City of Hopkinton
Ord.

295-2369
DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
#31.00
6 PAGE 252

Jim Gonyier, ECIA Suite 330, Nesler Bldg., PO. Box 1140, Dubuque, IA 52004-1140

I, Mary F. Jasper, Clerk of the City of Hopkinton, Iowa, hereby certify that the following Ordinance No. 223 is a true copy as shown by the records of the City of Hopkinton, Iowa

Mary F. Jasper
Mary F. Jasper, City Clerk

Subscribed and sworn to before me this 31 day of January, 1997.

GERALDINE P. HUBER
MY COMMISSION EXPIRES
Jan 26 1998

Geraldine P. Huber
Geraldine P. Huber, Notary

ORDINANCE NO. 223

AN ORDINANCE ADOPTING THE CITY CODE OF ORDINANCES.

BE IT ORDAINED by the City Council of Hopkinton, Iowa:

Section 1. Pursuant to published notice, a public hearing has been duly held and the City Council of Hopkinton, Iowa, hereby adopts the Hopkinton Ordinances of 1997 as the 1997 Hopkinton Municipal Code.

Section 2. An official copy of the Municipal Code, as adopted including a certification by the Clerk as to its adoption and effective date, is on file at the office of the City Clerk.

Section 3. Copies of the code shall be kept available at the City Clerk's office for public inspection and sale at cost.

Section 4. All general ordinances or parts thereof passed prior to January 13, 1997, not contained in the Hopkinton Code of Ordinances are hereby repealed except as hereafter provided, or special ordinances not named.

Section 5. The following ordinances are specifically saved from repeal:

Ordinance No.	Subject
16	Vacating Streets
36	Vacating Streets & Alleys
39	Vacating Street
41	Vacating Street
42	Vacating Alley
48	Vacating Street
59	Accepting Deed, Vacating Lot
60	Street Guide
64	Sidewalk Grades
115	Vacating Street
128	Vacating Street
134	Vacating Street
137	Vacating Alley
141	Vacating Street
145	Vacating Alley
150	Vacating Alley
163	Vacating Street
165	Vacating Street
188	Vacating Street
197	Vacating Streets
208	Vacating Street
210	Vacating Streets & Alleys
218	Vacating Streets
220	Vacating Street
222	Vacating Street

Section 6. This ordinance shall be in full force and effect upon publication as required by Iowa law.

PASSED by the City Council of Hopkinton on the 13 day of January, 1997, and APPROVED this 13 day of January, 1997.

Mayor Danial J. Tucker

Clerk's Certificate: I hereby certify that the foregoing was published as Ordinance Number 228 on January 22, 1997.

Clerk Mary F. Jasper

SEAL CITY OF HOPKINTON DELAWARE CO.

This chapter was adopted in its entirety by the passage of Ordinance Number 223 (attached) which adopted the complete 1997 Code of Ordinances.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 RESTRICTED RESIDENCE DISTRICT

6-11-1 Purpose
6-11-2 Definitions
6-11-3 District Described
6-11-4 Rules and Regulations
6-11-5 Building Permitted
6-11-6 Set Back
6-11-7 Fences
6-11-8 Buildings Requiring Special Permits To Locate Within Restricted Districts
6-11-9 Special Permits
6-11-10 Protest
6-11-11 Fees
6-11-12 Action to Abate
6-11-13 Certifying Ordinance

6-11-1 PURPOSE. The purpose of the chapter is to establish restricted residence districts in the City of Hopkinton, Iowa, and to provide reasonable rules and regulations for the erection, reconstruction, alteration, and repair of building and fences of all kinds, and to provide that there shall be no use in any district except for residences, schoolhouses, churches, and other similar structures, except when a permit is granted in accordance with this chapter.

6-11-2 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Residence" is a building used exclusively for a dwelling. No business or occupation shall be conducted therein or in conjunction therewith whereby sales or services are made in a manner that the public served enters upon the residential property. The following are excepted: a beauty shop conducted solely by the occupant and one person not a resident on the property; music or art teacher; a rooming or Boarding house with no more than two guests, and for which uses no external or internal alterations of the structure are made and no more than one sign indicating said occupation shall be displayed (the sign may be double faced) nor shall the sign have a single face area of more than one square foot.

2. "School" is a building used for educational purposes, public or private, that is regulated by the State Department of Education.

3. "Residential accessory use" is a building or structure customarily used in conjunction with a dwelling, namely a garage not exceeding 864 square feet floor area and walls not exceeding 8 feet in height or more than one garage per apartment building nor more than one stall per dwelling unit, a tool or "summer" house not exceeding 100 square feet floor area, or a private swimming pool properly fenced and screened.

Any other building on residential property shall not be deemed a residential accessory use if not incidental to a residential purpose, nor if it is used in conjunction with or for the business of selling goods or rendering services.

