

ARTICLE 1
SHORT TITLE AND JURISDICTION

Section 1. SHORT TITLE. This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of the City of Hampton, Iowa", to the same effect as if the full title were stated.

Section 2. JURISDICTION. In accordance with the provisions of Chapter 414 of the Code of Iowa and amendatory acts thereto, this Ordinance is adopted by the City of Hampton, Iowa, governing the zoning of all lands within the corporate limits of the City.

ARTICLE 2

INTERPRETATION OF REGULATIONS

Section 1. INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes greater restrictions than is imposed or required by other provisions of law or other rules or regulations or ordinances, the provisions of this Ordinance shall govern.

ARTICLE 3 DEFINITIONS

Section 1. DEFINITIONS. For the purpose of interpreting this Code, certain words, terms and expressions are herein defined. Words used in the present tense include the future; the singular; includes the plural and the plural the singular; the word "may" is permissive; the word "shall" is mandatory; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she.

ACCESSORY BUILDING: (see Building, Accessory)

ACCESSORY USE: A use on the same lot with, and or a nature customarily incidental and subordinate to the principal use.

AGRICULTURE: An area which is used for the growing of the usual farm products, such as vegetables, fruit, trees and grain and their storage on the area, as well as for the raising, feeding or breeding thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. "Farming" includes the operating of such an area for one or more or the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include large scale commercial feeding of livestock.

ALLEY: A public or private thoroughfare which affords only a secondary means of access to abutting property.

ALTERATIONS, STRUCTURAL: Any change in the load-bearing members of a building, such as bearing walls, partitions, columns, beams or girders. The enlargements of the size or height of a building shall be construed to be a structural alteration.

APARTMENT: A single room or set or rooms occupied as a dwelling which is part or a multi-family structure.

AUTO LAUNDRY: A building or portion thereof, where automobiles are washed commercially, or equipment is rented for the same purpose.

AUTOMOBILE SALES ROOM: A building or portion thereof, where automobiles and vehicles are sold by a franchised dealer either with or without storage, parts sales, and repair facilities providing all such repair activities are enclosed within a structure.

BASEMENT: A story having part, but not more than one-half ($\frac{1}{2}$) of its height below grade as measured at the front of the structure. A basement is counted as a story for the purposes of height regulations.

BED AND BREAKFAST HOME: A structure containing a single dwelling unit, which provides lodging and meals for overnight guests only, in which no more than five (5) sleeping rooms are available for guests and is the principal residence (as defined in the Internal Revenue Code) of a person owning not less than 30 percent of the fee title to the property. Each sleeping room in a bed and breakfast home shall be at least one hundred forty (140) square feet in area.

BED AND BREAKFAST INN: A structure containing a single dwelling unit with a full-time resident owner or resident manager which provides lodging and meals for overnight guests only and has no more than nine (9) sleeping rooms available. Each sleeping room shall be at least one hundred forty (140) square feet in area.

BILLBOARD: "Billboard" as used in this Ordinance shall include all structures, regardless of the material used in the construction of the same that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said signs or bill boards are located.

BLOCK: That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

BOARDING HOUSE: A building other than a hotel where, for compensation, meals, or lodging and meals are provided for six (6) or more persons, not to exceed ten (10) persons; and is not open to transient guests.

BUILDING: A building that is completely enclosed by a roof and by a solid exterior wall along whose outside faces constitute a minimum of three (3) sides of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind.

The connection of two buildings by means of an enclosed porch, enclosed breezeway, enclosed passageway, enclosed carport, or other such enclosed structures, with a roof, shall make them one building. Such structures attached to the principal building shall be deemed a part of the principal building.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING, ACCESSORY: A building which is subordinate to the main building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are accessory buildings.

BUILDING, HEIGHT OF: The perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs; the measurement in all cases to be taken through the center of the front of the house. Where a dwelling is situated on ground above the curb level

such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the main entrance elevation.

BUILDING LINE: The setback distance from the front property line, rear lot line, and side lot lines as provided in this Code.

BUILDING, PRINCIPAL: The principal building is a nonaccessory building in which a principal use of the lot, on which it is located, is conducted.

BUILDING WALL: The wall of a building forming a part of the main structure. The foundation walls of unenclosed porches, steps, walks and retaining wall or similar structures, shall not be considered as building walls under the provisions of this Code.

BUSINESS: The word "business" or "commercial" when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.

CARPORT: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls, and is attached to and considered a story for the purpose of this Ordinance.

