

ARTICLE 14

FLOOD PLAIN / GREENSPACE (F-G) DISTRICT

Section 1. INTENT. The intent of this District is to protect from encroachment, watershed areas subject to flooding, backwater, spreading of floodwater or overflow of streams or rivers. Land use within the District shall be those of a type not endangered by periodic or occasional inundation, or shall not produce unsanitary or unsafe living conditions. This shall exclude the construction of a permanent building and overnight habitation of any building.

Section 2. PRINCIPAL USES PERMITTED. The following uses are permitted:

- 2.1 Agricultural purposes such as crop production, raising of livestock or not requiring a farm residence;
- 2.2 Public parks, playgrounds, private recreation, shooting range, campgrounds, or other open space uses.

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 and to uses and structures permitted as exceptions;
- 3.2 Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
- 3.3 Essential services.

Section 4. AREA REGULATIONS. There are no area regulations.

Note: Additional information is available from the City Zoning Administrator regarding the exact location of flood plain and greenspace areas identified by the City and other agencies. Also, see Chapter 167 in the Hampton City Code of Ordinances: Flood Plain Management.

ARTICLE 15

GENERAL USE REGULATIONS

Section 1. INTENT. The general use regulations set forth in this Article qualify, supplement or modify the regulations set forth elsewhere in this Ordinance.

Section 2. ACCESSORY BUILDINGS AND STRUCTURES. A zoning use permit shall be issued for the principal building before one shall be issued for an accessory building. Occupancy of an accessory building shall be allowed for a maximum period of one year only, prior to beginning construction of the principal building. Accessory buildings, structures, and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:

- 2.1 No accessory building or structure shall be located within three (3) feet of any side or rear lot line;
- 2.2 No accessory building or structure is permitted within the limits of the front yard;
- 2.3 No accessory building or structure shall be used for dwelling purposes;
- 2.4 An open unenclosed uncovered steps, ground level patio, or concrete slab driveway may project into a required yard;
- 2.5 No accessory building or structure shall be erected within a required lot line easement.
- 2.6 No accessory building or structure in any district shall be erected within six (6') feet of any principal building on the same lot or adjacent lots, and shall not occupy more than thirty percent (30%) of the rear yard in a residential district; however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage in a rear yard.
- 2.7 All accessory buildings and structures will be securely anchored to the ground.

Section 3. BUILDINGS TO HAVE ACCESS and STREET FRONTAGE.

- 3.1 Every principal use building hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road of not less than fifty (50) feet except in the Central Business District.
- 3.2 All lots to contain a building shall abut a public street for the required frontage in the district in which it is located; one single family dwelling may utilize a private easement of not less than twenty (20) feet wide and abutting upon a public street, if approved by the Zoning Board of Adjustment.

Section 4. HEIGHT LIMITATIONS.

- 4.1 In residence districts, no building shall exceed thirty-five (35) feet in height, provided that such height limits may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum of fifty (50) feet. In commercial and industrial districts, no building shall exceed fifty (50) feet in height, provided that such height limits be exceeded when authorized by the Board of Adjustment. Structures supporting utility facilities are exempted from the provisions of this section.
- 4.2 The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

Section 5. CONVERSION TO TWO OR MULTIPLE FAMILY. The Board of Adjustment may recommend a variance to permit the conversion of any building into a two family or multiple family dwelling in any permissible residential district, provided that the lot area per family shall not be reduced thereby to less than the lot area required for such conversion in each of the respective residential districts, and provided further that such conversion is in accordance with the applicable health code.

Section 6 TEMPORARY BUILDING. Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty days after completion or abandonment of the construction work.

Section 7 LOT AREA AND WIDTH. Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this Ordinance and subject to further provisions of Article 19, Section 2.

Section 8. REDUCTION OF LOTS AND PARTS OF OTHERS. No lot shall be sold, divided, or set off in such a manner that either the portion sold, divided, or set off, or the portion remaining shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated, unless it becomes a part of an adjacent lot meeting the requirements.

Section 9. YARDS.

- 9.1 Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than forty (40)

feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line;

- 9.2 Buildings on through lots shall provide the required front yard on both streets;
- 9.3 In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed;
- 9.4 The required side yard on the street side of a corner lot shall be the same as the required front yard on such street, and no accessory building shall project beyond the required front yard on either street;
- 9.5 On a corner lot in any district, except the Central Business District (CB), no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of three (3) feet and ten (10) feet above the ground shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are twenty (20) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines;
- 9.6 The ordinary projections from buildings including eaves, sills, cornices, or other similar architectural features (but not including uncovered patios, uncovered carports, or other concrete slab structures) may project or extend not more than three (3) feet into a required yard.

Section 10. USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this Ordinance.

Section 11. VISIBILITY AT INTERSECTIONS. On any corner lot at a street intersection which has some form of traffic controls in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two (2) intersecting streets and a straight line joining the two (2) said centerlines at points fifty-five (55) feet distant from their point of intersection. On any corner lot at a street intersection which does not have any form of traffic control in all districts, there shall be no obstructions to traffic visibility within the clear sight triangle which is formed by the intersection of the centerline of two (2) intersecting streets and a straight line joining the two (2) said centerlines at points a given number of feet distant from their point of intersection. The distances from this point of intersection are given in the following table for various speeds in miles per hour of enforced speed limit:

DISTANCE MEASUREMENTS FOR CLEAR SIGHT TRIANGLE

Miles Per Hour	Distance Measurements
20	73 feet
25	99 feet
30	126 feet

Section 12. HEDGES, FENCES, and WALLS.

- 12.1 Hedges, fences, or walls not exceeding thirty (30) inches in height may be erected on any part of a lot in any residential zone district except as further regulated on corner lots, between the front lot line and the front building line for structures; and on any other part of the lot they may be erected to a height not exceeding six (6) feet. The height of such hedges, fences, or walls shall be determined by measurement from the ground level at the lowest grade level within three (3) feet on either side of such hedges, fences, or walls. Any fence, or wall more than six (6) shall be considered a structure.
- 12.2 If a residential lot faces into a commercial or an industrial zone district, the height of the fence or wall in front of the building and / or structures may be four (4) feet high. On corner lots, that part of a backyard fence or wall which extends to the side property line may be five (5) feet high.
- 12.3 Security or screening fences are permitted in all districts except residential districts, but shall not exceed ten (10) feet in height. Fences in excess of six (6) feet will be allowed in the case of tennis courts and swimming pools.

Section 13. MOTELS.

