

ARTICLE V: ACCESSORY USES AND STRUCTURES

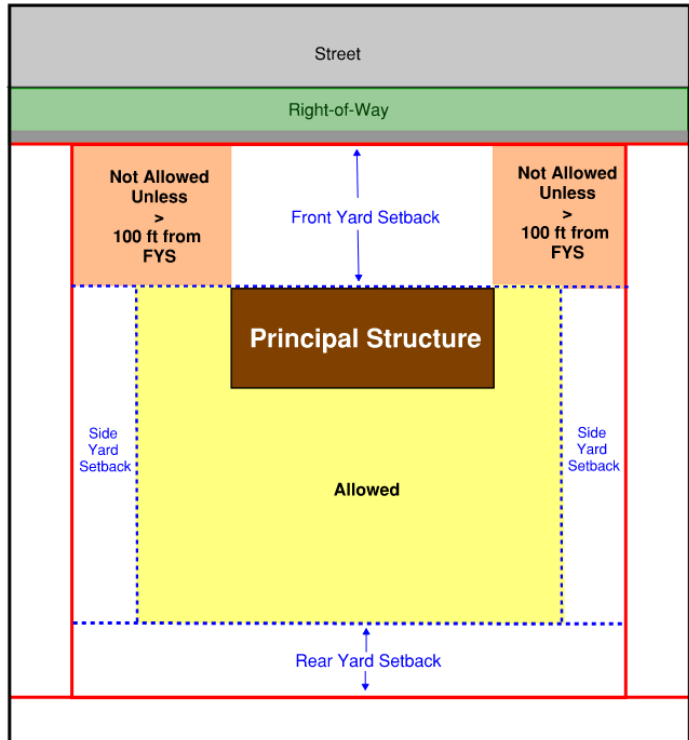
Section 500. Accessory Uses and Structures

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized, with the issuance of a Building Permit, except as prohibited specifically or by necessary implication in this or any other ordinance, provided that:

- A. All accessory buildings and structures, including but not limited to decks, stairways, handicapped access, carports and breezeways, attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of the Ordinance applicable to the principal building.
- B. All detached accessory buildings shall comply with all of the requirements applicable to the principal structure and maintain a minimum of five feet (5') between all structures.
- C. No accessory building or structure shall be constructed, altered, or moved to any location within five feet (5') of the principal building unless the structure is made an integral part of the principal building.
- D. In the R-1, R-2, R-3, & TM Zoning Districts within the city limits, the following maximum accessory structure size standards shall apply:
 - a. No detached accessory building shall occupy more than 1,050 square feet in lots of 8,700 square feet or less;
 - b. The total area occupied by all accessory buildings shall not exceed 1,200 square feet in lots between 8,701 square feet and 13,333 square feet;
 - c. The total area occupied by all accessory buildings shall not exceed 1,500 square feet in lots between 13,333 square feet and 1 acre; and
 - d. The total area occupied by all accessory buildings shall not exceed 2,000 square feet in lots larger than 1 acre.
- E. No detached accessory building or structure shall exceed twenty (20) feet in height or the height of the principal building, whichever is lower.
- F. No detached accessory building or buildings shall occupy more than thirty percent (30%) of the area of a rear yard.
- G. No exterior siding containing materials and color, 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", "MH", "TM", "DT", and "C-2". Structures, with a floor area two hundred and fifty (250) square feet or less are exempt from this requirement Property owners may appeal to the Board of Adjustment for a special use exception to this requirement to be determined on a case-by-case basis.

- H. 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.
- I. 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.

J. All detached accessory buildings or structures shall be located in the side or rear yards and shall not be placed directly between the front yard setback and principal structure. If the principal structure is set more than one hundred (100) feet from the front yard setback, then the accessory building may be placed directly between the front yard setback and principal structure. All such structures shall comply with all yard setback requirements applicable to the structures located within the zoning district.



K. 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. Properties located in the A-1 District are exempt from this requirement. 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.

L. 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 feet (5') high, nor more than eight feet (8') 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 inches (4") 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 501. Accessory Structures in Manufactured Home Parks

No more than one storage building not to exceed one-hundred and twenty (120) square feet is allowed per lot. A carport (in addition to the storage building) may also be allowed on manufactured home lots. All accessory buildings must meet setbacks. Storage and accessory buildings must be maintained and designed to enhance the general appearance of the lot.

Section 502. Accessory Recreational Facilities

Accessory recreation facilities shall comply with a five (5) foot side and rear yard setback; however, shall still conform with the front setback as established by the zoning district. Examples of accessory recreation facilities include but are not limited to: tennis courts, swimming pools, trail heads, hockey rinks, volley ball courts, etc.

Section 503. Accessory Dwelling Units

Accessory dwelling units (ADUs) may be incorporated within or added onto an existing house, garage, or other accessory structure, or may be built as a separate structure on a lot where a single-family dwelling exists in the A-1, R-1, R-2, R-3, and TM Districts within the City of New Hampton.

Unless specifically addressed in this Section, ADUs are subject to the regulations of the underlying zoning district in regards to lot and bulk standards (e.g., height, setbacks, and pervious coverage requirements), and the Iowa State Building Code for residential structures.

In keeping within the character and standards of residential districts within the City of New Hampton, the following standards shall apply:

1. Occupants of ADUs shall be limited to members of the family of the owner(s) of the principal structure.
2. No rental of the ADU's will be allowed.
3. No conversion of a single-family house into a duplex will be allowed.
4. If a home is converted into a rental property, the ADU shall be removed.
5. Allowed with the issuance of a special exception permit.

The following property standards shall apply to ADUs:

1. ADUs shall only be permitted in residential districts when the property owner lives on the property within the principal dwelling.
2. Only one (1) ADU shall be allowed per single-family lot.
3. ADUs shall be located on the same parcel as the principal dwelling.
4. ADUs shall remain under the ownership of the principal structure's occupant, and may not be sold separately or used as rental property.
5. ADUs shall not be subdivided or result in the creation of a separate tax parcel.
6. ADUs shall be prohibited on residential lots in which the permitted use of the principal structure is greater than a single-family use. This includes, but is not limited to, duplex units, twin homes, triplex units, quad units, residential facilities, etc.

7. Home Occupations are prohibited uses for ADUs in all zoning districts

The following design standards shall apply to ADUs:

1. **Minimum/Maximum Size.** The maximum size of an ADU may be no more than fifty percent (50%) of the square footage of the principal dwelling unit or eight hundred (800) square feet, whichever is less.
2. **Setbacks.** The ADU must abide by the regular accessory structure setbacks.
3. **Height.** The height of the ADU shall not exceed that of the principal structure.
4. **Architectural design.** Attached ADUs added to the principal structure or to an existing accessory structure shall be designed to maintain the architectural design, style, appearance and character of the main building.
5. **Parking.** The Zoning Administrator shall determine parking requirements for permitted ADUs on a case-to-case basis.
6. **Conversion of an existing structure to an ADU shall only occur if the existing structure meets all other zoning standards (setbacks, height, impervious, etc.).**
7. **All ADU structures shall be attached to a continuous load bearing permanent perimeter foundation that meets the requirements of the Iowa State Building Code (skirting is not an allowable substitute).**