CELLAR: A story having more than one-half (1/2) of its height of all walls below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.

CENTERLINE: The true centerline of a street which has been fully dedicated to its required width. Where all of the required width of public right-of-way has not been dedicated or such public right-of-way exists in an offset or angular manner, the city engineer shall determine the alignment of the centerline.

CITY: City of Hampton, Iowa.

CLINIC: An establishment where patients are not lodged overnight, but are admitted for examination and treatment by physicians or dentists practicing medicine together.

CLUB OR LODGE (PRIVATE): An association of persons for the promotion of some nonprofit object, who are bonafied members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.

COMMISSION: The Hampton Planning and Zoning Commission.

COUNCIL: The Hampton City Council.

CONDOMINIUM: A multi-family dwelling or townhouse as defined herein where the fee title to each dwelling is held independently of the others and title to common areas is held jointly by dwelling unit title holders.

DAY NURSERY OR NURSERY SCHOOL: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children of preschool age.

DECK: A non-roofed structure open on two (2) or more sides projecting from the side or rear wall of a building.

DETACHED: Fully separated from any other structure; not attached.

DRIVEWAY: An area providing vehicular access between a street and an off-street parking or loading area.

DISTRICT: Any part or parts of Hampton, Iowa, wherein regulations of this Ordinance are uniform.

DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes but not including a tent or trailer. All structures intended to be used as dwellings for residential occupancy placed, erected, assembled or constructed in the City after the effective date of this Chapter shall meet and comply with the minimum requirements set out below.

Structure Size: Each such structure shall have a "main body" with a minimum exterior dimension of at least twenty two (22) feet measured from the outside of the exterior walls.

Minimum Floor Area: Each structure should have a minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing section, the minimum exterior dimensions of a residential structure shall not be less than 22 feet by 36½ feet. A structure may include porches, sun rooms, garages and "wings" of lesser dimensions and area, so long as the "main body" meets the minimum requirements).

Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufactured home. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line. The structure must be permanently attached to the foundation.

Exterior Wall and Roof Material:

1. Exterior wall covering shall be wood or masonry finish; vertical or horizontal grooved siding or lap siding, or the appearance thereof.
2. Roofing materials shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing materials, such as “standing seam” or embossed or textured metal.
3. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
4. Soffits, eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.

Ceiling Height: A minimum finished interior ceiling height of not less than seven and one-half (7½) feet is required.

Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors shall be provided.

DWELLING, MULTI-FAMILY: A residence designed for the occupancy by three (3) or more families with housekeeping and cooking facilities for each.

DWELLING, SINGLE FAMILY: A detached residence designed for or occupied by one (1) family only and having no party wall in common with an adjacent building.

DWELLING, TWO FAMILY: A residence designed for or occupied by two (2) families with separate entrances, housekeeping, and cooking facilities for each.

DWELLING, UNIT: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family and contain independent cooking facilities for the family.

ENGINEER, CITY: A duly qualified individual or firm designated by the City Council.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare, but not including buildings.

EXPLOSIVES: Any substance able or likely to explode, but excluding farm chemicals and fertilizer.

FAMILY: A group of individuals related by blood, marriage or adoption and not more than three (3) unrelated individuals living together and occupying a dwelling unit; a group of not more than five (5) unrelated persons living together by joint agreement; the residents of an elder family home as defined in Section 231A.2 of the Iowa Code; or residents of a family home as defined in Section 414.22(4)(c) of the Iowa Code. Only one family may reside in any dwelling unit.

FARM: An area which is used for the growing of the usual farm products such as vegetables, fruits and grains and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activity and such accessory uses do not include the feeding of animals or poultry in confined lots or buildings.

FEEDLOT: A commercial venture under corporate partnership, or individual ownership involving the assemblage of livestock for the express purpose of preparation for market in the least time possible, purchasing over seventy-five percent (75%) of its feed, and typified by rapid turnover of livestock; the absence of dwelling unit or structure for housing livestock, and presence of other uses normally associated with a farm.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FIREARMS: Rifles, pistols or other portable gun.

FIREWORKS: Any device containing specific chemicals that are known to produce spectacular effects and explosions, and includes, but is not limited to, "sparklers," "snakes," pop bottle or other devices that launch to provide a "sky display," "firecrackers," or any other device containing combustible chemicals ignited to produce explosions or spectacular effects.

FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, than all of the property abutting one (1) side between an intersecting street and the dead-end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.