- 13.1 Minimum Lot Area. The minimum lot area shall be one acre and the access and egress shall be located not closer than thirty (30) feet to the side lot lines. The setback of any structures shall be fifty (50) feet from the front lot line on the street on which the property fronts.
- 13.2 Yard Requirements. A minimum of twenty-five (25) feet shall be provided for both side yards and a thirty (30) foot rear yard shall be provided.
- 13.3 Lot Area Per Unit. A minimum of one thousand (1,000) square feet shall be required for each bedroom unit.
- 13.4 Parking, Height and Sign Regulations as described elsewhere in this ordinance shall apply.

Section 14. SERVICE STATIONS. In any district where permitted, a service station shall be subject to the regulations set out in this section.

1. Areas used by motor vehicles: The area for use by motor vehicles, except access drives thereto, as well as any structures, shall not encroach on any required yard area.
2. Location of fuel pumps: No fuel delivery pump shall be located within twenty (20) feet from any side lot line nor with thirty-five (35) feet of any right-of-way line and no fuel pump shall be located within fifty (50) feet of the side or rear lot line which lies next to a residence.

3. Repair work: All major repair work shall be done within a completely enclosed building.
4. Storage of parts and vehicles after hours: All vehicle parts, dismantled vehicles and merchandise shall be stored within the confines of the building during the hours when the business is not operating.

Section 14. DESIGNED RESIDENTIAL SUBDIVISIONS. In the case of a designed residential subdivision or group of two (2) or more buildings to be constructed on a plot of ground, not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Zoning Ordinance to the individual building units in such group housing, the application of the terms of this Zoning Ordinance may be varied by the Board of Adjustment in a manner which will be in harmony with the character of the neighborhood; however, in no case shall the Board of Adjustment authorize a use prohibited in the district in which the housing is to be located, or a smaller area per dwelling unit than the minimum required in such district, or a greater height than the requirements of this Zoning Ordinance permit in such district.

Section 14. DESIGNED SHOPPING CENTERS. In the case of a designed shopping center, upon examination of the plan by the Planning and Zoning Commission, if such plan meets all other requirements, the side yard requirements for each individual building may be waived. In no case, however, shall any portion of such a combined structure be located nearer than thirty (30) feet to any side lot line of the tract on which a building is erected.

Section 15. SATELLITE RECEIVING ANTENNAS.

Location Requirements:

- A. Any satellite receiving antenna hereafter constructed, erected or installed in a residential zoning district shall be mounted at a height no greater than the peak of the roof of the residence located on the lot on which the antenna is to be located. If there is no residence on the lot in which the antenna is to be located, the height shall be controlled by the residence on the lot nearest to the lot on which the antenna will be located, and in no event shall the height be greater than fifteen (15) feet. The height of the antenna shall be measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the antenna.
- B. No satellite receiving antenna shall be mounted, located or placed permanently or temporarily in any residential zoning district in any front yard that is adjacent to the principal structure on the lot, and not within five (5) feet of the lot lines in the side or rear yards.
- C. No satellite receiving antenna in residential districts shall be greater than twelve (12) feet in diameter.

- D. Satellite receiving antennas mounted on trailers or vehicles may be allowed for a period not to exceed fifteen (15) days. All others shall be permanently placed.
- E. Notwithstanding the provisions of this section, a satellite receiving antenna may be mounted to a residential dwelling so long as any and all of the structural requirements of the current adopted addition of the Uniform Building Code are adhered to and followed; however, the top of such satellite receiving antenna shall not be higher than the peak of the roof of such building, and such satellite receiving antenna shall not be located on the front of the residence.
- F. The location of a satellite receiving antenna existing at the time of enactment of this ordinance that is not in conformance with the provisions of this section may continue during the period of time as such satellite receiving antenna is in use by the entity owning the property at the adoption time of this ordinance; however, when such satellite receiving antenna is replaced, or when title to the property upon which such satellite receiving antenna is located is changed or transferred in any manner, or the nonconforming use as specified herein has been discontinued for a period of sixty (60) days, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this section.

Section 16. COMMUNICATION TOWERS AND ANTENNAS.

16.1.1 INTENT: In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City finds that these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Maximize the use of existing and approved towers to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.
- D. Minimize the construction of said tower facilities in and near residential neighborhoods to ensure the safety of residents and to protect and preserve the general character of these neighborhoods.

16.2 DEFINITIONS:

ANTENNA: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional

antennas (e.g., panels, microwave dishes, and satellite dishes), and omni-directional antennas such as whip antennas.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services.

TOWER: Any ground or roof-mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

16.3 GENERAL REGULATIONS:

A. Towers in Residential Zoning Districts: Towers shall be allowed only in the following areas of residential districts:

1. Towers supporting amateur radio antennas, television antennas, broadcast radio antennas, citizen band radio antennas, and short-wave listening antennas, etc., and conforming to all applicable provisions of this section shall be allowed only in the rear yard and/or side yard of residentially-zoned parcels.

2. Towers supporting commercial antennas and conforming to all applicable provisions of this Section shall be allowed only in the following sites in residentially zoned parcels of land:

- a. Church sites, when camouflaged as steeples or bell towers;
- b. Park sites, when compatible with the nature of the park; and
- c. Government, school, utility, and institutional sites.

B. Co-Location Requirements: A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it can reasonably be documented by the applicant that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one-half mile search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a registered engineer licensed by the State of Iowa;
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower

or building as documented by a registered engineer licensed by the State of Iowa;

3. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a registered engineer licensed by the State of Iowa;

4. In spite of best efforts, within ninety (90) days, the applicant is unable to negotiate reasonable business terms regarding the lease or purchase of space on an existing tower; or

5. Other reasons affecting technical performance, system coverage, and system capacity that make it impractical to place or locate the planned telecommunications equipment upon an existing or approved tower.

C. Tower Design Requirements: Proposed construction or modification of towers shall meet the following design requirements:

1. Towers shall be designed to blend into the surrounding environment to the maximum extent possible through the use of color, except in instance where the color is dictated by federal or state authorities. Such as the Federal Aviation Administration (FAA).

2. Towers shall be designed to support at least three (3) carriers, with up to twelve (12) eight (8) foot panels per carrier.

3. Any entity intending to build a communication structure solely for the leasing of antenna space shall provide proof of a lease agreement with a wireless communication company for the location of an antenna on the proposed structure.

D. Permitted Locations: Towers may be located in the Agricultural District if it is intended for future Commercial or Industrial development as indicated in the Future Land Use Plan, as contained within the City's Comprehensive Plan.

