

CITY OF NEW HAMPTON, IOWA
ZONING ORDINANCE UPDATE

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF NEW HAMPTON, CHICKASAW COUNTY, IOWA:

THIS IS AN ORDINANCE REPEALING ORDINANCE NUMBER 670, ZONING ORDINANCE OF THE CITY OF THE NEW HAMPTON, IOWA, INCLUDING ZONING MAP AND ALL OF THE AMENDMENTS THERETO;

AND ENACTING IN LIEU THEREOF AS NEW ORDINANCE NUMBER 835, THE CITY OF NEW HAMPTON, IOWA ZONING ORDINANCE INCLUDING ZONING MAP AND SHALL BE INTEGRATED INTO THE NEW HAMPTON CITY CODE OF ORDINANCES. ORDINANCE NUMBER 835 IS AN ORDINANCE CREATED FOR THE PURPOSE OF PROTECTING HEALTH, WELFARE, AND PUBLIC SAFETY WITHIN THE CITY OF NEW HAMPTON, IOWA AS WELL, AS THE UNINCORPORATED AREA WITHIN TWO (2) MILES OF THE CORPORATE LIMITS OF THE CITY.

ARTICLE I

TITLE, PURPOSE, NATURE, AUTHORITY, IOWA OPEN MEETINGS LAW, AND DEFINITIONS

Section 1.00 TITLE

This Ordinance shall be known as and may be referred to and cited as “The City of New Hampton, Iowa Zoning Ordinance”. It is adopted in accordance with the New Hampton Comprehensive Plan.

Section 1.01 PURPOSE

The various use districts that are created by this Ordinance and the various articles and sections of this Ordinance are adopted for the purpose, among others, of:

1. Carrying out the Comprehensive Plan for the City of New Hampton, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
3. Implementing the Comprehensive Plan for the City of New Hampton, Iowa;
4. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
5. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the city that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
6. Lessening or avoiding congestion in the public streets and highways;
7. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;

8. Helping to ensure that all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
9. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
10. Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces;
11. Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;
12. To prevent, whenever possible, land boundary disputes or real estate title problems;
13. To provide for a balance between the land use rights of individual landowners and the economic, social, and environmental concerns of the public when a city is developing or enforcing land use regulations;
14. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
15. Conserving the taxable value of land and buildings throughout the City; and
16. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

Section 1.02 NATURE

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of New Hampton, Iowa, and hereinafter set forth. The regulations contained herein are necessary to promote the health, safety convenience, morals and welfare of the inhabitants, and to preserve the natural, scenic and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

Section 1.03 AUTHORITY

This Ordinance, in pursuance of the authority granted by the Revised Statutes of the State of Iowa, Chapter 414, Section 1, shall be known and cited as the “Zoning Ordinance of the City of New Hampton, Iowa.”

Section 1.04 IOWA OPEN MEETINGS LAW

The New Hampton City Council, Planning and Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the Code of Iowa as amended. Wherever in this Ordinance a conflict appears between the Ordinance and the open meeting law, the open meeting law shall control.

Section 1.05 DEFINITIONS

For the purpose of the Ordinance and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are to be interpreted and defined herein.

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word “lot” includes the word “plot” or “parcel” and the word “building” includes “structure”. The word “shall” is mandatory; the word “may” is permissive. The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. Accessory Building or Use: A permanent detached building or permanent use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use (See Section 3.02 for accessory building standards.).
2. Agricultural Uses: Uses primarily adapted for growing or raising crops or animals which are used for food, fuel or fiber.
3. Alley: A public access, other than a street, twenty (20) feet in width affording secondary means of access to abutting property. The right-of-way of an alley shall be a minimum of thirty (30) feet.
4. Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
5. Apartment: A room or suite of rooms used as the dwelling for a household, including bath and culinary accommodations for each apartment, located in a building in which there are three (3) or more such dwelling units.
6. Appeal: A request for review by the Board of Adjustment of the Zoning Administrator’s interpretation of any provision of this Ordinance.
7. Auto Body Repair Shop: Any building, structure or land used for automobile body repair, restoration, and painting.
8. Automobile Service Station: An “automobile service station” is any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.
9. Basement/Cellar: A basement shall be a portion of a building having two (2) or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.
10. Bed and Breakfast: A private residence which provides lodging and meals for guests only, in which the host or hostess resides, and in which no more than six (6) guest families are lodged at the same time. A bed and breakfast does not hold itself to the public to be a restaurant, hotel, or motel and serves food only to overnight guests.
11. Block: An area of land within a subdivision that is entirely bounded by streets, railroad rights-of way, rivers, tracts of public and/or the boundary of the subdivision.
12. Billboard: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.
13. Board of Adjustment: “Board of Adjustment” shall mean the Zoning Board of Adjustment of the City of New Hampton, Iowa.

