location:
 - (1) Tower mounted wind energy conversion systems shall only be located outside of any minimum building setback requirements.
 - (2) No part of a wind energy conversion system shall be located within or over drainage, utility or other established easements, or on or over property lines.
 - (3) A wind energy conversion system shall be in compliance with guidelines of the Federal Aviation Administration (FAA) regulations.
 - (4) No wind energy conversion system shall be constructed within twenty (20) feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five (5) feet.
 - (5) No wind energy conversion system shall be located in a residential zoning district.
 - (6) No roof mounted wind energy conversion system will be allowed.

5. Minimum System Design Standards. The following standards are required of all wind energy conversion systems and shall be deemed to be conditions of approval for every wind energy system.

- a. Color: the wind energy conversion system shall be white or light gray in color. Other neutral colors may be allowed at the discretion of the Board of Adjustment. The surface of the structure shall be non-reflective.
- b. Lighting: no lights shall be installed on the tower, unless required by the Federal Aviation Administration (FAA).
- c. Signs: One sign, limited to four (4) square feet, shall be posted at or near the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number to the property owner/operator to call in case of emergency. Such sign shall be directly visible from any external fencing and/or landscaping. Brand names or advertising associated with any installation shall not be visible from any public right-of-way.

- d. Clearance of Blade Above Ground: no portion of the tower mounted wind energy conversion system shall extend within thirty (30) feet of the ground. No blades may extend over parking areas, driveways or sidewalks.
- e. Installation: installation must be done by a qualified professional and according to manufacturer's recommendations.
- f. Noise: the wind energy conversion system shall not exceed 65 decibels, except during short term events such as severe wind storms and utility outages. Maximum sound pressures will be measured from the closed point on the closest property line.
- g. Use of Electricity Generated: a wind energy conversion system shall be used exclusively to supply electrical power for onsite consumption, except that when a parcel on which a wind energy conversion system is installed also receives electrical power supplied by a utility company, excess electrical power generated by the wind energy system and not presently needed for onsite use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
- h. Automatic Overspeed Controls: all wind energy conversion systems shall be equipped with manual and automatic over-speed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.
- i. Electromagnetic Interference: all blades shall be constructed of a nonmetallic substance. No wind energy conversion system shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind energy conversion system shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
- j. Interconnection: the wind energy conversion system, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
- k. Wind Access Easements: the enactment of this section does not constitute the granting of an easement by the City. The owner/operator shall provide covenants, easements, or similar documentation to assure sufficient wind to operate the wind energy conversion system unless adequate accessibility to the wind is provided by the site.
- l. Shadow Flicker: a shadow flicker model demonstrates that shadow flicker shall not fall on, or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence; or the traffic volumes are less than five hundred (500) vehicles per day on the roadway. The shadow flicker model shall:
 - (1) Map and describe within a one thousand (1,000) foot radius of the proposed dispersed wind energy system the topography, existing residences and location of their windows, locations of other structures, wind speeds and directions, existing vegetation and roadways. The

model shall represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speed;

- (2) Calculate the locations of shadow flicker caused by the proposed project and the expected durations of the flicker at these locations, calculate the total number of hours per year of flicker at all locations;
- (3) Identify problem areas where shadow flicker will interfere with existing or future residences and roadways and describe proposed mitigation measures, including, but not limited to, a change in siting of the wind energy conversion system, a change in the operation of the wind energy conversion system, or grading or landscaping mitigation measures.

m. Appearance: the property owner of any wind energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds, and any structures remain quality in appearance.