E. Tower Setbacks: Towers shall conform with each of the following minimum setback requirements:

1. The tower or antenna in the Commercial or Industrial Districts shall not encroach upon any easements. The minimum distance to the nearest property line shall be equal to the height of the tower. The minimum distance to the nearest residential structure shall be two (2) times the height of the tower.

2. The tower or antenna in any Residential Districts shall not encroach into any easements or required front yard, side yard, or rear yard areas in said residential districts as specified in this zoning ordinance.
3. The setback shall be measured between the base of the tower located nearest the property line and the actual property line. A lesser setback distance may be used if a registered engineer licensed by the State of Iowa specifies in writing that the collapse of the tower will occur within a lesser distance under all foreseeable circumstances.
4. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - a. In industrial zoning districts, towers may be placed within a side yard abutting a private street or driveway.
 - b. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a public local street if the setbacks are met from property lines as specified by this ordinance.
5. A tower's setback may be reduced or its location in relation to a public street varied at the sole discretion of the Zoning Administrator to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

F. Tower Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for a particular tower, or if required by the Zoning Administrator for security or safety reasons. This provision shall not preclude the placement of an antenna on an existing or proposed lighting standard.

G. Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited. Upon completion of tower site construction, a placard containing the name, address, and telephone number of the principal owner or operator of the tower structure is required. This placard shall be affixed in a location so that it is clearly visible at the perimeter of the site. Said placard shall not exceed four (4) square feet in area. The pertinent ownership information on the placard shall be kept current and updated as needed. No additional signage shall be allowed other than those required by the FCC.

H. Accessory Utility Buildings: All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall meet such setback requirements as are compatible with the actual placement of the tower. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.. Acceptance of design from a registered engineer licensed by the State of Iowa shall be left to the discretion of the Zoning Administrator.

I. Abandoned or Unused Towers or Portions of Towers: The operator / owner of a tower shall provide the City with a copy of the notice to the FCC of intent to cease operations. All abandoned or unused towers and associated aboveground facilities shall be removed within twelve (12) months of the cessation of operations of an antenna facility at the site, unless the Zoning Administrator approves a time extension. In the event that a tower is not removed within twelve (12) months of the cessation of operations at a site, the City may remove the tower and associated facilities and the costs of removal assessed against the property.

J. Antennas Mounted on Roofs, Walls, and Existing Towers: The placement of wireless telecommunication antennas on roofs, walls, and existing towers shall be approved by issuance of a building / zoning permit based on administrative review.

K. Interference with Telecommunications: No new or existing telecommunications service shall interfere with public safety telecommunications or private telecommunications, including without limitation: radio, television, and personal communications. Any violation shall be enforced in accordance with rules and regulations of the Federal Communications Commission (FCC) .

L. Additional Submittal Requirements. In addition to the information required elsewhere in this section, prior to the issuance of a building / zoning permit, an applicant for off-premise tower/antennas shall include the following supplemental information:

1. A report from a registered engineer licensed by the State of Iowa indicating the following:
 - a. Description of the tower / antenna height and design including a cross section and elevation.
 - b. Documentation of the approximate height above grade for potential mounting positions for co-located antennas, minimum of three (3). and the approximate minimum separation distance between antennas; and

- c. Description of the tower's general capacity including the number and type of antennas that can be accommodated on the tower , minimum of three (3).
2. For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his / her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use, including without limitation, reasonable rental rates for such shared use.

16.4 CONSTRUCTION REQUIREMENTS: All antennas and towers erected, constructed, or located within the City and all wiring therefore shall comply with the following requirements:

- A. All applicable provisions of this Section.
- B. Tower designs shall be certified by a registered engineer licensed by the State of Iowa to conform with the latest structural standards and wind-load requirements of the Uniform Building Code (UBC), Electronics Industry Association (EIA), or the current Building Code utilized and adopted by the City, whichever is more restrictive. Acceptance of design from a registered engineer licensed by the State of Iowa shall be left to the discretion of the Zoning Administrator.
- C. No part of any antenna or tower nor any lines, cable, equipment, wires, or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
- D. Towers and antennas shall conform to accepted electrical engineering methods and practices and comply with the provisions of the National Electric Code (NEC).
- E. Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons by erection of a security device or fence at least six (6) feet in height.

16.5: EXISTING ANTENNAS AND TOWERS: Antennas and towers in existence as of the adoption date of this ordinance that do not conform to or comply with this section are subject to the following provisions:

- A. Towers may continue in use for the purpose now used and as now existing but may not be replaced or materially altered without complying with this section.

- B. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefore, but without otherwise complying with this section; provided, however, that if the cost of repairing the tower to the former use, physical dimensions, and location would exceed the cost of a new tower of like kind and quality, the tower may not be repaired or restored except in full compliance with this section.

ARTICLE 16
OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 1. OFF-STREET PARKING. Except for at the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

- | | | |
|----|---|---|
| A) | Single Family Residential: | 2 spaces |
| B) | Duplex Residential: | 2 spaces per dwelling unit |
| C) | Multi- Family Residential: | 2 spaces per dwelling unit |
| D) | Condominium Residential: | 2 spaces per dwelling unit |
| E) | Townhouse Residential: | 2 spaces per dwelling unit |
| F) | Mobile Home Residential: | 2 space per mobile home |
| G) | Group Residential: | 1 space for each two bedrooms |
| H) | Home Occupation: | 1 space per dwelling unit, plus
3 spaces for each 200 square feet
devoted to said home occupation |
| I) | Private Club or Lodge: | 1 space for every 4 memberships |
| J) | Convalescent Services: | 1 space for each eight beds, plus 1
Space for each 3 employees on the
largest shift |
| K) | Hospital: | 1 space for each three hospital beds;
plus 1 space for each two employees
on the major work shift |
| L) | Hotel / Motel; Boarding or
Rooming House, Fraternity or
Sorority; or Resort Facility: | 1 space per sleeping room; plus 1
space for each 4 seats in public
assembly areas |
| M) | Public Assembly; Community Center,
Library, Museum or Art Gallery: | 1 space for each four seats;
10 spaces plus 1 additional for each
300 square feet of floor area in
excess of 2,000 square feet |
| N) | Bowling Alleys: | 4 spaces per each lane |

O)	Automatic car wash:	4 spaces for each washing bay; 2 spaces for each do-it-yourself area
P)	General Retail Sales	1 space per 200 feet of gross floor Area
Q)	Offices, business and professional agencies, banks, medical or dental clinics:	3 spaces plus one additional space for each 400 square feet of floor area over 1,000 square feet
R)	Cocktail Lounges or Restaurants:	1 space for each two seats, plus 1 space for each two employees
S)	Primary Educational Facility:	1 space per classroom or 1 space for every four seats in the largest facility for public assembly, whichever is greater
T)	Secondary Educational Facility:	1 space per classroom or 1 space for every six seats in the largest facility for public assembly, whichever is greater
U)	Industry:	1 space for every two employees on the largest shift, plus sufficient space to accommodate all vehicles used in connection with the industrial use

Section 2: COMPUTATION OF SPACES.

