

# ARTICLE I: GENERAL PROVISIONS

## Section 100. Title

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

## Section 101. Intent and Purpose

This Ordinance is intended to serve the following purposes for the City of New Hampton:

1. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the City;
2. Implementing the Comprehensive Plan for the City of New Hampton, Iowa;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. 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;
5. Lessening or avoiding congestion in the public streets and highways;
6. Seeking to protect against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. 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;
8. 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;
9. 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;
10. Helping to prevent land development activities which lead to roadside blight, and to minimize the effects of nuisance producing activities;
11. To prevent, whenever possible, land boundary disputes or real estate title problems;
12. 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;

13. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic and scenic resources of the City;
14. Conserving the taxable value of land and buildings throughout the City; and
15. Defining the powers and duties of the Zoning Administrator and other bodies, as provided herein.

### **Section 102. Interpretation**

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Interpretation shall be made by the Zoning Administrator, subject to appeal to the Board of Adjustment and Appeals. The language contained in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural and the singular.
- B. The present tense includes the past and future tenses as well as all other tenses.
- C. The word “shall” is mandatory, and the word “may” is permissive.
- D. The masculine gender includes the feminine and neutral genders.
- E. Whenever a word or term defined hereinafter appears in the text of this Ordinance, its meaning shall be construed as set forth in such definition.
- F. All measured distances expressed in feet shall be to the nearest tenth of a foot.
- G. In the event of conflicting provisions, the more restrictive provisions shall apply.

### **Section 103. 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 104. Iowa Open Meeting 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 105. Standard Requirements**

The following standards shall apply to all zoning districts and property, unless otherwise noted in this Ordinance.

- A. **More Restrictive Provisions to Govern:** Where the conditions imposed by any provisions of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, code, statute, resolution or regulation, the regulations which are more restrictive or impose higher standards or requirements shall prevail.
- B. **Conformity with this Ordinance:** No building or structure shall be erected, converted, enlarged, constructed, reconstructed, moved or altered, and no building, structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this Ordinance and without a building or land use permit being issued when required by this Ordinance.
- C. **Building Occupancy:** Except as herein provided, no building, structure or premises shall hereafter be used or occupied and no building permit shall be granted that does not conform to the requirements of this Ordinance.
- D. **Land Reduction:** No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- E. **Abrogation and Greater Restrictions:** These regulations shall not abrogate any easement, covenant, or any other private agreement where such is legally enforceable, provided that where the regulations of this Ordinance are more restrictive, or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall be controlling.

## **Section 106. Severability**

It is hereby declared to be the intention of the City of New Hampton that the several provisions of this Ordinance are severable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

## **Section 107. Abbreviations and Acronyms**

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

<b>AASHTO</b>	American Association of State Highway and Transportation Officials
<b>ADA</b>	Americans with Disabilities Act
<b>ADU</b>	Accessory Dwelling Unit
<b>BFE</b>	Base Flood Elevation
<b>BOA</b>	Board of Adjustment
<b>CFR</b>	Code of Federal Regulations
<b>DU</b>	Dwelling Unit
<b>IHHS</b>	Iowa Department of Health and Human Services
<b>IDNR</b>	Iowa Department of Natural Resources
<b>IDOT</b>	Iowa Department of Transportation
<b>IEMA</b>	Iowa Emergency Management Agency
<b>FAA</b>	Federal Aviation Administration
<b>FCC</b>	Federal Communication Commission
<b>FEMA</b>	Federal Emergency Management Agency
<b>FT</b>	Foot or Feet
<b>HUD</b>	US Department of Housing and Urban Development
<b>KV</b>	Kilovolt
<b>KW</b>	Kilowatt
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>NRCS</b>	Natural Resources Conservation Service
<b>ROW</b>	Right-of-Way
<b>SQFT or Sq. Ft.</b>	Square Feet
<b>SY</b>	Square Yard
<b>SUDAS</b>	Statewide Urban and Design Specifications (Iowa)
<b>USC</b>	United States Code
<b>USACE</b>	United States Army Corps of Engineers
<b>USDA</b>	United States Department of Agriculture
<b>YD</b>	Yard

**Section 108. 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.

**A**

- 1) Abandonment/Discontinued: To cease or discontinue a use or activity not to be construed as short-term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
- 2) Abut or Abutting: To border on, being contiguous with or have property or district lines in common, including property separated by a right-of-way or railroad.
- 3) Access or Accessway: The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by the Ordinance.
- 4) Accessory Dwelling Unit (ADU): A dwelling unit that is located on the same lot as a single-family dwelling unit to which it is accessory and subordinate to the principal dwelling unit. ADUs can be created in a variety of ways, including conversion of a portion of an existing house, addition to an

existing house, conversion of an existing accessory structure, addition to an existing accessory structure, or the construction of an entirely new building.