6. Abandonment. Any wind energy system that is not operated for a period of one hundred eighty (180) consecutive days shall be considered abandoned and shall constitute a nuisance. Within the next 180 days, after notice from the City, the owner shall reactivate the tower or it shall be dismantled and removed at the owner's expense. Removal of the system includes the entire structure including foundations, transmission equipment and fencing from the property. If the abandoned wind energy system is not removed in the specified amount of time, the City may remove it and recover its costs from the wind energy conversion system owner or owner of the ground upon which it is located.
7. New Technologies. Should new technology present itself after construction that is more effective, efficient, and economical, the owner may petition the City to allow the upgrade, provided that the upgrade does not alter the conditions set forth in this chapter.
8. Liability and Damages. The owner/operator of a wind energy conversion system must demonstrate adequate liability insurance. Upon the granting of a permit, applicant shall assume full responsibility for any and all damages, claims, expenses, liabilities, judgments and costs of any kind, including reasonable attorney's fees related to or caused by the erection, location, use, or removal of a facility, whether on public or private property, and shall agree to hold the City harmless, indemnify and defend it from all such liabilities incurred or judgments entered against it as a result of the erection, location, use or removal of the facility.
9. Engineer Certification. Applications for wind energy conversion systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted.
10. Utility Notification. A wind energy conversion system shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
11. Application and Approval Requirements. Applications for a special use permit shall be submitted with the following information:

- a. A properly completed and signed application.
- b. A statement from the applicant that the wind energy conversion system will be installed in compliance with manufacturer's specifications, and a copy of the manufacturer's specifications.
- c. A statement indicating what hazardous materials will be used or stored on the site and how those materials will be stored.
- d. A description of the wind energy conversion system's height and design, including a cross section, elevation, and diagram of how the wind energy conversion system will be anchored to the ground, prepared by a professional engineer licensed in the State of Iowa.
- e. A site plan including the following information:
 - (1) Legal description of the property
 - (2) Parcel boundaries
 - (3) Existing buildings
 - (4) Easements
 - (5) Fencing
 - (6) Proposed location of wind energy conversion system
 - (7) Setbacks
 - (8) Travel ways
 - (9) Overhead utility lines
 - (10) Contour map with contours at intervals of two feet, if the general slope is less than ten (10) percent, and at vertical intervals of five feet if the general slope is greater than ten (10) percent.
 - (11) If connection to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
 - (12) Shadow flicker model.
- f. The City may require that the application and site plan be reviewed by a City Engineer before the Board of Adjustment schedules a hearing on the application for a special use permit.

12. Accessory Use. A wind energy conversion system shall only be allowed as an accessory use to a permitted principal use.

ARTICLE XVII

NONCONFORMING BUILDINGS, STRUCTURES, USES OF LAND, AND LOTS

Section 17.00 NONCONFORMING BUILDINGS AND STRUCTURES

1. General: A lawful, or authorized, nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section even though said building or structure may not conform with the regulations of this Ordinance for the District in which it is located. A nonconforming building or structure in existence at the adoption hereof that was not a lawful, or authorized, building or structure under previous zoning ordinances shall not be authorized to continue as a nonconforming building or structure pursuant to this Ordinance, or amendments thereto. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
 - a. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.
 - b. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which construction was lawfully begun prior to the effective date of adoption or amendment of the Ordinance and upon which substantial improvements have been made.
 - c. Any use in existence at the time of adoption of this Ordinance which was not an authorized “non-conforming use” under the previous zoning ordinance shall not be authorized to continue as a non-conforming use pursuant to this Ordinance, or amendments thereto.
2. Alteration or Enlargement of Building and Structures: A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure including additions and enlargements, is made to conform to all the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all the regulations of the District in which it is located.
3. Building Vacancy: A building or structure or portion thereof, that is nonconforming which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

4. Destruction of Nonconforming Building or Structure: Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within twelve (12) months of such calamity, unless damaged more than fifty (50) percent of its fair market value, as determined by the Board of Adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this Ordinance.
5. Non-Conforming Use of Structures: No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located. If no structural alterations are made, any non-conforming use of a structure, building and premises may be changed to another non-conforming use of the same or a more restricted classification.
6. Non-Conforming Mobile Homes. No non-conforming mobile home may be replaced with another mobile home.
7. Changes of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building.