- A) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Planning and Zoning Commission.
- B) Where fractional spaces occur, the parking spaces required shall be construed to be the nearest larger whole number.
- C) Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the

extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

- D) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately. Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, nightclubs or cafés, and up to one hundred percent (100%) of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and other similar uses not normally open, used or operated during the same hours as those listed first above.

Section 3: LOCATION AND TYPE OF PARKING SPACES. All parking spaces required herein shall be located on the same lot as the building or use served, except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than four hundred (400) feet from an institutional or other nonresidential building being served.

- A) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.
- B) Off-street parking spaces may be located within the required front yard in any commercial or industrial district; however, no off-street parking shall be permitted in the required front yard in any residential district except the front yard of a school or recreational facility or upon a driveway providing access to a garage, carport or parking area for the dwelling.
- C) All required off-street parking areas in any commercial or industrial district of more than five spaces shall be surfaced with either asphalt, concrete, or crushed rock so as to provide a durable surface. The parking area shall be graded and drained to dispose of all surface water accumulation within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
- D) Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
- E) No part of any parking space shall be closer than five feet from any street right-of-way. In case the parking lot adjoins a residential district, it shall be at least five feet from the property line and shall be effectively screened immediately by the use of a fence, hedge, other similar methods, subject to City approval.

- F) All off-street parking spaces shall have 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.
- G) Access Drives:
- A. In business districts, no parking space or access thereto, except entrance or exit drives as limited in this section, shall be within five (5) feet of a street or lot line. Entrance or exit drives connecting the parking area and the street shall be permitted with the five (5) foot strip required above, provided:
- 1) Such drives shall not exceed fifteen (15) feet in total aggregate width for each fifty (50) feet of street line abutting such lot, but in no case exceeding forty (40) feet in total aggregate width for each street line upon which a lot abuts;
 - 2) Such drives have at least sixty (60) feet of unobstructed vision in both directions along the street into which the drive enters measured from the centerline of the drive at the point where it enters the street, and the centerline of such drive shall be at least sixty (60) feet from the centerline of any street intersecting the street onto which the drive enters;
 - 3) Such drives shall have on each side a triangular area formed by the intersection of the driveway line, the street line and a straight line joining said lines at points thirty (30) feet distant from their point of intersection. Within such triangular area, no parking or loading or unloading shall be permitted, nor shall there be any obstruction to traffic visibility.
- B. In industrial districts, no parking space or access thereto, except entrance or exit drives as limited in this section, shall be within five (5) feet of any lot line. Entrance or exit drives connecting the parking and the street shall be permitted with the five (5) foot strip required above, provided these drives meet the requirements as specified in subsection A of this section.

Section 4: OFF-STREET LOADING SPACES REQUIRED. In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building, at least

one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or fraction thereof.

- A) Each loading space shall be no less than twelve feet (12') in width, forty feet (40') in length and fifteen feet (15') in height.
- B) Such space may occupy all or any part of any required yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.
- C) Off-street loading and unloading space with proper access from a street or alley, and with at least fourteen (14) feet of vertical clearance shall be provided, either within or outside the building to adequately serve the use on the lot. All off-street loading and unloading spaces shall have an all weather surface to provide safe and convenient access and use during all seasons.

ARTICLE 17 SIGNS AND AWNINGS REGULATIONS

Section 1. INTENT. The intent of this Article is to promote the health, safety, prosperity, aesthetics and general welfare of the community by providing for regulation of the erection of signs and awnings and to provide to the administration and enforcement of the regulations established for such purpose.

Section 2: DEFINITIONS. For purposes of this article, unless the context otherwise requires, the following definitions shall apply:

1. **Sign:** Any object or device, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business, business product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, color, motion, illumination, or projected images. "Sign" includes any billboard, free-standing sign, ground sign, wall sign, roof sign, projecting sign, portable sign and temporary sign. "Sign" does not include the following: Flags of nations, states and cities; objects or devices visible through windows; or works of art, except murals, which in no way identify a business, product or service.
2. **Sign Face:** The surface of a sign upon, against, or through which the message is displayed or illustrated. The face of a sign composed of separate characters or words attached directly to a building, wall or other surface shall be the smallest rectangle which encloses all of the characters or words.
3. **Billboard:** Shall mean any flat surface forty-eight (48) square feet or more in area, erected on a framework, or attached to posts, buildings or other structures, and used for the display of bills, posters or other advertising materials produced on paper sheets, cloth or other materials and posted, tacked, or fastened thereto.
4. **Ground Sign:** Shall mean any sign, the structure of which is erected upon or supported by the ground.
5. **Roof Sign:** Shall mean any sign placed on or above the roof of any building or structure.
6. **Public Property:** All real property owned by the City of Hampton or any state or federal public entity, or dedicated to public use, including the entire width of all public street and alley rights-of-way.
7. **Wall Sign:** Shall mean any sign attached or erected against the wall of a building or other structure, with the exposed sign face in a plane parallel to the plane of said wall or structure, including signs painted directly on a wall.

8. **Projecting Sign:** A sign, other than a wall sign, which projects from and is supported by, fastened to, or suspended by, a wall or a building or other structure.
9. **Awning:** Shall mean drop-awnings attached to buildings by means of removable metal frames. It shall also mean all metal and / or wood projections also referred to as canopies or marquees.
10. **Area:** Shall mean the display surface included within the framework of any sign and measured from the outside of the framework.
11. **Street Line:** Shall mean the place where the public sidewalk begins and the private property line ends.
12. **Portable Sign:** A free standing sign not permanently anchored or secured. All portable signs are temporary signs.
13. **Temporary Sign:** Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials with or without frames, intended to be displayed for a limited period of time only. All temporary signs are portable signs.
14. **Person:** Any individual, firm, partnership, association, corporation or organization of any kind.
15. **Enforcement Officer:** The person designated by the City Council to monitor and enforce compliance with this article.
16. **On-Premises Sign:** A sign, the primary purpose of which is to identify and / or direct attention to an occupation, business, service, activity, product, campaign, or attraction manufactured, sold, or offered upon the premises where such sign is located.
17. **Off-Premises Sign:** A sign that is not an on-premises sign.
18. **Home Occupation:** An occupation or a profession conducted in a dwelling unit identified by the Zoning Ordinance and the City Code of Hampton.