GARAGE, PRIVATE: An accessory building or portion of a building and/or used only for the shelter or storage of vehicles by the occupants of the premises or the leasing of space as provided therein, including covered parking space or carport.

GARAGE, COMMERCIAL: A building or portion thereof, other than a private or storage garage, operated for commercial purposes and/or designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles.

GASOLINE SERVICE STATION: Any building or premises used for the retail sale of automotive fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

GRADE: The average level of finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the centerline of the street at the center of the wall adjoining the street shall be grade.

HOBBY LIVESTOCK: Livestock limited to Equine or Bovine species raised and maintained principally for pleasure and/or recreation purposes excluding Poultry, Fowl, Swine, or the assemblage of livestock for the express purpose of preparation for market.

HOME OCCUPATION: An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations:

- A. Are customarily carried on in a dwelling unit, and;
- B. Are carried on by a member of the family residing in the dwelling unit;
- C. Are clearly incidental and secondary to the use of the dwelling unit for residential purposes, and;
- D. Does not employ more than one (1) person outside the immediate family, and;
- E. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign, mounted flush with the exterior of the building, which sign shall not exceed 2 foot by 2 foot (2' x 2') in area, and shall not have flashing lights, and;
- F. Does not occupy more than thirty percent (30%) of the area of one (1) floor of the dwelling unit, and;
- G. Produces no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood, and;
- H. Does not generate traffic in sufficiently greater volumes than would normally be expected in a residential area.

HOTEL: A building in which lodging or boarding and lodging, are provided and offered to the public as more or less a temporary abiding place of individuals for compensation and which is open to a transient guest provided no provisions have been made for cooking in any individual room in contradistinction to a boarding house or lodging house as herein defined.

INSTITUTION: A building or premises occupied by a nonprofit corporation or establishment for public use.

JUNK YARD OR SALVAGE YARD: Any open area of any lot or parcel where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for purposes of this ordinance.

JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the treasurer of Franklin County, or any vehicle or machinery, which because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health or safety.

KENNEL: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business, in which four (4) or more domestic animals or pets, at least four months of age, are harbored.

KENNEL, PRIVATE: Any building or buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal use, kept for purposes of show, hunting, or as pets.

LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LODGING HOUSE: A building other than a hotel or motel where, for compensation, lodging is provided for six (6) or more people.

LOT: A parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having its frontage upon one (1) or more dedicated streets.

LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.

LOT CORNER: the lot fronting on two (2) intersecting streets.

LOT COVERAGE OR BUILDING COVERAGE: The area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping and open recreational facilities.

LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the “front lot line” is the street line of such street. In the case of any other lot, it may be such street line as is selected by the owner as the “front lot line” for the purpose of this Code, provided that the principal entrance to such building shall be on the street so selected.

LOT LINE, REAR: That boundary line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any boundary line not a front line or a rear lot line.

LOT OF RECORD: A lot which is part of a legal subdivision of the City of Hampton, Iowa, the plat of which has been recorded in the office of the County Recorder of Hancock County, Iowa, or a lot or parcel of land, the deed or valid contract of sale which was recorded in the office of the County Recorder of Hancock County, Iowa, prior to the effective date of this Ordinance.

LOT, THROUGH: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.

LOT, WIDTH: The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

MANUFACTURED OR MOBILE HOME: As defined by Section 435.1(1) of the Code of Iowa; Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include and such vehicle with motive power not registered as a motor vehicle. A mobile home shall not be considered a dwelling unless converted to real property as described in Section 435.26 of the Code of Iowa.

MANUFACTURED OR MOBILE HOME CONVERTED TO REAL ESTATE: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner and entered on the tax roles of the county.

MANUFACTURED OR MOBILE HOME PARK: Any site, lot, field, or tract of land upon which two (2) or more occupied manufactured or mobile homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any buildings, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

MANUFACTURED OR MOBILE HOME SUBDIVISION: A subdivision designed according to the Hampton Subdivision Regulations, and is designed only for the location of manufactured or mobile homes on lots owned by the manufactured or mobile home owner.

MINI STORAGE: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access. Typical uses include mini warehousing, also referred to as convenience storage or personal storage.

MODULAR HOME: A Modular Home as defined in Section 435.1(3) of the Code of Iowa is defined as a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to the body or frame any wheels or axles.

MOTEL: A permanent building or group of buildings so arranged or designed primarily for temporary occupancy, so laid out as to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include living quarters for the use of operating personnel.

NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

NURSING OR CONVALESCENT HOME: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation. This shall not include insane, mental cases, inebriate or contagious cases.

PARKING LOT: A parcel of land devoted to unenclosed parking spaces.

PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this Ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

PARKING SPACE: A surfaced area, enclosed or unenclosed, having an area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

PRINCIPAL USE: The main use of land or structures as distinguished from an accessory use.

PROFESSIONAL OFFICE: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

PUBLIC WAY: An open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.

PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

PUBLIC NOTICE: The publication of the time and place of any public hearing not less than four (4) days and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City.

RETAIL STORE: An enterprise offering for sale to the ultimate consumer for direct consumption and not for resale.

ROAD OR STREET LINE: The dividing line between a lot, tract or parcel of land and a contiguous road, street or alley.

ROADSIDE STAND: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.

SATELLITE RECEIVING ANTENNA: An accessory structure often called a “dish” or “earth station antenna” the purpose of which is to receive communication, including but not limited to radio and television or other signals from satellite and other extraterrestrial sources whether affixed to the ground as a permanent structure or a mobile unit such as a trailer or vehicle.

SIGN: An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, persons, institution or business ; provided, however that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants of the premises or other identification of premises or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices; identification, informational, or directional signs erected or required by government bodies;
- D. Integral decoration or architectural features of buildings, except letters, trademarks, moving parts, moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening, proposed for a specific parcel of land.

STABLE: Detached accessory structure including, but not limited to a corral or paddock for the keeping of one (1) or more hooved animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale or lease.

STORY: That portion of a building, other than a basement, 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. A basement will be considered a story if it is used for dwelling purposes.

STREET, LINE: The right of way line of a street, road or highway.

STREET, PUBLIC: A public thoroughfare more than twenty-four feet (24') in width.

STREET, WALL: The wall of the building nearest the street under consideration.

STRUCTURAL ALTERATION: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports. Attached uncovered steps and planters are not considered a structure.

STRUCTURE, ACCESSORY: A subordinate structure customarily incidental to the main structure or building and located on the same lot therewith, e.g., satellite dishes, radio and television towers, masts and aerials, swimming pools, solar energy collectors, etc.

TEA HOUSE: A public house or restaurant where tea, light refreshments, and limited menu meals are served, generally during midday.

TOWNHOUSE: A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

TRAILER CAMP OR TOURIST GROUND: Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

USE: The conduct of an activity, or the performance of a function or operation, on a site or in a structure.

1. **Accessory Use:** A use or activity which is incidental to and customarily associated with a specific principal use on the same site.

2. **Principal Use:** A use which is a primary function of a lot or structure.

3. Permitted Use: Any use defined by the individual district and listed by the regulations for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accordance with the regulations established by this Ordinance.

4. Conditional Use: Any use defined by the individual district and listed by the regulations for any particular district as a conditional use within that district and allowable therein, solely on a discretionary and conditional basis subject to a Conditional Use Permit, and to all other regulations established by this Ordinance.

UTILITY, PUBLIC: A utility owned and operated by the City of Hampton, Iowa.

VALUATION: The one hundred percent (100%) valuation of a building or structure, as determined by the Franklin County Assessor.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity's in the zoning district or uses in adjoining zoning districts.

YARD: An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from twenty-four (24) inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used. A yard shall be measured exclusive of any public right-of-way.

YARD, FRONT: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

YARD, SIDE: A yard extending from the front yard to the rear yard and measured between the side lot lines and nearest building.

ZONING ADMINISTRATIVE OFFICER: The individual(s) appointed by the City Council of Hampton, Iowa to administer and enforce the provisions of this ordinance.

ZONING COMPLIANCE PERMIT OR ZONING PERMIT: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

Section 2. USE CLASSIFICATIONS. The purpose of the Use Classifications shall be to provide a consistent set of terms encompassing and defining uses permitted or specifically permitted in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the Zoning Administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Article 20. In making such determination, the Zoning Administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

A. **GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES:** Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements involving those providing twenty-four (24) hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

1. **Single Family Residential:** The use of a site for only one dwelling unit.
2. **Duplex Residential:** The use of a site for two (2) dwelling units within a single building.
3. **Two Family Residential:** The use of a site for two (2) dwelling units, each in a separate building.
4. **Townhouse Residential:** The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with common area serving all dwelling units.
5. **Condominium Residential:** The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.
6. **Multiple Family Residential:** The use of a site for three (3) or more dwelling units, within one or more buildings.
7. **Mobile Home Residential:** The residential occupancy of mobile homes by families on a weekly or longer basis. Uses only include mobile home parks or mobile home subdivisions.