If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "R-1" District shall be considered the most restrictive and the "M-2" District the least restrictive District.

8. Swimming Pool Fences: The lawful use of a swimming pool existing at the effective date of this Ordinance may be continued, provided that twelve (12) months after the effective date of this Ordinance all nonconforming pools shall conform to this Ordinance.

Section 17.01 NONCONFORMING USES OF LAND

1. General: A lawful, or authorized, nonconforming use existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.
2. Extension or Expansion of Use: A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of this Ordinance.

3. Discontinuance of Use: If said nonconforming use or any portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which it is located.
4. Change of Uses: A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Ordinance, but no such use shall be extended to occupy any land outside such building. If the nonconforming use, or a portion thereof, is changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a nonconforming use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification. However, where the use of nonconforming building or structure is changed to a use of a more restricted district classification, it shall not be changed thereafter to a use of a less restricted district classification unless appropriately rezoned. This is provided that the building or structure that is nonconforming at the time of adoption of this Ordinance is not in violation. For the purpose of this subsection only, the "R-1" Single Family Residential District shall be considered the most restrictive and the "M-2" Heavy Industrial and/or Manufacturing District the least restrictive District.

Section 17.02 NONCONFORMING LOTS

1. General: A lawful, or authorized, nonconforming lot existing at the time of adoption of this Ordinance may be continued, maintained, and repaired, except as otherwise provided in this Section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this Ordinance, or amendments thereto.
2. Nonconforming Lots as Lots of Record: A nonconforming lot in existence on the effective date of this Ordinance shall be considered a "lot of record", as defined and regulated within this Ordinance.

ARTICLE XVIII

ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS

Section 18.00 GENERAL

The requirements and regulations specified elsewhere in this Ordinance shall be subject to Additional Requirements, Exceptions, Modifications, and Interpretations contained in this Article.

Section 18.01 HEIGHT AND SIZE LIMITS

Height limitations stipulated elsewhere in this Ordinance shall not apply in the following situations:

1. Barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; church spires or steeples, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely affect adjoining or adjacent properties greater height shall not be authorized unless it is approved by the Board of Adjustment.
2. Bulkheads, conveyors, derricks, elevator penthouses, water towers or tanks, monitors and scenery lofts; to monuments, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.
3. Telecommunication towers and individually-owned wind energy towers, the base of which shall be at least the height of the tower from all adjoining property lines, including public right-of-way.

Section 18.02 FRONT YARD EXCEPTIONS AND MODIFICATIONS

1. Front yard requirements do not apply to bay windows or balconies that do not project more than three (3) feet into the front yard.
2. With the exception of the Agricultural District and the Manufacturing Districts, averaging front yard setbacks is allowed. Where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of the front yard on a lot in any Residential District shall be at least ten (10) feet and need not exceed sixty (60) feet.
3. For the purpose of determining lot width or front yard requirements, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.
4. An existing open porch, steps, veranda, or deck may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance-way (which may include closet space) when projecting not more than one-fourth ($\frac{1}{4}$) the distance of the front yard setback and extending in width not more than one-fourth ($\frac{1}{4}$) of the width of the residence.

Section 18.03 SIDE YARD EXCEPTIONS AND MODIFICATIONS

1. Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have a least width equal to that required in the more restricted district. Where a lot in a Manufacturing District abuts a lot in an Residential District, the side yard shall be increased by three (3) feet for each foot that the building proposed on such lot exceeds the height limit of the said Residential District.
2. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
3. The following projections or structures may be permitted in side yards:
 - a. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - b. Fences or walls, as regulated in Section 3.12 of this Ordinance.
 - c. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall.
 - d. Chimneys, flues, sills, overhangs, pilasters, and lintels, ornamental features, cornices, gutters and the like into or over a required side yard not more than two (2) feet.
 - e. Terraces, steps, uncovered porches, patios (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from the side lot line.