Section 3: Exemptions: The provisions and regulations of this article shall not apply to the following signs:

1. **Real Estate:** A real estate sign with a sign face not exceeding six (6) square feet in area which advertises the sale, rental or lease of any premises upon which the sign is located. Not more than one (1) sign shall be permitted per one hundred feet of lot frontage. Special signs and entrance treatments to subdivisions shall be permitted provided they are in keeping with the character of the area.

2. **Professional:** A professional name plate not exceeding two (2) square feet in area.
3. **Special Events:** A temporary sign advertising or promoting a special event or activity sponsored by a public, religious or non-profit organization and open to the general public; provided however, that all such signs be erected no more than thirty (30) days before the event and shall be removed no later than three (3) days after the end of the event.
4. **Construction:** Signs identifying the names of the architect, engineer, contractor or other individuals involved in the construction of a building or other project, and/or announcing the character of the building enterprise or the purpose for which the building is intended. Each sign shall have no more than two (2) sign faces, which shall be parallel to one another, no sign face shall exceed sixteen (16) square feet in size and shall not exceed twelve (12) feet in height measured from the ground. All signs shall be removed within one (1) month following the completion of construction.
5. **Occupational:** An occupational sign in a commercial district denoting only the name and occupation of a person engaged in such occupation on the premises on which the sign is located; provided that there shall be only one (1) such sign per premises under this exemption and shall have not more than two (2) sign faces, which shall be parallel to each other, and no sign shall exceed ten (10) square feet in area.
6. **Memorial:** A memorial sign or tablet, the name of a building and the date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
7. **Traffic:** A traffic or other municipal or state sign, legal notice, railroad crossing sign, danger sign, and other temporary, emergency or non-advertising signs.
8. **Public:** Signs of a noncommercial nature and in the public interest, erected by or upon the order of public officials, such as safety signs, welcome signs, trespassing signs, memorial plaques, signs of historical interest, and all other similar signs, including signs designating public hospitals, libraries, schools, parks, airports, and other institutions or places of public interest or concern.
9. **Political:** Political campaign signs announcing or promoting candidates seeking public office or issues pertinent to a political election; provided that this exemption shall apply only to signs which are located on private property with the consent of the property owner and are removed not more than three (3) days after such election to which they pertain.

10. **Seasonal Decorations:** Signs pertaining to recognized national holidays and national observances.
11. **Bulletin Boards:** A bulletin board not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institution.
12. **Vehicular:** Signs which are accessory to the use of any kind of vehicle if the sign is painted or attached directly to the body of the vehicle.
13. **Indoors:** Signs located within buildings, including signs visible through windows.
14. **Directional:** Signs notifying the public of the existence and / or location of local religious, charitable and civic organizations and their facilities.
15. **Temporary:** Temporary signs in residential zoning districts advertising garage sales, or similar activities and the sale of night crawlers; also, temporary signs of a commercial nature outside of the residential zoning districts, provided that no more than one (1) temporary sign is located on any such premises at any one time and that such sign does not remain on the premises for more than a total of thirty (30) days in any calendar year.
16. **Residential Identification:** A sign with a single sign face not more than two (2) square feet in area identifying the street address and / or occupant of any residence.

Section 4: SIGNS ON OR EXTENDING OVER PUBLIC PROPERTY.

1. **Signs on Public Property:** No sign or sign structure shall be erected, placed or maintained on public property with the prior approval of the Enforcement Officer, except for traffic and other public signs erected by or upon the order of public officials in the performance of their duties. The subsection shall not apply to signs not otherwise prohibited by this article, which extend over public property from adjoining structures to which they are attached.
2. **Minimum Clearance Over Sidewalks:** No awning, sign, or sign structure extending over a public sidewalk or any public property, other than the traveled portion of any street or alley, shall be less than eight (8) feet in height, measured from the ground to its lowest point.
3. **Minimum Clearance Over Streets:** No awning, sign, or sign structure extending over the traveled portion of any street or alley shall be less than sixteen (16) feet in height, measured from the ground to its lowest point.

4. **Maximum Extension:** No sign or sign structure shall extend more than six (6) feet into the airspace above a public sidewalk, street, alley, or any public property.
5. **Construction and Maintenance:** All signs and sign structures extending over any public property shall be securely fastened and constructed and maintained so that there is no unreasonable danger of collapse due to wind or other cause. Repairs shall be ordered at the discretion of the Enforcement Officer.
6. **Visibility:**..No sign or sign structure extending over any public property shall obstruct the visibility or any traffic control device, other wise interfere with the safe operation of motor vehicles, or encroach unnecessarily on the visibility of signage on other premises.

Section 5. Off-Premises Sign Prohibited in Business and Residential Districts. The erection or maintenance of an off-premises sign is prohibited in Business and Residential Districts.

Section 6: Maintenance. All signs and sign structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair, in a proper state of preservation, and free from any conditions posing an unreasonable risk of harm to the public. The sign faces of all signs shall be kept neatly painted or posted at all times.

Section 7: PROHIBITED SIGNS. The signs hereinafter designated shall be prohibited and it shall be unlawful for any person to erect or maintain any such sign:

1. **Signs on Public Property:** Any sign or sign structure located in whole or in part on any public property, except traffic and other public signs and signs specifically approved by the Enforcement Officer or public authority with jurisdiction over the property.
2. **Billboards:** Billboards erected in Business and Residential Districts.
3. **Obstructions to Doors, Windows, and Fire Escapes:** Any sign or sign structure erected, located, or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
4. **Audible Signs:** Except for use by city officials, law enforcement, and emergency vehicles.
5. **Traffic Hazards:** Any sign or sign structure located in any place where, by reason of its position, shape, color or size, may interfere with, obstruct the view of, or be confused with any official traffic control device, or which makes use of the words, "Stop", "Look", "Danger", or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic, except in the case of official traffic control devices.

6. **Obsolete Signs:** Any sign, together with its sign structure, that advertises an activity, business, product, or service which has not been conducted or offered on the premises on which the sign is located for sixty (60) days or more.
7. **Abandoned Signs:** Any sign or sign structure that has been abandoned and not used for sign purposes for sixty (60) days or more.
8. **All Signs** not specifically authorized by the ordinance are prohibited.