14. Boarding, Rooming, and Lodging House: A building other than a hotel where, for compensation and by arrangement, meals, lodging are provided for three (3) or more persons on a weekly basis.
15. Breezeway: A roofed or covered walkway between a principal building and accessory building. If connected to the principal building with a breezeway, an accessory building is no longer “accessory” to the principal use or building, and said building shall be considered part of the principal building for determining bulk requirement standards.
16. Building: Any structure designed or built for supporting, enclosing, or sheltering of any use or occupancy. This definition does not include signs of any type.
17. Building Height: The vertical distance from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of the building or roof line for gable, hip and gambrel roofs. The only exceptions to the building height requirements set forth in this Ordinance appear in Section 18.01.
18. Building Line: A line on a plat between which said line and a street, alley, or private place no building or structure may be erected.
19. Business or Commercial Use: Engaging in the purchase, sale, or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
20. Car Wash: A building, or portion thereof, containing facilities for washing two (2) or more automobiles; using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices, or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by a customer.
21. Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport attached to a principal building shall be subject to all yard requirements herein.
22. Child Care Center (Institutional): Any established institution, such as a church or non-profit organization, which receives three (3) or more children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
23. Child Care Center (In-Home): An organization located in a dwelling unit, or private home, which provides care services for children under the age of sixteen (16) years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this Ordinance, a child care center operated in the home shall be considered a “home occupation” and shall follow the provisions outlined in this Ordinance.
24. City Attorney: “City Attorney” shall mean the legal professional licensed in the State of Iowa that is designated by the City Council as such.
25. City Council: “City Council” shall mean the City Council of the City of New Hampton, Iowa.
26. City Engineer: “City Engineer” shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.

27. Clinic: A building or buildings used by physicians, dentists, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
28. Commercial Sales (Electronic): Sales of merchandise by means of telephone, fax or internet. No outside storage is allowed under this particular use. Not limited to materials, components, parts, storage containers, machinery or other equipment.
29. Common Sewer System: A central sewer collecting system, if available, to each platted lot and discharging into a treatment plant, the construction and location of which is approved by the City and County or State Boards of Health.
30. Common Water System: A central water supply system, if available, to each platted lot from one single source approved by the City and County or State Boards of Health.
31. Comprehensive Plan: The general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
32. Consignment and Auction Sales Operations: A business which, as a primary use, stores and sells personal property of others to the public either indoors or outdoors.
33. Contiguous: Adjoining or lying next to.
34. Convenience Store: A retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
35. Court: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.
36. Cul-de-sac: A street, which is not longer than five hundred (500) feet in length, having one (1) end connecting to another street that is terminated by a vehicular turn around. A cul-de-sac shall have an outside paved roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet.
37. Curblin: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblin shall be determined by the city engineer.
38. Deck: An outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five (5) feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.
39. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
40. Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