B. GENERAL DESCRIPTION OF COMMERCIAL USE TYPES: Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as Industrial or Civic uses.

1. Administrative and Business Offices: Office of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
2. Agricultural Sales and Services: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores; and tree service firms.
- 3a. Agricultural Animal Husbandry (Limited): The raising of cattle, swine, poultry, horses, sheep, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted completely within enclosed structures.
- 3b. Agricultural Animal Husbandry (General): The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter.
4. Auction Houses: An indoor location where new or used goods are auctioned. Goods to be auctioned are to be kept inside the Auction House, with the exception of large items, such as vehicles, which may be stored outside temporarily (meaning no more than one week at a time and no more than 10 days in any calendar month).
5. Automotive and Equipment Services: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:
 - A. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.
 - B. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
 - C. Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.
 - D. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi parking and dispatching.
 - E. Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental

storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships, and; boat, trailer and recreational vehicle dealerships.

F. Equipment Sales: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile homes sales establishments.

G. Automotive Repair Services: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships.

H. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.

I. Vehicle Storage: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.

6. Building Maintenance Services: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

7. Business Support Services: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

8. Commercial Recreation: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types.

A. Indoor Sports and Recreation: Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, and penny arcades.

B. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.

- C. Indoor Entertainment: Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
- D. Outdoor Entertainment: Predominately spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.
9. Communication Services: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.
10. Construction Sales and Services: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.
11. Consumer Repair Services: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.
12. Convenience Storage: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehousing.
13. Convenience Store: An establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall be prohibited.
14. Crop Production: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean or wheat fields.
15. Financial Services: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

16. Food Sales: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.
17. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
18. General Retail Sales: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, and stationary, notions, books, tobacco products, cosmetics, and specialty items; flowers, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation).
19. Kennels: Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers.
20. Laundry Services: Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as Personal Services. Typical use types include bulk laundry and cleaning plants, diaper services, or linen supply services.
21. Liquor Sales: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.
22. Medical Offices: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the State of Iowa.
23. Personal Improvement Services: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
24. Personal Services: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

25. Pet Services: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.
26. Professional Office: A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions.
27. Research Services: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.
28. Restaurant (Convenience): A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
29. Restaurant (General): A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.
30. Riding Academy: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables or liverys.
31. Tavern: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, and similar uses.
32. Veterinary Services: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.
33. Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - A. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
 - B. Hotel/Motel: Lodging services involving the provision of room and/or board offered for occupancy to the general public. Typical uses include hotels, motels or transient boarding houses.
 - C. Bed & Breakfast Home/Inn: A structure containing a single dwelling unit which provides sleeping rooms for rent to the general public. The only meal to be

provided to guests is breakfast, and it shall only be served to those taking lodging in the facility.

- D. Cottage/Resort Enterprise: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding of employees.
- E. Commercial Cottage: A single dwelling unit rented to the general public for periods not exceeding one calendar month.

C. GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES: Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.

1. Basic Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
2. Custom Manufacturing: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops or jewelry.
3. Light Manufacturing: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
4. Resource Extraction: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
5. Scrap & Salvage Services: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards.
6. Stockyards: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include stockyards or animal sales and auction yards.

7. Warehousing and Distribution: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage and distribution types:
 - A. Limited Warehousing and Distribution: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses or moving and storage firms.
 - B. General Warehousing and Distribution: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, grain elevators or open storage yards.
- D. GENERAL DESCRIPTION OF CIVIC USE TYPES: Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.
 1. Administrative Services: Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county or municipal offices.
 2. Club or Lodge: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.
 3. Community Recreation: A recreational facility for use by residents and guests of a particular residential development, planned unit development or limited residential neighborhood, including both indoor and outdoor facilities.
 4. Convalescent Services: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.
 5. Cultural Services: A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.
 6. Day Care Services (Limited): A facility, or use of a building or portion thereof, for the care of six (6) or fewer individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.
 7. Day Care Services (General): A facility, or use of a dwelling unit or portion thereof, for the care of seven (7) or more individuals. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses.