Section 8. PERMITTED SIGNS. Subject to all other restrictions and prohibitions and the exemptions set forth in this article, only the signs specifically permitted in this section shall be lawful and no person shall erect, construct or maintain any sign or sign structure which is not authorized herein. All references to districts in this section shall mean the various zoning districts established under the City of Hampton Zoning Ordinance. Sign permits are required for signs permitted by this section.

Signs Permitted in Residential Districts:

1. One (1) on-premises sign upon which is displayed the name of a religious institution, school, library, community center, or similar institution located on the premises and the announcement of its services or activities. Such sign shall have no more than two (2) sign faces, which shall be parallel to one another, and shall not exceed forty-eight (48) square feet in area per sign face. The sign shall be a free standing or wall sign. A free standing sign shall not be greater than six (6) feet in height measured from the ground.
2. If the premises includes a multiple dwelling complex containing eight (8) or more units or, includes a mobile home park containing ten (10) or more mobile home lots, one (1) on-premises identification sign is permitted. Such sign shall be free standing, and shall have no more than two (2) sign faces, which shall be parallel to one another, and shall not exceed twenty-four (24) square feet in area per sign face.
3. Except as otherwise provided, home occupation or professional signs in any residence district or in connection with any residential building in any other district shall not exceed two (2) square feet in area.

Signs Permitted in All Other Districts: Any or all of the following signs shall be permitted on each premises which is not located in a Residential District:

1. One (1) on-premises free-standing sign having no more than two (2) sign faces, which shall be parallel to one another, and shall not exceed one hundred-forty four (144) square feet in area per sign face. Such sign shall not be greater than thirty-six (36) feet in height measured from the ground, to the top of the sign. If premises has frontage on more than one street, one such sign shall be permitted for each frontage.

2. One (1) on-premises wall sign limited to ten percent (10%) of the area of the wall upon which such sign is attached or displayed.
3. One (1) on-premises roof sign having no more than two (2) sign faces, which shall be parallel to one another, and shall not exceed one hundred (100) square feet in area per sign face. Such sign shall not extend above the highest portion of the permanent roof or wall of a building or structure to which it is attached.
4. One (1) on-premises projecting sign having no more than two (2) sign faces, which shall be parallel to one another, and shall not exceed fifty (50) square feet in area per sign face. Such sign shall not extend above the top of the building or structure wall to which it is attached.
5. One (1) permanent window sign provided that no more than twenty-five percent (25%) of the area of such window is so used.

Section 9. ILLUMINATED SIGNS. Signs may be illuminated from within or with exterior lighting. The illumination of a sign shall not cause a nuisance to nearby residents or be illuminated in a manner to cause a hazard to drivers of motor vehicles.

Section 10. HISTORIC DISTRICT. The conditions listed below shall apply to all buildings and structures in a unique historic district of the city identified by the attached Exhibit "A" and incorporated herewith.

1. It is recognized that certain historic signs may provide local color, character, individuality, and a sense of place or orientation. Examples of these are ghost signs (faded sign at least 50 years old), landmark signs and / or signs made up of materials that are no longer economically viable to produce or manufacture. These signs may be allowed upon application to the Enforcement Officer who may consult with the Hampton Historical Preservation Commission, (HHPC). Absent a HHPC, the Enforcement Officer may confer with local historians before approving a permit for such sign.
2. Movable awnings supported throughout on metal frames securely attached to the structure or building may extend over the sidewalk portion of public property a distance not to exceed two thirds ($2/3$) of the width of the sidewalk space provided that minimum clearance over the sidewalk shall not be less than eight (8) feet in height, measured from the ground to its lowest point. Permanent canopies or marquees, except those already in existence at the time of passage of this ordinance, shall not be permitted.

Section 11. PRE-EXISTING NONCONFORMING SIGNS.

1. All obsolete signs and abandoned signs must be removed with sixty (60) days of publication of this ordinance. The thirty (30) day time period for allowable

temporary signs and portable signs shall begin the day after publication of this ordinance.

2. All other signs that exist on the effective date of this article or any amendment hereto, which were lawful under all laws, including zoning laws in effect immediately prior to the effective date, but which would not be allowed under the terms of this article or any amendment, the use and maintenance of such sign may be continued for a period not to exceed twenty-four (24) months, at which time, nonconforming signs shall be brought in to compliance with the terms of this ordinance.
3. The following state permitted billboards, erected with the consent of the City of Hampton, Iowa, are hereby permitted to remain at their present locations and shall not be required to be removed under Section 11.2 of this ordinance; State permit numbers 35-5007, 35-5008, 35-5001 and 35-0002.
4. No nonconforming sign shall be enlarged, relocated or reconstructed following the effective date of this ordinance.
5. No sign shall be deemed to exist as of the effective date of this article unless it shall have been completely erected prior to said effective date.

Section 12. PERMIT REQUIRED. Except as otherwise provided in this article, it shall be unlawful for any person to erect or relocate any sign without obtaining a sign permit form the Enforcement Officer and making payment of the permit fee. Minor repair, alterations, reconstruction and maintenance of existing conforming signs, and new signs approved by a valid permit and with applicable payments made, shall not require additional fees or permits, provided, after repair, alteration, reconstruction or maintenance, the sign continues to conform to the permit.

Section 13. PERMIT APPLICATION AND ISSUANCE.

1. **Application:** Application for a sign permit shall be made to the Enforcement Officer on a form provided by the City and shall contain or have attached thereto the following information:
 - Name, address and telephone number of the applicant.
 - Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - A sketch indicating the position of the sign in relation to the lot lines, the buildings on the lot, and nearby buildings or structures.

- A sketch of the proposed sign showing its dimensions and message, if any, together with a description of the materials from which it is to be made and its method of construction and attachment to the building or in the ground.
 - The name and address of the person erecting the sign.
 - Written consent of the owner of the building, structure or land on which the sign is to be erected or attached.
 - A description of the nature or type of any illumination planned for the sign.
 - Such other information as the Enforcement Officer shall require to indicate full compliance with this article and all other applicable ordinances of the City.
2. **Permit Fee:** A nonrefundable fee of \$25.00 shall accompany each permit application.
 3. **Issuance:** A sign permit shall be issued by the Enforcement Officer when the application and the investigation thereof indicates compliance by the applicant with all provisions of this article and any other applicable laws. Any conditions imposed pursuant to subsection 4 of this section shall be clearly stated in the permit.
 4. **Conditions:** In issuing a sign permit, the Enforcement Officer may impose special conditions regarding a proposed sign. Such conditions may be imposed only when reasonably necessary for public safety reasons and may include special restrictions or requirements relating to size, height, clearance between the ground and the sign face and set back from a premises boundary or street line.
 5. **Rejection and Appeal:** If the Enforcement Officer rejects the application the reasons for such denial shall be given in writing to the applicant. Such notice of rejection shall also inform the applicant of the right to appeal the rejection to the City Board of Adjustment. If any application is denied or no action taken by the Enforcement Officer within a reasonable time, the applicant shall have the right to appeal to the City Board of Adjustment and the Board of Adjustment may make a decision, or reverse the decision of the Enforcement Officer to grant a permit. The applicant shall have the same right of appeal concerning any special conditions imposed by the Enforcement Officer in issuing any sign permit. For appeals under section 10, Historic District, of this ordinance, the applicant and / or the Hampton Historic Preservation Committee shall have the right to appeal the decision of the Enforcement Officer to the Board of Adjustment.
 6. **Records:** A careful and complete record of all permit applications and permits shall be maintained by the Enforcement Officer.