41. Developmentally Disabled: For the purpose of the “family home” provisions of this Ordinance, a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following.
 - a. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
 - b. Attributable to any other condition found to be closely related to mental retardation.
 - c. Attributable to dyslexia resulting from a disability.
 - d. Attributable to a mental or nervous disorder.
42. District: A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
43. Drive-in Restaurant or Refreshment Stand: Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.
44. Driveway: A private roadway, providing access for vehicles to a parking space, garage, dwelling or other structure.
45. Dwelling: Any building or portion thereof which is designed for or used exclusively for residential purposes but not including a tent, cabin, trailer, or mobile home.
46. Dwelling, Attached: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
47. Dwelling, Condominium: A multiple-family dwelling, with common approved walls, as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common or association ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
48. Dwelling Detached: A dwelling that is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of five (5) feet away from other buildings or structures.
49. Dwelling, Multiple-Family: A residential building designed for occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each dwelling unit.
50. Dwelling, Row or Townhouse: A series of three (3) or more individual dwellings in a continuous row that are on individual lots, constructed with common approved walls, and are individually owned.
51. Dwelling, Single-Family: A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only. Single-family dwelling shall include a “manufactured home”, as herein defined.
52. Dwelling Two-Family/Duplex: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each dwelling unit.

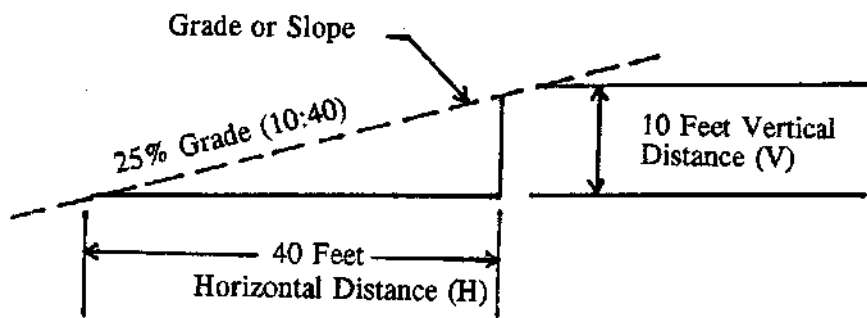
53. Dwelling Unit: A room or group of rooms that are arranged, designed or used as living quarters for the occupancy of one (1) family containing bathroom and/or kitchen facilities.
54. Easement: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.
55. Economic Base: The production, distribution and consumption of goods and services within a planning area.
56. Egress: An exit.
57. Elder Home: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
58. Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
59. Environmental Impact Statement (EIS): A statement on the effect of development proposals and other major activities that significantly affect the environment.
60. Essential Services: The erection, alteration, or maintenance, by public utilities, municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, cable television, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, streets, bridges, right-of-way, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare of the City of New Hampton. All buildings or telecommunication towers associated with 'essential services' however, must abide by this Ordinance (See Section 3.08).
61. Exotic Animals: Domesticated animals kept for commercial or personal purposes that are not common domesticated animals including, but not limited to: emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
62. Family: One (1) or more persons occupying a single dwelling unit, provided that all members are related by blood, marriage, or adoption.
63. Family Home: A community-based residential home which is licensed as a residential care facility licensed under Chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa.
64. Farm or Farmland: A parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.
65. Farm Animal: Animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees, fish, and fur animals but not including rabbits kept as pets.

66. Feasibility Study: An analysis of a specific project or program to determine if it can be successfully carried out.
67. Feedlot: Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.
68. Fence, Residential: A barrier and/or structure erected in a Residential District intended to provide security, mark a boundary, or as a means of landscaping. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, chain link, but shall not include corrugated sheet metal, barbed wire or salvage material.
69. Fence, Non-Residential: A barrier and/or structure erected in a district other than a Residential District intended to provide security, mark a boundary or a means of landscaping. No such fence shall be constructed of salvaged material or use barbed wire unless the use is intended to protect the public health, welfare, and safety of residents.
70. Flag Lot: A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private right-of-way.
71. Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters; (2) The unusual and rapid accumulation or runoff of surface waters from any source.
72. Floodplain: Any land area susceptible to being inundated by water from any source, as may be identified by the Federal Emergency Management Agency (FEMA).
73. Floor Area: In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest room, utilities, or dressing rooms.
74. Floor Area Ratio: The gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
75. Frontage: That side of a lot abutting a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.
76. Garage, Attached: An attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
77. Garage, Detached: A detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building (See Section 3.02).
78. Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles (See Section 3.02).
79. Garage, Storage: A building or portion thereof designed or used exclusively for term storage by pre-arrangement of motor-driven vehicles or other private items or materials, as distinguished from daily storage furnished transients, and at which motor fuels and oils

are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold. This definition includes uses also referred to as 'mini-storage'. (See Section 3.02).