8. Game Refuge: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands and wetlands.
9. Local Utility Services: Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices and junction boxes which are necessary to support principal development.
10. Maintenance and Service Facilities: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.
11. Major Utility Facilities: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.
12. Park and Recreation Services: Publicly owner and operated parks, playgrounds, recreation areas or open spaces.
13. Postal Facilities: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.
14. Primary Educational Facilities: A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.
15. Public Assembly: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
16. Railroad Facilities: Railroad yards, equipment servicing facilities, and terminal facilities.
17. Religious Assembly: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities.
18. Residential Care Services: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.
19. Safety Services: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

20. Secondary Educational Facilities: A public, private, or parochial school offering instruction at the junior / middle school and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

ARTICLE 4 DISTRICTS

Section 1. DISTRICTS. For the purpose and intent of this Ordinance, the City of Hampton, Iowa, is hereby divided into zoning district classifications as follows:

- "A-1" Agricultural District
- "R-1" Single-Family Residential District
- "R-2" Two-Family Residential District
- "R-3" Multi-Family Residential District
- "MH" Mobile Home District
- "C-1" Downtown Commercial District
- "AT" Arterial Transitional District
- "I-1" Light Industrial District
- "RIC" Restricted Industrial Commercial District
- "I-2" Heavy Industrial District
- "F-G" Flood Plain / Greenspace District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Hampton, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Map shall be identified by the Mayor and attested by the City Clerk under the following words:

*This is to certify that this is the Official Zoning Map referred to in Article 4 of the
Hampton Zoning Ordinance adopted on this ____ day of _____, 2002.*

Amendments, supplements or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending Ordinance No. _____. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the City Clerk as other ordinances and a certified copy thereof shall be attached to the Official Zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances, shall be the final authority as to current zoning status of land and water areas, buildings and other structures in the City.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 3.1 Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
- 3.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3.3 Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
- 3.4 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 3.1 - 3.5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 3.6 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.1 - 3.5 above, the Planning and Zoning Commission shall interpret the district boundaries.

Section 4. ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the City Council, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

Section 5. ANNEXED TERRITORY. All territory which may hereafter be annexed to the City of Hampton shall be in the (A-1) Agricultural District; unless otherwise recommended to the City Council by the Planning and Zoning Commission to be annexed as an appropriate zone for the existing land use on the property to be annexed.

Section 6. GENERAL REGULATIONS.

Except as herein provided:

- 6.1 No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, which does not comply with

all of the district regulations established by this Ordinance for the district in which the building or land is located.

- 6.2 No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance, shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.
- 6.3 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
- 6.4 No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off street parking and loading regulations of this Ordinance.
- 6.5 No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building.
- 6.6 Minimum Requirements for Residential Structures in the City of Hampton:
 - 6.6-1 All structures intended for residential occupancy placed, erected, assembled, or constructed in the City after the effective date of this ordinance shall meet and comply with the minimum requirements set out below.
 - 6.6-2 Structure size: Each such structure shall have a "main body" with a minimum exterior dimension of at least twenty two feet (22') measured from the outside of the exterior walls.
 - 6.6-3 Minimum Floor Area: Each structure should have a minimum floor area of not less than eight hundred (800) square feet. (In order to comply with the provisions of the foregoing section, the minimum exterior dimensions of a residential structure shall not be less than 22 feet by 36.5 feet. A structure may include porches, sun rooms, garages, and "wings" of lesser dimensions and area, so long as the "main body" meets the minimum requirements.)
 - 6.6-4 Foundation: All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a manufactured home if a perimeter foundation is incompatible with the structural design of the manufactured home. For such a manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site.

Foundation materials may be masonry, poured concrete, wood, or metal and must be extended below the normal frost line. The structure must be permanently attached to the foundation.

6.6-5 Exterior wall and Roof Material:

- A) Exterior wall covering shall be wood, vinyl, or masonry finish, vertical or horizontal grooved siding or lap siding, or the appearance thereof.
- B) Roofing materials shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.
- C) Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
- D) Soffits, eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl, or wood or unfinished metal, such as copper, customarily used for residential structure trim.

6.6-6 Ceiling Height: A minimum finished interior ceiling height of not less than seven and one-half feet (7½') is required

6.6-7 Entrance and Exit Doors: Not less than two (2) functional entrance and exit doors shall be provided.

ARTICLE 5 AGRICULTURAL (A-1) DISTRICT

Section 1. INTENT. The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve in agricultural use land suited to eventual development in other uses until such time as streets, utilities and other community facilities may be provided or programmed as to ensure the orderly and beneficial conversion of these lands to nonagricultural use.