4. "Church" or "church school" is a building used for public worship or connected with a building so used, for instruction in religious beliefs, or for the conduct of activities related to church affairs.

6-11-3 DISTRICT DESCRIBED. The following restricted residence district is hereby designated and established: All of that land lying within the corporate limits of the City of Hopkinton with the exception of Public Square Addition, Block 5, Block 10, Block 11 and Lots 7, 8, 9, 10, 11, 12 in Block 3, all in Carter's Addition to Hopkinton, Iowa.
SEE EXHIBIT "A".

6-11-4 RULES AND REGULATIONS. As permitted under Section 414.24, Code of Iowa, there are hereby adopted the following rules and regulations for the erection, reconstruction, altering and repairing of buildings of all kinds within the restricted residence district established by this ordinance for the use and occupancy of such buildings, and for the granting of special permits to erect, reconstruct, alter or repair any structure other than a residence, residential accessory use, school, church or church school within said district.

6-11-5 BUILDINGS PERMITTED. No buildings or other structures, except residences, schoolhouses, churches or other similar structures, shall be erected, reconstructed, altered, repaired, or occupied within said district without first obtaining a Special Permit from the City Council. Building Permits for residences, schoolhouses, churches and other similar structures, and for structures outside restricted residence districts are required and shall be issued by the City Council if the requirements of this and other applicable city ordinances are met.

6-11-6 SET BACK. No residential building or residential accessory use building shall be erected hereafter on a lot closer to the street property line on which it fronts than the set back of the nearest adjacent existing building except that no new construction shall be made closer than twenty (20) feet, nor shall any construction be required to be built with its front further than thirty (30) feet from said front line. All buildings to be used for residential purposes shall be placed on lots of not less than 8700 square feet.

No resident or other building excepted from the Special Permit shall be located in the restricted district closer than five (5) feet to the side lot lines, and no accessory building closer than five (5) feet to said lot lines, and overhangs shall not extend over any lot line, regardless of the compliance of the main foundation with this set back rule. However, any residence, other building, or accessory building currently located closer than five (5) feet to the side lot lines, may be extended or altered in conformance with its existing side lot set back lines. In no case may a residence, other building, or accessory building be located closer to the side lot line than it is currently located.

Any other building granted a Special Permit by Council shall be placed at least as far from side lot lines as the residential, school, and church related buildings. All set backs shall be measured from the main foundation line.

6-11-7 FENCES. On any lot within the City, either inside or outside of the restricted residence district, fences shall require a Building Permit. A fence shall not exceed six (6) feet in height and shall not be constructed of salvaged materials including wood or metal. Chain link, wood, or plastic are the only accepted materials for fence construction. The owner of a fence constructed of materials other than chain link shall provide and maintain a two (2) foot set back from adjoining private property for the purpose of fence maintenance access. A fence constructed of materials other than chain link shall provide and maintain a twenty (20) foot set back from a public alley or street right-of-way to provide visibility. All fences shall conform to the applicable provisions of the Hopkinton Code of Ordinances.

6-11-8 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries or farm buildings and industrial buildings and structures may be authorized by Special Permit to locate within the restricted residential district only if it appears that said use and the type of building will be compatible with the residential character of the district, and if the particular use could not practicably be built in an unrestricted area, or if the restricted district boundaries cannot be

amended logically, considering topography, access to railroad or highway or other proper reason acceptable to the Council. Further, the construction and/or placement of a building or structure that would otherwise be violative of Section 6-11-6 or 6-11-17 may be authorized by Special Permit if it appears that such deviation from the lot size and/or set back requirements of that section would alleviate a substantial hardship for the permit applicant, be compatible with the character of the neighborhood and not create a substantial hardship for neighboring property owners.