- 80. Gas Station: Any building, structure or land used for the dispensing, sale, or offering for sale at retail of any vehicular fuels, oils, or accessories and in connection with which is performed general vehicular servicing as distinguished from automotive repairs.
- 81. Governing Body: The City Council of the City of New Hampton, Iowa.
- 82. Grade: The degree of rise or descent of a sloping surface (See Figure 1).

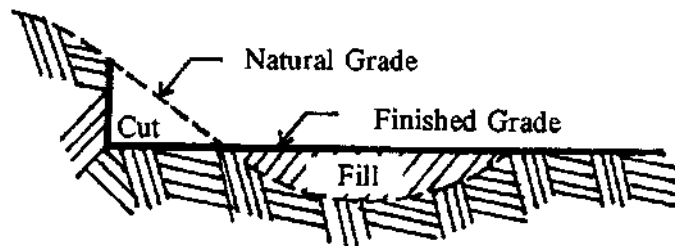
Figure 1: Grade or Slope



$$\text{SLOPE CALCULATION} = V / H$$

- 83. Grade, Finished: The final elevation of the ground surface after development (See Figure 2).
- 84. Grade, Natural: The elevation of the ground surface in its natural state before human-made alterations (See Figure 2).

Figure 2: Grade or Slope; Cut and Fill Cross Section



- 85. Grain Elevator: A structure or group of related structures whose purpose is limited to the receiving, storing, drying, and transporting of bulk grain.
- 86. Group Home or Group Care Facility: A facility that provides resident services to nine (9) or more individuals, or an unlicensed (under Chapter 135C or 237 of the Iowa Code)

facility regardless of the number of individuals served. These individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This definition includes any licensed or supervised federal, state or county health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

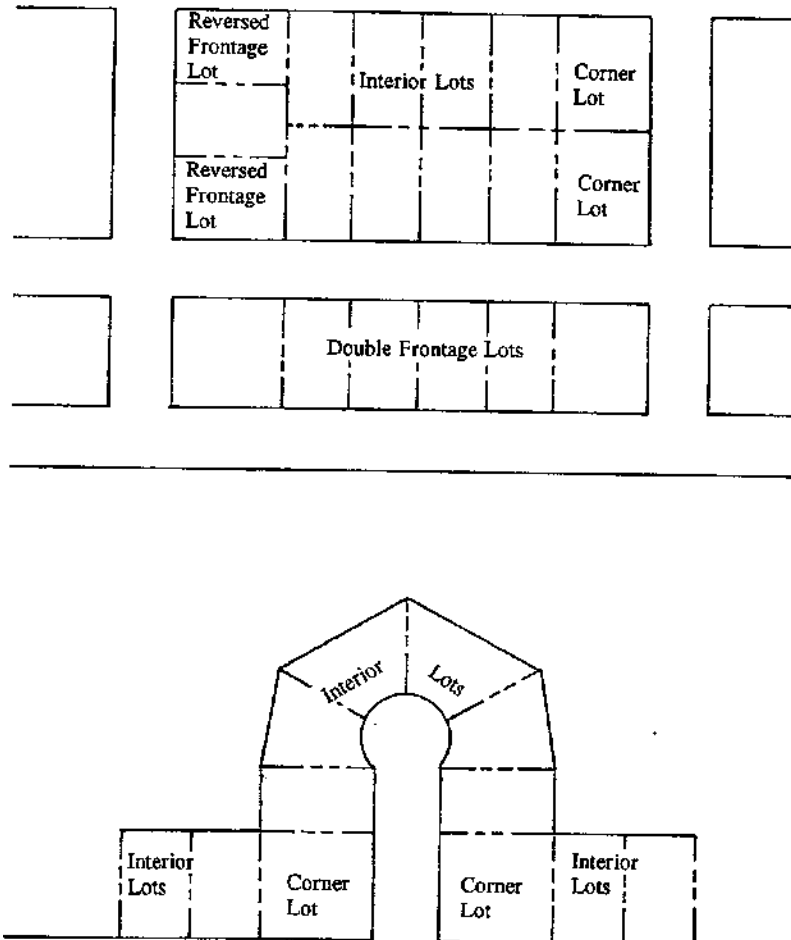
87. Historic Preservation: The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.
88. Historic Structure: Any structure that is: (a) Listed individually in the National Register of Historic Places a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.
89. Home Occupation: A “home occupation” is an accessory use of a dwelling unit, conducted entirely within the dwelling unit or attached garage, and that which is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
90. Home Industry: An occupation or profession conducted entirely within an enclosed accessory building(s) and/or a detached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
91. Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, as opposed to a boarding house or rooming house.
92. Household: A group of persons living together in a single “dwelling unit”, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
93. Improvements: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.
94. Ingress: Access or entry.
95. Institution: A nonprofit or quasi-public use or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.
96. Junk or Salvage: All old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolition materials including wood and lumber, yard waste (trees, brush, wood, leaves), firewood stored on vacant or unoccupied lots, rubble concrete, structural steel materials, or similar materials. This definition shall also include junked,

dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.

97. Junk or Salvage Yard: Any area where junk or salvage is bought, sold, exchanged, baled or packed, disassembled, kept, stored, or handled. This definition shall also include auto or other vehicle or machinery wrecking and/or salvaging; or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property; and contractor's storage yards. The presence on any lot, parcel, or tract of land of two (2) or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.
98. Junk Vehicle: As may be defined in the New Hampton Code of Ordinances.
99. Kennel, Dog (Commercial): Any parcel of land on which three (3) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding or other activities associated with the care of dogs for commercial purposes.
100. Kennel, Dog (Private): Any parcel of land on which no more than three (3) dogs, six (6) months old or older, are kept for private purposes. Private kennels shall be considered accessory uses for the purposes of this Ordinance.
101. Laundromat: An establishment providing washing, drying and/or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.
102. Loading Space: An off-street space or berth used for the loading or unloading of vehicles.
103. Lot: A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are herein required. Such lot shall have frontage on a public street or private street and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.
104. Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.
105. Lot, Corner: A lot abutting upon two (2) or more streets at their intersections (See Figure 3).
106. Lot Depth: The mean horizontal distance between the front and rear lot lines.
107. Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 3).
108. Lot Frontage: The length of the front line measured at the street right-of-way line.
109. Lot, Interior: "Interior lot" means a lot other than a corner lot (See Figure 3).
110. Lot Line: A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street or any other public space.

- 111. Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- 112. Lot Line, Side: Any lot line other than a front or rear lot line.
- 113. Lot, Minimum Area of: The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular district.
- 114. Lot of Record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder of the County in which it is located, or a lot or parcel described by metes and bounds, the description of which has been so previously recorded.
- 115. Lot Width: Lot width is measured at the building line at right angles to its depth or side lot lines.

Figure 3: Examples of Lot Definitions



116. Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
117. Massage Establishment: Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by massage therapist's hands) is administered or used.
118. Manufactured Home: A single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling, and if located outside of a factory built home park, shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the Iowa Code. For the purposes of this Ordinance, a manufactured home may also be known as a modular home.
119. Manufacturing or Industrial Use: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
120. Mobile Home: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A mobile home may be used with or without a permanent foundation when connected to utilities and shall only be located in a "Mobile Home Park". The term mobile home does not include "recreational vehicle."
121. Mobile Home Park/ Land Lease Community: A parcel of land, not less than five (5) acres in area, divided into two (2) or more mobile home lots for rent or sale.
122. Motor Court or Motel: A "motor court or motel" is a building or groups of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
123. Nonconforming Building: A building which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
124. Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is situated.
125. Nursing, Rest, or Convalescent Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.
126. Overhang: The part of a roof or wall which extends beyond the facade of a lower wall.

127. Overlay District: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.
128. Owner: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
129. Parcel: A part of a tract of land.
130. Parking Lot: An area of land devoted to unenclosed parking spaces.
131. Parking Space: A surfaced area, enclosed in the principal building, an accessory building, or an unenclosed area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.
132. Place: An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
133. Planned Industrial Use: An industrial zoning district designation that is intended to accommodate industrial or mix of industrial and limited commercial uses, as herein defined, on a tract that is to be not less than ten (10) acres, in size. Planned industrial areas are to be developed in accordance with a site plan and may be constructed in phases.
134. Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one (1) or more residential clusters or planned unit residential developments and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified.
135. Planning and Zoning Commission: “Planning and Zoning Commission” shall mean the Planning and Zoning Commission of the City of New Hampton, Iowa.
136. Porch, Unenclosed: A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.
137. Principal Building or Use: The primary use of land or structures as distinguished from an accessory use.
138. Recreational Vehicle: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towed by a light duty truck (i.e. travel trailer), and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.
139. Residential Use: Uses that are primarily adapted or constructed for human habitation as dwellings. To be considered a “residential use” a building shall have greater than fifty (50) percent of its main floor area used for residential purposes.
140. Restaurant: An establishment that prepares and retails food for consumption on the premises or for carry-out.

141. Rights-of-Way: The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.
142. Satellite Dish Antenna: A satellite receiver, a satellite ground dish antenna or a satellite rooftop antenna which may or may not be able to rotate to enable the “dish” to aim at different satellites for the purpose of television reception.
143. Screening: Either: (a) a strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation, unless in accordance with this Ordinance.
144. Sidewalk: A paved, or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
145. Sign: “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. “Sign” includes “billboard” but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
146. Site Plan: A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
147. Special Exception: A listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this Ordinance by the Board of Adjustment.
148. Stable, Private: A building, incidental to an existing residential, principal use, that shelters equine for the exclusive use of the occupants of the premises.
149. Stable, Public: An accessory building in which equine are kept for commercial use including boarding, hire, and sale.
150. Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages.
151. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

152. Story, First: The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.
153. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.
154. Street or Road: Any throughway having a public right-of-way that is designed to channel or circulate vehicular and pedestrian traffic. The term “street” may refer to any right-of-way bounded by adjacent property lines or to the paving installed within such right-of-way.
155. Street, County: Any road or street owned, operated, and maintained by Chickasaw County.
156. Street, Local or Service: A street whose sole function is to provide access to abutting properties. Standards for a local street shall be those established in the New Hampton Subdivision Ordinance.
157. Street, Private: Any privately-owned road, street, or driveway.
158. Street Width: Street width is defined as the horizontal distance, paved or unpaved, that is located within rights-of-way.
159. Structure: A structure shall be anything constructed or built with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings (principal and accessory) and signs.
160. Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
161. Structural Member: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.
162. Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into lots, parcels, sites, units, plots, or interests for the purpose of sale, including a sale on contract or the making of a gift, or lease, or development, including resubdivision. “Subdivision” includes the division or development of residential or non-residential zoned land, whether by deed, sale on contract, devise, intestate succession, lease, map, plat, or other recorded instrument. The subdivision process is governed by the City’s subdivision ordinance.
163. Surveyor: A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.
164. Swimming Pool: A “swimming pool” is a permanent tank of water, either above or below grade level in which the depth of water exceeds 12 inches. Swimming pools, hot tubs, whirlpool baths and tubs, and Jacuzzi type tubs and baths shall be considered “swimming pools” if they are located outdoors.
165. Towers: Any radio, television, telephone, short-wave, cellular telephone, or microwave antenna or tower.

166. Trailer Camp or Tourist Camp: An area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
167. Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision. See the definition of “essential services”.
168. Variance: A grant of relief considered from the terms of this Ordinance by the Board of Adjustment.
169. Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.
170. Wetlands: That classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources.
171. Yard: An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used (See Figure 4).
172. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building (See Figure 4). This area is to be considered clear area and is not to be used for storage or obstruction. A front yard shall be measured from the wall of the structure(s).
173. Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard (See Figure 4). A rear yard shall be measured from the wall of the structure(s).
174. Yard, Side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto (See Figure 4). A side yard shall be measured from the wall of the structure(s).
175. Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

Figure 4: Yard Definitions