Section 2. PRINCIPAL PERMITTED USES. Only the following uses and structures shall be permitted in the (A-1) District:

- 2.1 Agriculture shall be restricted to the raising of crops and horticultural uses unless Hobby Livestock conditional use if permitted by the Board of Adjustment;
- 2.2 Single family detached dwellings;
- 2.3 Publicly owned and operated buildings and facilities including substations, transfer stations, treatment facilities, pumping stations, and storage facilities.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

- 3.1 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as exceptions;
- 3.2 Home occupations;
- 3.3 Roadside stands for the sale of agricultural produce grown on the premises;
- 3.4 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.5 Essential Services.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Articles 18 and 20 of this Ordinance.

- 4.1 Churches, chapels, temples, and similar places of worship;
- 4.2 Private educational institutions having a curriculum comparable to that of the public school;

- 4.3 Private parks, playgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges and swimming pools;
- 4.4 Private airport and landing fields;
- 4.5 Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, horticultural services such as plant nurseries; landscape gardening, landscape contracting; farm equipment service and repair; veterinary services; commercial auction yards and barns; bulk storage or petroleum products for distribution or direct sales to agricultural consumers;
- 4.6 Sand and gravel extraction and processing sites;
- 4.7 Substations, transfer stations, gravel plants, asphalt or concrete batch plants, and sanitary landfills conducted in a manner and method approved by the State Health Department;
- 4.8 Radio and television broadcasting studios and transmitting structures;
- 4.9 Stables and kennels;
- 4.10 Hobby Livestock. The Board of Adjustment shall adopt the rules and regulations regarding the conditional use "Hobby Livestock" including, but not limited to, the type of livestock that may be raised and maintained under such conditional use, the number of such livestock that may be raised and maintained in any particular area, provisions that may be required for odor abatement, removal of manure and dead animals, provisions regarding the expiration of the conditional use, and any other rules or regulations the Board believes appropriate to regulate Hobby Livestock operations so it does not become a nuisance to neighboring property owners.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 15.

- 5.1 Lot Area: 20,000 square feet per family
- 5.2 Lot Width: 120 feet at building line
- 5.3 Front Yard Setback: 50 feet
- 5.4 Side Yard Setback: 20 feet
- 5.5 Rear Yard Setback: 50 feet
- 5.6 Maximum Building Height: No structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.
- 5.7 Supplementary Regulations: See regulations prescribed in this Zoning Ordinance.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 20 of this Ordinance.

ARTICLE 6
SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT

Section 1. INTENT. The intent of the Single Family Residential District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL PERMITTED USES. Only the following principal uses and structures shall be permitted in the (R-1) District:

- 2.1 Single family dwellings;
- 2.2 Churches, chapels, temples and similar places of worship;
- 2.3 Schools and colleges;
- 2.4 Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations.
- 2.5 Publicly owned parks, playgrounds or other public recreational uses.
- 2.6 No raising or pasturing of livestock, poultry or other commercial domestic animals or birds.
- 2.7 Recreational facilities that are on at least a 3-acre site, maintain a 40-foot setback and landscape buffering between any residential properties and structures or recreational equipment, and maintain a 20-foot setback and opaque screening of fence, hedge or similar materials between any residential property and parking area.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the R-1 District:

- 3.1 Private garage or carport;
 - 3.1-1 Private detached garages or carpots not intended for temporary purposes shall be required to have a roof and walls which comply with the requirements set forth in Article 4, Section 6.6-5.
- 3.2 Private swimming pools and tennis courts;
- 3.3 Private greenhouses not operated for commercial purposes;
- 3.4 Essential services;
- 3.5 Home occupations;
- 3.6 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

- 3.7 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.
- 3.7-1 Utility or garden sheds for wholly residential uses shall be no larger than one hundred-twenty (120) square feet. Setback requirements for residential shed and storage units is three feet (3') side setback and three feet (3') rear setback.
- 3.7-2 Maximum height of accessory structures and uses in residential properties shall not exceed fifteen feet (15') in height.
- 3.8 Parking within the front yard of a residential property may be temporarily allowed for a travel trailer, camping trailer, a pick-up truck coach, auto camper or motorized home belonging to a guest of the property owner. A vehicle may park and occupy for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit from the chief of police or his/her designee.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) District subject to provisions of Article 18 and 20 of this Ordinance and with the approval of the Board of Adjustment:

- 4.1 Two family dwellings (duplexes);
- 4.2 Hospitals, sanitariums, rest homes, nursing homes and convalescent homes;
- 4.3 Boarding or lodging houses;
- 4.4 Private clubs or fraternities;
- 4.5 Substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations;
- 4.6 Day nursery or nursery school;
- 4.7 Bed and Breakfast Home
- 4.8 Tea House

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modification contained in Article 15.