7. **Validity:** A sign permit is valid for one (1) year and, if the permitted sign is erected within that time, it shall remain valid until the sign is removed or until the permit is revoked, but no permit shall authorize the subsequent structural alteration or relocation of the sign for which it was issued. If the permitted sign is not erected within one (1) year of the date of issuance the permit shall expire and be deemed revoked.

Section 14. PERMIT REVOCATION. If a sign permit has been issued for a sign and the sign is thereafter erected or maintained in violation of the terms of the permit or any other provision of this article, the Enforcement Officer shall, following notice to the permit holder or any subsequent owner of the sign and an opportunity for a hearing before the Board of Adjustment, revoke the permit. If a sign permit is issued and the sign is not erected, relocated or reconstructed as provided in the permit within one (1) year of the date of issuance, the permit shall be deemed automatically revoked without the necessity of notice, a hearing, or action by the Board of Adjustment.

Section 15. ENFORCEMENT AND VIOLATIONS:

1. **Enforcement Officer:** The City Council shall designate an Enforcement Officer whose duty it shall be to inspect signs within the City of compliance with the requirements of this article. In the event any violations are found, the Enforcement Officer shall give written notice of the violation to the owner of the sign and demand removal or other corrective action with a reasonable amount of time. If the violation is not corrected within the time provided, the Enforcement Officer shall report the violation to the City Manager and City Attorney.
2. **Violations:** Any person who violates, disobeys, neglects or fails to comply with, or who resists the enforcement of, any of the provisions of this article or any of the terms and conditions of any sign permit shall be guilty of a municipal infraction. Each day that a violation exists or continues shall constitute a separate offense.
3. **Prevention and Abatement of Violations:** If any sign is erected, constructed, reconstructed, altered, repaired, converted, moved, maintained or used in violation of this article or of the terms and conditions of any sign permit, the City Attorney, at the direction of the City Manager, shall, in addition to all other remedies, institute any appropriate action or proceeding in any court to prevent such unlawful act or to restrain, correct or abate such violation.

Section 16. VARIANCE. Any person may appeal the decision of the Enforcement Officer to the Board of Adjustment for a variance from the provisions of the sign regulations.

ARTICLE 18 CONDITIONAL USES

Section 1: PROCEDURES AND REQUIREMENTS. Allowable conditional uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a conditional use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a conditional use permit, the Board of Adjustment will authorize the issuance of a conditional use permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit.

Section 2: APPLICATION FOR CONDITIONAL USE PERMIT. A request for a conditional use permit for a conditional use or modification of a conditional use may be initiated by a property owner or his or her authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee of \$35.00.

- A) **APPLICATION AND FEE:** Application for a Conditional Use Permit shall be filed with the City Clerk. The application shall include the following:
1. Name and address of the owner and applicant.
 2. Address and legal description of the property.
 3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
 4. The property address and the name and mailing address of the owner of each lot within two hundred (200) feet of the subject property and a map with parcels keyed to the ownership and address data.
 5. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
 6. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all dimensions sufficiently shown, as required to illustrate the following:

- a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
- b. The location and dimensions of boundary lines, easements, and required yards and setbacks.
- c. The location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, and approximate location of existing buildings on abutting sites within fifty (50) feet.
- d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
- e. The location of watercourses and drainage features.
- f. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
- g. The relationship of the site and proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

7. A fee of \$35.00.

Section 3: PROCEDURES. A conditional use shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

- A) The Board of Adjustment shall schedule a public hearing in relation to the conditional use request. Notice shall be given of the public hearing as required by State Statute by publication in a newspaper of general circulation in the City. Notice shall be given to a complete list of persons provided by the applicant who are all of the owners of property within two hundred (200) feet of the property in question.
- B) The Board of Adjustment shall determine that it is empowered under this ordinance to grant the conditional use as described in the application, and that the granting of the conditional use will not adversely affect the public interest.
- C) In granting any conditional use, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under

which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Article 18 of this ordinance.

- D) The concurring vote of three (3) members of the Board of Adjustment grants a conditional use permit. No order of the Board of Adjustment granting a conditional use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

Section 4: STANDARDS. No conditional use permit shall be granted by the Board of Adjustment unless such Board shall find:

- 4.1 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
- 4.2 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 4.3 That the establishment of the conditional use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
- 4.4 That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
- 4.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Section 5: SUPPLEMENTAL STANDARDS. In addition to the general standards outlined in Section 4 above, specified uses shall adhere to standards as follows:

The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- A) The yards shall be at least five hundred (500) feet distant in all directions from any residential building;
- B) The out-of-doors yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height;
- D) An off-street parking or service area in connection with the yards may be located outside of the screened-in area.

ARTICLE 19 NONCONFORMING USES

Section 1. INTENT. There exists lots, structures, and uses of land and structures, within the various zoning districts of this Ordinance or Amendments thereto which were lawful prior to the adoption of this Ordinance, but which would be prohibited, regulated or restricted under provisions of this Ordinance. These nonconformity will be allowed to continue to exist until they are discontinued, but are declared by the Ordinance to be incompatible with permitted uses in the zoning districts involved. Such nonconformity's may only expand or extend in compliance with Section 4 of this Article.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY DISTRICT IN WHICH SINGLE FAMILY DWELLINGS ARE PERMITTED USES. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A COMMERCIAL OR INDUSTRIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

- 3.1 The use is changed to a use permitted in the district in which such structure or premises is located;
- 3.2 A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;
- 3.3 If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY COMMERCIAL OR INDUSTRIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial or industrial district, subject to the following exception:

- 4.1 Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance.