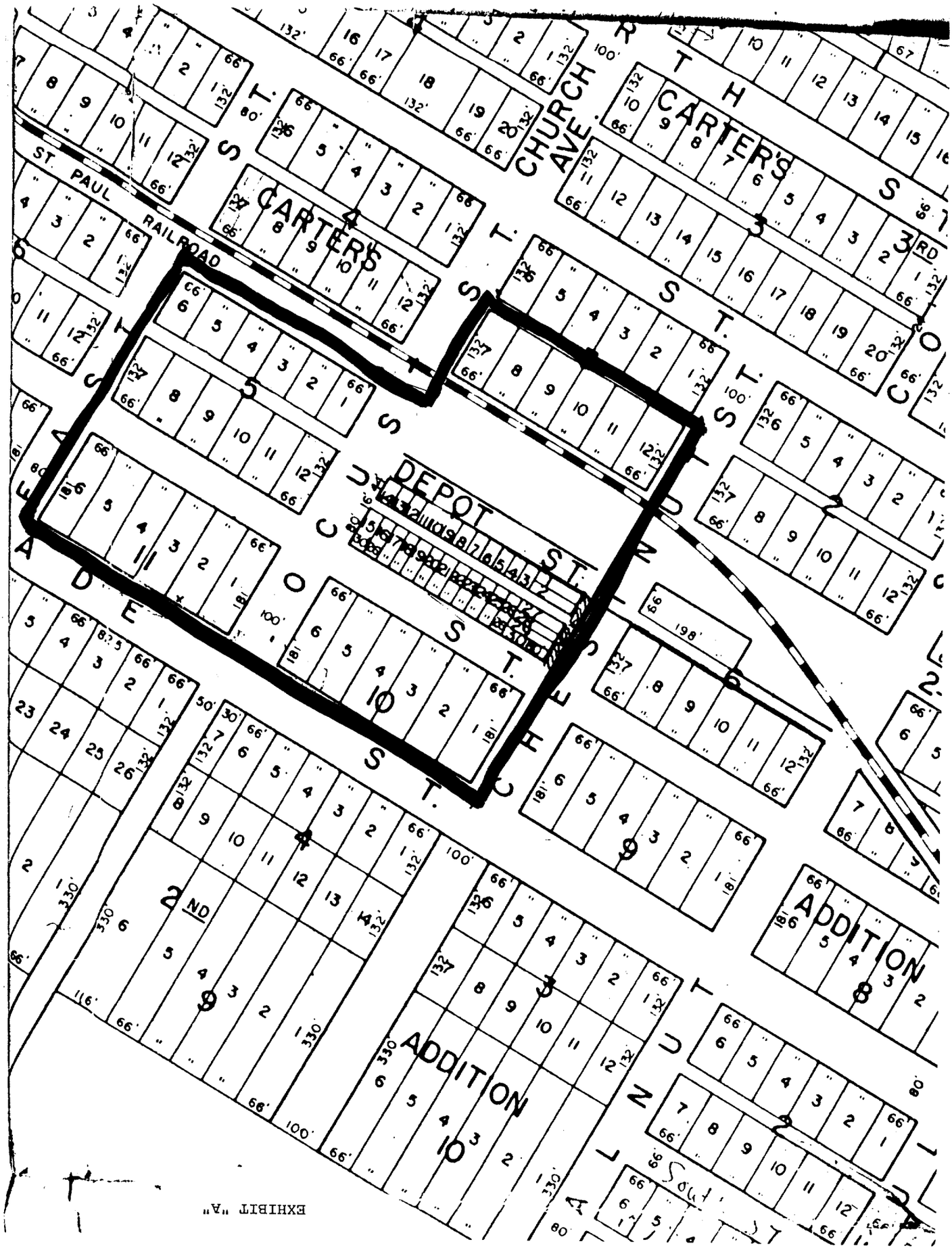
6-11-9 SPECIAL PERMITS. A written Special Permit shall be required for the erection, reconstruction, alteration or repair of any building and for its occupancy and use within the restricted residential district of this city except for building for residences, residential accessory use, schools, churches and church schools. Further, a written Special Permit shall be required to authorize the construction and/or placement of any building or structure contrary to the requirements of Section 6-11-6 or 6-11-7. Any such Special Permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the City and/or the extent to which proposed construction deviates from the requirements of Sections 6-11-6 or 6-11-7. Said application shall be made to the City Clerk-Treasurer at least seven (7) days before the Council meeting at which Council action is taken. No Special Permit shall or will be granted until notice of the application has been posted or the fact of the application has been set out in published proceedings of the Council at least four days prior to the meeting at which final action is taken to grant or deny the Special Permit. Such Special Permit shall require a three-fourths vote of all the members of the Council.

6-11-10 PROTEST. No special permit shall be granted when sixty (60) percent of the resident real estate owners in said district within six hundred (600) feet of the proposed building and occupancy object thereto, except by a unanimous vote of all the members of the Council.

6-11-11 FEES. There shall be no fee for a Special Permit provided a Building Permit was obtained as specified in Title VI, Chapter 10 of the Hopkinton Municipal Code.

6-11-12 ACTION TO ABATE. Any building or structure erected, reconstructed, altered or repaired in violation of the provisions of this Chapter shall be deemed unlawful and a nuisance and it shall be abated by action in the district court. Such action for abatement shall be prosecuted in the name of the City.

6-11-13 CERTIFYING ORDINANCE. Within thirty (30) days after this Chapter becomes effective, the City Clerk-Treasurer shall prepare or have prepared a plat of the restricted residence district as established by this Chapter and certify such Chapter and plat to the County Recorder.


CHURCH AVE.
CARTER'S
CARTER'S
ST. PAUL RAILROAD
DEPOT
ADDITION
ADDITION
2ND
ADDITION
EXHIBIT "A"