- 5.1 **Lot Area:** The minimum lot area shall be:
Single family dwelling - twelve thousand (12,000) square feet per family
Other uses – twelve thousand (12,000) square feet minimum

- 5.2 Lot Width: The minimum lot width shall be eighty (80) feet,
- 5.3 Front Yard: The minimum front yard shall be thirty-five (35) feet.
- 5.4 Side Yard: The minimum side yard shall be eight (8) feet.
- 5.5 Rear Yard: The minimum rear yard shall be thirty (30) feet.
- 5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet, unless otherwise provided.
- 5.8 Percent of Developed Rear Yard: Accessory buildings and/or structures which are not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard.
- 5.9 Supplementary Regulations: See regulations prescribed in this Zoning Ordinance.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 20 of this Ordinance.

ARTICLE 7
TWO-FAMILY RESIDENTIAL (R-2) DISTRICT

Section 1. INTENT. The intent of the Two-Family Residential District is to provide for medium density residential development and neighborhoods with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL PERMITTED USES. Only the following principal uses and structures shall be permitted in the (R-2) District:

- 2.1 Single family dwellings;
- 2.2 Two-family dwellings;
- 2.3 Churches, chapels, temples and similar places of worship;
- 2.4 Schools and colleges;
- 2.5 Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations;
- 2.6 Publicly owned park, playgrounds or other public recreational uses

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted in the R-2 District:

- 3.1 Private garage or carport;
 - 3.1.1 Private detached garages or carports not intended for temporary purposes shall be required to have a roof and walls which comply with the requirements set forth in Article 4, Section 6.6-5.
- 3.2 Private swimming pools and tennis courts;
- 3.3 Private green houses not operated for commercial purposes;
- 3.4 Essential services;
- 3.5 Home occupations;
- 3.6 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work;
- 3.7 Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.

3.7-1 Utility or garden sheds for wholly residential uses shall be no larger than one hundred-twenty (120) square feet. Setback requirements for residential shed and storage units is three (3) feet side setback and three (3) feet rear setback.

3.7-2 Maximum height of accessory structures and uses in residential properties shall not exceed fifteen (15) feet in height.

3.8 Parking within the front yard of a residential property may be temporarily allowed for a travel trailer, camping trailer, a pick-up truck, coach, auto camper or motorized home belonging to a guest of the property owner. A vehicle may park and be occupied for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit from the chief of police or his / her designee.

Section 4. CONDITIONAL USES AND STRUCTURES. The following uses and structures may be permitted in the (R-2) District subject to provisions of Article 18 and 20 of this Ordinance-
and with the approval of the Board of Adjustment:

4.1 Hospitals, sanitariums, rest homes, nursing homes and convalescent homes;

4.2 Boarding or lodging houses;

4.3 Private clubs or fraternities;

4.4 Substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations;

4.4 Day nursery or nursery school;

4.5 Bed and Breakfast Home;

4.6 Tea House

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed
Subject to modification contained in Article 15

5.1 Lot Area: The minimum lot area shall be:

Single Family Structures: eight thousand four hundred (8,400) square feet.

Two-Family and Multi-Family Structures: ten thousand (10,000) square feet per two (2) family dwelling units, and a maximum of six (6) dwellings per acre

5.2 Lot Width: The minimum lot width shall be:

Two-Family and Multi-Family Structures: one hundred (100) feet.

5.3 Front Yard: The minimum front yard shall be thirty (30) feet.

5.4 Side Yard: The minimum side yard shall be seven (7) feet.

5.5 Rear Yard: The minimum rear yard shall be twenty-five (25) feet.

5.6 Maximum Height: No building shall exceed a height of thirty-five (35) feet, unless otherwise provided.

5.7 Percent of Developed Rear Yard: Accessory buildings and / or structures which are not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard.

5.8 Supplementary Regulations: See regulations prescribed in this Zoning Ordinance.

Section 6. ZONING PERMITS REQUIRED. Zoning permits shall be required in accordance with the provisions of Article 20 of this Ordinance.