Section 18.04 REAR YARD EXCEPTIONS AND MODIFICATIONS

The following projections or structures may be permitted in rear yards:

1. In any Commercial or Residential District, a building which is non-conforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other Bulk Requirements must be met.
2. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
3. Fences or walls, as regulated in Section 3.12 of this Ordinance.
4. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall.
5. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like, into or over a required rear yard not more than two (2) feet.

6. Terraces, steps, decks, verandas, uncovered porches, or similar features, but not more than ten (10) feet into a required rear yard, nor closer than four (4) feet of an alley or within ten (10) feet of a rear lot line.
7. Swimming pools.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

Section 19.00 ORGANIZATION

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of New Hampton: Mayor and City Council; Board of Adjustment; Planning and Zoning Commission; and Zoning Administrator.

Section 19.01 BASIS OF REGULATIONS

Regulations are made in accordance with the City's Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

Section 19.02 MAYOR AND CITY COUNCIL

1. Jurisdiction: The Mayor and City Council of the City of New Hampton, Iowa, shall discharge the following duties under this Ordinance. Appointments shall be made by the Mayor, subject to approval by the City Council.
 - a. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.
 - b. Appoint members of the Board of Adjustment as provided for in this Ordinance.
 - c. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.
 - d. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
 - e. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.
 - f. To decide all matters upon which it is required to pass under this Ordinance.

Section 19.03 BOARD OF ADJUSTMENT

1. The membership, administration, powers and duties of the Board of Adjustment are set forth in Chapter 25 of the City Code.

Section 19.04 VARIANCES

1. Purpose and Findings of Fact: The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
2. Application for Variance: An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of New Hampton to cover the publishing and administration costs of said request, per the adopted fee schedule.
3. Application Notices: Upon receipt in proper form of the application, property owners within two hundred (200) feet of the property for which the change is being requested shall be notified as a courtesy.
4. Standards for Variance: The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section unless there is evidence presented to it in each specific case that:
 - a. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.
 - b. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.
 - c. Special conditions and circumstances do not result from the actions of the applicant.
 - d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, parcels, structures, or buildings in the same district that are owned by the same applicant.
5. Further Requirements:
 - a. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- b. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the New Hampton Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- c. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Article XXI.
- d. Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.
- e. On any occasion when a variance is granted with regard to the location provisions of the terms of this ordinance, work in furtherance of the project shall not commence until the property in question has been surveyed by a registered land surveyor licensed in the State of Iowa, unless property lines can be established to the satisfaction of the public works director with three (3) survey points.

6. Denial and Revocation of Variance:

- a. Denial: No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.
- b. Revocation: In any case where variance has not been completed within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

Section 19.05 SPECIAL EXCEPTIONS

1. Special Exception Requirements-Board of Adjustment

- a. Purpose: The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within said Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, that cannot be properly classified in any particular District or Districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of that location. Such special exceptions fall into two categories:
 - (1) Uses publicly operated or traditionally affected with a public interest, and
 - (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

- b. Initiation of Special Exceptions: Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.

- c. Application for Special Exception: An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of New Hampton to cover the publishing and administration costs of said request, per the adopted fee schedule.

- d. Hearing on Application: Upon receipt in proper form of the application and statement referred to in Section 19.05.1(c), the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven (7) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of New Hampton. As a courtesy, and to the best of the ability of the City, property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process.

- e. Authorization: For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

- f. Standards: No special exception shall be granted by the Board of Adjustment unless such Board shall find:
 - (1) That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
 - (2) That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;
 - (3) That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
 - (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;

- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
 - (6) That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment;
 - (7) That the special exception shall be consistent with the New Hampton Comprehensive Plan and the Code of Ordinances.
- g. Conditions and Guarantees: Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.
- h. Denial and Revocation of Special Exception:
- (1) Denial: No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.
 - (2) Revocation: In any case where special exception has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

Section 19.06 APPEALS OF THE STAFF AND OTHER POWERS OF THE BOARD OF ADJUSTMENT

1. Appeals of Staff Interpretations and Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this Ordinance. Such appeal, by application, shall be taken to the Board within a reasonable time, but not longer than thirty (30) days, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the application and all documentation constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

2. Other Powers of the Board of Adjustment

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

- a. Interpretation of District Map: Where the application of the rules for interpretation of district boundaries contained in Section 2.02 leaves a reasonable doubt to the boundary between two (2) Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

Section 19.07 APPEALS OF BOARD OF ADJUSTMENT DECISIONS

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

Section 19.08 PLANNING AND ZONING COMMISSION

1. The membership, administration, and powers and duties of the Planning and Zoning Commission are set forth in Chapter 2 of the City Code.

Section 19.09 ZONING ADMINISTRATOR

1. Designation of Zoning Administrator: The Zoning Administrator shall be designated by the Mayor and the City Council.
2. Powers and Duties of the Zoning Administrator: The Zoning Administrator shall enforce this Ordinance and in addition shall:
 - a. Issue all permits and collect any fees, consistent with this Ordinance.
 - b. Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.

- c. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
- d. Provide applications and forms and maintain public information relative to all matters arising out of this Ordinance.
- e. Process and review all applications for rezoning prior to consideration by the Planning and Zoning Commission.
- f. Review site plans for conformance with this Ordinance.
- g. Attend meetings of the Planning and Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

Section 19.10 AMENDMENTS TO THIS ORDINANCE

1. Procedure: The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments shall be made final without: (1) the applicant completing a rezoning application, unless the City is the applicant; (2) holding a public hearing before the Planning and Zoning Commission, who shall thereafter send a recommendation to the City Council; and (3) after a public hearing is held by the City Council and the proper ordinance amendment procedures, as required by the Code of Iowa, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven (7) days nor more than twenty (20) days before either of the public hearings. As a courtesy, and to the best of the ability of the City, property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning and Zoning Commission hearing.

In case the Planning and Zoning Commission does not approve the change, or in the case of a protest filed with the City Clerk against such change signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed. Such amendments shall not be passed except by the favorable vote of three-fourths ($\frac{3}{4}$) of all members of the City Council. As part of an amendment to this Ordinance changing land from one (1) zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

2. Rezoning Application: An application for rezoning shall contain the following items:
 - a. The legal description and local address, if applicable, of the property to be rezoned.
 - b. The present zoning classification and the zoning classification requested for the property.

- c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
 - e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - f. A plat or sketch showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
 - g. The property owner's signature.
3. Fees: Before any action is taken upon a rezoning or ordinance amendment application, as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee, as established in this Ordinance. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Planning and Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

ARTICLE XX

BUILDING CONSTRUCTION, CERTIFICATES, FEES

Section 20.00 BUILDING CONSTRUCTION

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Section 20.02.

Section 20.01 COMMENCEMENT AND COMPLETION OF CONSTRUCTION

An applicant who is issued a zoning permit under the provisions of this Ordinance is bound, by acceptance of the permit, to commence the construction and is also bound to finish said construction within twelve (12) months from the date of issuance. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this article and shall otherwise go through the same procedure as required for issuance of the original zoning permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.

Section 20.02 STRUCTURE STANDARDS

The following standards shall apply to all structures and all construction for which permits are issued on or after the effective date of the Ordinance codified by this chapter:

1. All dwellings shall be affixed to a permanent foundation system in accordance with building construction standards.
2. All structures shall comply with all requirements of this Chapter, including all requirements contained in the definitions of Section 1.05 including, without limitation the definitions of "Dwelling(s)", "Fence", and "Screening"; all bulk requirements; and all other provisions of this Ordinance.