Section 5. PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6. REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged more than fifty (50) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening, but if less than fifty (50) percent of the building occurring above the foundation is damaged, it may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER CONDITIONAL PROVISIONS. Any use for which a conditional use permit is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

Section 8. CONTINUANCE OF NONCONFORMING USES. The continuance of nonconforming uses or structures shall be subject to the limitations set out in this section:

1. Continuation – Permitted: Any lawful use of a building or land, existing at the time of adoption of this ordinance, may be continued; although such use does not conform to the provisions of this ordinance.
2. Extension: A nonconforming use shall be allowed one (1) twenty-five (25) percent expansion of the building. Said expansion shall not exceed twenty-five (25) percent of the floor area. The extension of a conforming use to any portion of a nonconforming building which existed prior to this ordinance shall not be deemed the extension of a nonconforming use.
3. Restoration: No building damaged by fire or other causes to the extent of more than fifty (50) percent of its value shall be repaired or rebuilt, except in conformity with the regulations of this ordinance.

4. Abandonment: Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be reestablished and any subsequent use shall be in conformity with the provisions of this ordinance.
5. Substitution of Nonconforming Uses: No nonconforming use may be changed to any other nonconforming use, unless the Board of Adjustment finds that the proposed nonconforming use is not more detrimental to the district than the existing nonconforming use of the property. The Board of Adjustment may specify such appropriate conditions and safeguards as may be required in connection with such change.
6. Repairs and Maintenance: Ordinary repairs and maintenance of a structure containing a nonconforming use shall be permitted.
7. Change in Use: A nonconforming use shall not be changed except to a conforming use or to another use of a higher or more restrictive classification as provided in this Zoning Ordinance. A change of a nonconforming use in an industrial district to a use which is residential, shall not be permitted.
8. Amortization of Nonconforming Signs: Signs and billboards which exist off the site of principal use at the time of adoption of this ordinance, and which are nonconforming in accordance with this ordinance, shall be made to conform within a period of three (3) years from said date.
9. Amortization of Nonconforming Use of Open Land: All nonconforming junkyards, storage areas and similar nonconforming uses of open land not involving a substantial investment in permanent buildings, shall be cleaned up,

ARTICLE 20 ENFORCEMENT

Section 1. ADMINISTRATIVE OFFICER. The City Council of Hampton, Iowa, shall appoint a Zoning Administrative Officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the City, or in another governmental agency.

Section 2. ZONING COMPLIANCE. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrative Officer, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. Nothing in this part shall prevent the continuance of a nonconforming use as here-in-before authorized, unless a discontinuance is necessary for the safety of life or property.

Section 3. PLATS. Each application for a zoning permit shall be accompanied by a plat in duplicate drawn, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 4. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Zoning permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided by Article 21.

Section 5. CONDITIONAL USES. A zoning permit for a conditional use may be issued by the Administrative Officer after review by and order of the Board of Adjustment.

ARTICLE 21

VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction shall be subject to a fine of not more than five-hundred dollars (\$500) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Hampton, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 22

BOARD OF ADJUSTMENT

Section 1. CONFIRMATION OF BOARD OF ADJUSTMENT. The members of the Board of Adjustment are hereby confirmed to their appointed terms of office. Future members of the Board of Adjustment shall be appointed by the City Council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the resigning member.

Section 2. CREATED. A Board of Adjustment is hereby established. The Board shall be composed of five residents of the City to be appointed by the City Council who are qualified by knowledge and experience to act in matters pertaining to the development of City Planning and Zoning, none of which shall hold any elective position in the City, to serve for five years from the date of their appointment except for the initial terms as provided herein. The initial appointment shall be for one member for a term of five (5) years, one member for the term of four (4) years, one member for a term of three (3) years, one member for a term of two (2) years, and one member for a term of one (1) year. Each term, after the initial term as provided herein, shall expire due to a vacancy occurring because a member is no longer a resident of the City or because of the resignation of a member and shall be filled by the City Council for the unexpired term of the member who is no longer a resident or has resigned. All members of the Board of Adjustment shall serve without compensation except their actual expenses which shall be subject to approval by the City Council.

Section 3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairperson or upon request of three (3) members of the Board of Adjustment and at such other times as the Board may determine. The chairperson, or in his/her absence the acting chair-person, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The City Zoning Administrator shall act as secretary for the Board of Adjustment.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed at City Hall. The presence of three (3) members shall constitute a quorum.

Section 4. HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or board of the City of Hampton affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed fifteen (15) days, by filing with the City Clerk and with the Board of Adjustment, a notice of

appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee of \$35 shall be paid to the City Clerk at the time the notice of appeal is filed.

Section 5. STAY OF PROCEEDINGS. An appeal stays all proceedings in furtherance of the action which was appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would; in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on the application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

Section 6. POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

6.1 Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.

6.2 Conditional Uses: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance, and as provided for in Article 18.

6.3 Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustments unless and until:

A) A written application for a variance is submitted demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
3. That the special conditions and circumstances do not result from the actions of the applicant;

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

- B) Notice of Public hearing shall be given as Article 18, Section 3, Paragraph A.
- C) The public hearing shall be held. Any party may appear in person or by agent or by attorney.
- D) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- F) The application for a variance shall be accompanied by a fee of \$35.
- G) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 18 of this Ordinance.

Section 7. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to affect any variation in application of this Ordinance.

Section 8. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any board, taxpayer, department, board or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Chapter 414, Code of Iowa.

ARTICLE 23 CHANGES AND AMENDMENTS

Section 1. PROCEDURES. This Ordinance and the district map created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published not less than seven (7) days nor more than twenty (20) days prior to the date established for such hearing. Such notice shall include the time and place for the public hearing.

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES Any person may submit to the Council, an application requesting a change in the zoning district boundaries as shown on the official zoning map.

- 2.1 Each application shall be filed with the City Clerk accompanied by a fee of \$35 and shall contain the following information:
- A) The legal description and local address of the property.
 - B) The present zoning classification and the zoning classification requested for the property.
 - C) The existing use and proposed use of the property.
 - D) The names and addresses of the owners of all property within two-hundred (200) feet of the property for which the change is requested.
 - E) A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.

- F) A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
- 2.2 All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
- 2.3 Upon receipt of the application by the City Clerk a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
 - A) Whether or not the current district classification of the property to be rezoned is valid;
 - B) Whether there is a need for additional land zoned for the purpose requested;
 - C) Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - 1. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
 - 2. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - D) Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- 2.4 The Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. The Council shall then hold a public hearing as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice.