

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 <sup>4</sup>	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard <sup>2,3,5</sup>	Minimum Side Yard <sup>2,3,5</sup>	Minimum Side Yard on a Corner Lot <sup>2,3,5</sup>	Minimum Rear Yard <sup>2,3,5</sup>	Minimum Floor Area <sup>6</sup>
<b>A-1</b>								
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.	
<b>R-1</b>								
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.	
<b>R-2</b>								
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.	
<b>R-3</b>								
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	
<b>R-4</b>								
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.	
<b>C-1</b>								
C-1 or C-3	---	8,700 Sq. Ft.	66 Ft.	30 Ft.	10 Ft.	30 Ft.	20 Ft.	
<b>C-2 or C-3</b>								
M-1	---	---	100 Ft.	30 Ft.	10 Ft. <sup>1</sup>	30 Ft.	40 Ft.	
M-2	---	---	120 Ft.	40 Ft.	20 Ft. <sup>1</sup>	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:

<sup>1</sup>None 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.

<sup>2</sup>Accessory 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.

<sup>3</sup>Accessory Buildings standards are defined in Section 3.02.

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

<sup>5</sup>Yard dimensions shall be measured from the walls of the structure(s).

<sup>6</sup>Excludes 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.