Section 20.03 APPLICATIONS, NON-REFUNDABLE FEES, AND FEE SCHEDULE

The Zoning Administrator is instructed to issue permits upon proper, approved applications under this Ordinance, and charge a non-refundable fee as determined by the City Council and adopted by resolution as the fee schedule. Said fees shall not be prorated. If the City initiates any of the actions listed below, it shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following.

1. Zoning Map Amendment (Rezoning Requests) or Ordinance Text Amendment Requests.
2. Variance Requests.
3. Special Exception Requests.

4. Appeals of Staff Interpretations and Decisions Request.
5. Home Occupations and Home Industry Requests (No fee shall be collected).
6. Sign Permit Requests.
7. Zoning Permit Requests.
8. Fence Permit Requests.
9. Mobile Restaurant Requests.
10. Temporary Use Permit Requests.
11. Agricultural Exemption Requests (Unincorporated area only).

ARTICLE XXI

VIOLATIONS AND LEGAL REMEDIES PROVISIONS

Section 21.00 NOTICE TO VIOLATORS

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to insure compliance with or to prevent violation of its provisions.

Section 21.01 RESPONSIBILITY

The owners, or tenant, of any building, structure, land or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

Section 21.02 CITY REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, seek injunctive relief, commence a municipal infraction action, mandamus, or other appropriate lawful action necessary to prevent, correct, abate such violation. A violation of this Ordinance shall be deemed a violation of City Code and thus constitute a municipal infraction, a civil offense punishable by a civil penalty, order of abatement and the entry of a judgment for costs of abatement or correction, pursuant to Iowa Code section 364.22. Any construction started without a permit or which does not comply with the requirements of the New Hampton City Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for the abatement of such infraction, and may pursue any combination of remedies available. Each day that a violation is continued shall constitute a separate violation.

Section 21.03 ZONING PERMITS

Prior to any construction, reconstruction, or other alterations of building and improvements on real estate, the owner, his contractor, or other agent shall obtain a zoning permit issued by the Zoning Administrator, which permit shall state that the proposed project complies with all provisions of this Ordinance, provided, however, that no permit fee shall be required for projects whose value or estimated cost is less than five hundred dollars (\$500.00). This includes projects such as carpeting, painting, exterior flat concrete, replacement of heating or cooling units, or replacement of a roof.

An approved zoning permit shall be valid for a period of twelve (12) months and shall expire if construction, reconstruction, and/or alterations are not completed within twelve (12) months of the date of issuance shown on the permit.

ARTICLE XXII

ORDINANCE REPEALER, SEVERABILITY CLAUSE, AND EFFECTIVE DATE

Section 22.00 REPEALER

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

Section 22.01 SEVERABILITY

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

Section 22.02 EFFECTIVE DATE

This is an ordinance repealing Ordinance Number 670 Zoning Ordinance of the City of New Hampton, Iowa, including zoning map and all of the amendments thereto;

And enacting in lieu thereof as new Ordinance Number 835, the City of New Hampton, Iowa Zoning Ordinance including zoning map, and it shall be integrated into the New Hampton City Code of Ordinances. Ordinance Number 835 is an ordinance created for the purpose of protecting health, welfare, and public safety within the City of New Hampton, Iowa, as well as the unincorporated area within two (2) miles of the corporate limits of the City.

A recommendation for adoption was made by the New Hampton Planning and Zoning Commission on May 19th, 2014, after a public hearing was held.

Passed and approved by the City Council on the following dates:

First Reading: June 2nd, 2014

Public Hearing and Second Reading: June 16th, 2014

Third and Final Reading: July 7th, 2014

Ordinance Number 835, "The City of New Hampton, Iowa Zoning Ordinance", as adopted, shall be in full force and effect upon publication, recording, and/or posting, as may be required by law.

Adopted by the City Council of New Hampton, Iowa.

Mayor
New Hampton, Iowa

Date

Attest:

City Clerk
New Hampton, Iowa

Date