

ARTICLE IV: LOT SIZE & BULK REGULATIONS

Section 400. Lot Size Requirements and Bulk Requirements

The following requirements shall apply to all lots existing at the time of the adoption of this Ordinance. No new lot shall be created that does not meet the minimum dimensional standards of the encompassing zoning district. Each lot shall have access directly onto an abutting public street meeting all minimum requirements, except when a subdivision is approved as planned unit development (PUD). PUD developments are designed with flexibility in mind and shall only be granted with a special exception permit through the platting process.

A. General Development Requirements

1. All setbacks shall be measured to the furthest protruding/leading edge (eaves) unless otherwise noted in this article. Minimum lot sizes as prescribed shall be exclusive of roadway and major utility easements.
2. In any zoning district allowing more than one structure per lot there shall be a minimum distance of ten (10) feet between structures. In such instances, the minimum distance between principal and/or accessory structures may be reduced in accordance with the requirements of the state building code.
3. In any zoning district in which the building of a structure is proposed to be placed within the distance of three (3) feet of the required lot line setback, the applicant shall be required to verify the property line boundary, either through identifying the location of property line pins in order for the zoning administrator to confirm the proposed location is in compliance with the setback requirement, or by submitting a plat of survey in which clearly delineates the distance of the proposed structure from the property line boundaries.
4. Sidewalks are required to be installed at the time of construction for any new residential principal structure on a property and shall be a condition on the building permit. Sidewalks must comply with all sidewalk regulations outlined in the City Code, along with the Iowa Statewide Urban and Design Specifications (SUDAS). Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to circumstances.
5. 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.
6. The height limitations contained in this Ordinance 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.
7. 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.

8. Every structure hereinafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by an ingress/egress easement.
9. 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.
10. Minimum Street Frontage. No lot shall be created after the adoption of this Ordinance unless it conforms below to Table 1: Bulk Requirements, and is on a public street right-of-way, or is accessible to a public street by an easement.
11. 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 combined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

12. 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.

B. Standards for Single- and Two-Family Principal Dwellings

The following standards shall apply to all single- and two-family dwelling units, unless specifically exempted:

1. All single- and two-family dwellings shall be attached to a continuous load bearing permanent perimeter foundation that meets the requirements of the State Building Code (skirting is not an allowable substitute), except manufactured homes in a manufactured home park.
2. All single- and two-family principal dwellings, except manufactured homes in a manufactured home park, shall have a minimum width of twenty (20) feet.
3. Not more than one principle residential structure shall be located on a platted lot, or parcel of record, except as may be permitted by this Ordinance relating to planned unit developments or Common Interest Communities.

C. Standards for Multi-Family and Townhome Development

1. Apartments shall have a minimum dwelling space of three hundred (300) square feet for studio apartments and four hundred (400) square feet for one (1) bedroom apartments.

2. Any multi-family or townhome development with thirty (30) units or more in the R-3 district, shall require a special exception permit. Whenever a public road is to be dedicated to the public, the development must be approved as a planned unit development or a major subdivision.
3. All residential structures greater than four (4) units shall be sprinkled and shall comply with all state building and fire codes.
4. New bedrooms must be a minimum of one-hundred (100) square feet in size. However, for purposes of the provisions within this table, any existing habitable room that is larger than seventy (70) square feet in size with a horizontal dimension of at least seven (7) feet, that meets the egress requirements as specified in the Iowa State Building Code, and is not a typical shared living space, such as a living room, dining area, kitchen, or bathroom will be considered a bedroom.

D. 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 constructed or placed in an easement, whether its on public or private property. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures that are already in existence when access is required to an easement.

E. Private Roads and Driveways

The City of New Hampton and applicable Road Authorities do not assume any responsibility for private roads or private easements providing ingress and egress to parcels of land. The responsibility for maintenance of such private road(s) falls solely upon the property owners utilizing the private road, including the responsibility to ensure that private roads are properly maintained to ensure adequate service by emergency vehicles. No public funding is or will be available to improve or maintain any private roads. Any road must be developed in accordance with the standards of the local road authority to be eligible for road maintenance. It is recommended that landowners using private roads enter into private road maintenance agreements with other road users to formally address maintenance and the allocation of corresponding expenses.

Section 401. Lot Size and Bulk Regulations by Zoning District

All structures constructed after enactment of this Ordinance shall conform to the building regulations established herein for the district in which each structure shall be located. Further, no existing structure 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 structures 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	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard ¹	Minimum Exterior Side Yard on a Corner Lot	Minimum Rear Yard ¹	Minimum Floor Area (excludes basements)	Maximum Impervious Surface
A-1										
Single Family (Incorporated Area)	45 Ft. or 3 Stories	1 Acre	150 Ft.	200 Ft.	30 Ft.	8 Ft.	30 Ft.	30 Ft.	1 Story: 910 Sq. Ft.; 2 Story: 1,220 Sq. Ft.; 3 Story: 1,100 Sq. Ft.	70%
Single Family (Unincorporated Area)	45 Ft. or 3 Stories	1 Acre	200 Ft.	200 Ft.	50 Ft.	10 Ft.	50 Ft.	50 Ft.		
Other Permitted Uses	--	3 Acres	180 Ft.	200 Ft.	50 Ft.	50 Ft.	50 Ft.	50 Ft.		
R-1										
Single Family	45 Ft. or 3 Stories	12,000 Sq. Ft.	90 Ft.	132 Ft.	30 Ft.	10 Ft.	20 Ft.	30 Ft./or 20% of Lot depth	1 Story: 910 Sq. Ft.; 2 Story: 1,220 Sq. Ft.; 3 Story 1,100 Sq. Ft.	60%
Single Family Unit Not Served by Public Water and/or Sewer	35 Ft. or 3 Stories	1 Acre	200 Ft.	132 Ft.	50 Ft.	8 Ft.	50 Ft.	50 Ft.	1 Story: 910 Sq. Ft.; 2 Story: 1,440 Sq. Ft.	70%
R-2										
Single Family	45 Ft. or 3 Stories	9,500 Sq. Ft.	75 Ft.	125 Ft.	30 Ft.	8 Ft.	20 Ft.	30 Ft./or 20% of Lot depth	1 Story: 860 Sq. Ft.; 2 Story: 1,160 Sq. Ft.; 3 Story 1,030 Sq. Ft.	60%
Two Family	45 Ft. or 3 stories	10,500 Sq. Ft.	80 Ft.	125 Ft.	30 Ft.	10 Ft.	20 Ft.	30 Ft./or 20% of Lot depth		60%
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.	125 Ft.	30 Ft.	15 Ft.	25 Ft.	30 Ft./or 20% of Lot depth	400 Sq. Ft. Per Unit	60%
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.	80 Ft.	25 Ft.	8 Ft.	25 Ft.	30 Ft. or 20% of Lot depth	400 Sq. Ft. Per Unit	70%
MH										
Manufactured Home Park	25 Ft.	3 Acres	300 Ft.	300 Ft.	30 Ft.	25 Ft.	25 Ft.	25 Ft.	---	70%
Manufactured Home, per Unit/Lot	25 Ft.	5,000 Sq. Ft.	50 Ft.	100 Ft.	30 Ft.	8 Ft.	20 Ft.	25 Ft.	400 Sq. Ft. Per Unit	
TM	45 Ft. or 3 stories	8,712 Sq. Ft.	66 Ft.	132 Ft.	30 Ft.	5 Ft.	20 Ft.	20 Ft.	400 Sq. Ft. Per Unit	75%
DT	---	---	25 Ft.	---	---	---	---	---	400 Sq. Ft. Per Unit	100%

District Use	Maximum Building Height	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Side Yard ¹	Minimum Exterior Side Yard on a Corner Lot	Minimum Rear Yard ¹	Minimum Floor Area (excludes basements)	Maximum Impervious Surface
C-1	---	10,000 Sq. Ft.	100 Ft.	100 Ft.	30 Ft.	15 Ft.	30 Ft.	30 Ft.	---	80%
C-2	---	7,500 Sq. Ft.	75 Ft.	100 Ft.	30 Ft.	10 Ft.	30 Ft.	20 Ft.	---	80%
M-1	---	20,000 Sq. Ft.	100 Ft.	200 Ft.	30 Ft.	10 Ft.	30 Ft.	20 Ft.	---	80%
M-2	---	20,000 Sq. Ft.	120 Ft.	200 Ft.	30 Ft.	20 Ft.	30 Ft.	30 Ft.	---	80%
M-P	---	1 Acre	160 Ft.	200 Ft.	40 Ft.	20 Ft.	40 Ft.	40 Ft.	---	80%

NOTES:

¹Accessory buildings to be placed in the rear or side yards may reduce minimum rear and/or side yard requirements to five (5) feet, provided all other bulk requirements are met.

*All setback yard dimensions shall be measured from the overhang or furthest protruding/leading edge (eaves) of the structure(s).

Section 402. Additional Bulk Requirements and Exceptions

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

A. 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.

B. Front Yard Exceptions & Modifications

1. With the exception of the A-1 District and the M-1, M-2 and M-P 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.
2. An existing open porch, steps, veranda, or deck that is greater than thirty inches (30") in height 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.
3. For the purpose of determining lot width or front yard requirements, the portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.

C. Side and Rear Yard Exceptions and Modifications

1. Along any district boundary line, any abutting side yard on a lot in the less restricted District shall have at least width equal to that required in the more restricted district. Where a lot in a Manufacturing District (M-1, M-2, or M-P) abuts a lot in a 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. The following projections or structures may be permitted in side and rear yards:
 - i. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
 - ii. Fences or walls, as regulated elsewhere in this Ordinance.
 - iii. 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.
 - iv. Terraces, steps, uncovered porches, patios (not including decks), stoops or similar features, not higher than the elevation of the ground story of the building or thirty inches (30"), whichever is less; and shall be a minimum of five (5) feet from the side and rear lot line, and not more than ten feet (10') from an alley.