- a) Accessory Dwelling Unit, Internal: A type of ADU that is incorporated within an existing single-family dwelling unit by converting a part of the existing home into a separate dwelling unit that provides complete independent living facilities for one or more person.
  - b) Accessory Dwelling Unit, Attached: A type of ADU that is constructed as an expansion of an existing single-family dwelling unit, and is structurally a part of the principal dwelling unit.
  - c) Accessory Dwelling Unit, Detached: A type of ADU that is not structurally a part of the principal dwelling unit, and is built separate or incorporated within an existing detached accessory structure, or attached to an existing detached accessory structure.
- 5) Accessory Building or Use: A use or structure subordinate in use, area or purpose to the principal use or structure on the same lot and serving a purpose naturally and normally incidental to the principal use or structure. This general definition does not include those accessory uses and structures that are separately defined in this Ordinance.
  - 6) Accessory Recreation Facility: A facility for private recreation that is accessory to the primary land use. Examples of accessory recreation facilities include but are not limited to: Tennis Courts, Pools, Trail Heads, Hockey Rinks and Volley Ball Courts.
  - 7) Adjacent: Near or close; for example, an Industrial District across the street or highway from a Residential District shall be considered as adjacent.
  - 8) Agricultural Uses: The use of land for agricultural purposes including: farming; dairying; pasturage; horticulture; silviculture; animal and poultry husbandry and the necessary accessory uses for treating and storing the produce, provided that the operation of any such accessory uses shall be secondary to that of the principal agricultural activity.
  - 9) Agricultural Building or Structure: Any building or structure, existing or erected, which is used principally for agricultural purposes, with the exception of dwelling units.
  - 10) Airport: Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.
  - 11) All-Terrain Vehicle: As defined by *Iowa Code Section 321I.1(1)(a)*, means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
  - 12) 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.

- 13) Alteration: Any change, addition or modification in construction or occupancy of an existing structure or site.
- 14) Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 15) Ambulance Service: Provides emergency medical services dedicate to out-of-hospital acute care and medical transportation, which may include a structure for the storage of ambulance vehicles and related supplies, and may also include a residential component for staff to accommodate twenty-four (24) hour operation.
- 16) Amendment: An amendment is a change in the zoning ordinance or map. An amendment may be initiated by a landowner, the City of New Hampton, the Planning & Zoning Commission, or the Board of Adjustment.
- 17) Animal Breeding: A facility designed for the breeding of domestic animals, typically cats or dogs, for the purpose of receiving compensation for the animals.
- 18) Animal, Exotic: Animal species that are not native to the area, or occurring outside of its natural range, or are of foreign origin or character. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
- 19) Animal, Farm: Means cattle, swine, horses, sheep, chickens, turkey, or fish, per *Iowa Code, Chapter 459*.
- 20) Animal, Non-Domestic or Game: An animal, the products of which are food that is not cattle, sheep, swine, or goat. These terms include animals such as, but not limited to reindeer, elk, deer, antelope, bison, rabbit, squirrel, bear, and muskrat; an aquatic or non-aquatic bird including a wild duck, goose, quail, and pheasant; a non-aquatic reptile including rattlesnake; and an aquatic mammal.
- 21) Animal Feed Lot: A lot or building or combination of contiguous lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designated as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry (poultry ranges), and barns, dairy farms, swine facilities, beef lots, horse stalls, mink ranges and zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots.
- 22) Animal Feeding Operation: A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five days or more in any twelve-month period, and all structures used for the storage of manure from animals in the operation. Except as required for a national pollutant discharge elimination system permit required pursuant to the federal *Water Pollution Control Act, 33 U.S.C. Ch. 26*, as amended, an animal feeding operation does not include a livestock market.
- 23) Animal Kennel and Grooming/Boarding: Any facility, public or private, where domesticated animals are temporarily boarded, groomed, or sold for compensation, including animal day care/spa facilities, but not including zoos or veterinary hospitals. This use also includes public facilities for the temporary impoundment of animals.

- 24) Animal Owner: The resident, property owner, custodian or keeper of any animal(s).
- 25) Animal Unit Capacity: A measurement used to determine the maximum number of animal units that may be maintained as part of an animal feeding operation at any one time, including as provided in *Iowa Code, Sections 459.201 and 459.301*.
- 26) Animal Weight Capacity: The product of multiplying the maximum number of animals which the owner or operator confines in an animal feeding operation at any one time by the average weight during a production cycle.
- 27) Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
- 28) 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.
- 29) Appeal: A request for review by the Board of Adjustment of the Zoning Administrator's interpretation of any provision of this Ordinance.
- 30) Appurtenant Structure: A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- 31) Art, Business, or Vocational School: A school, other than a college, that provides specialized training and education beyond the high school level, principally in the business, commercial or vocational arts, that does not provide lodging or dwelling units for students or faculty, and that has programs that typically result in the awarding of a certificate.
- 32) Art Galleries & Museums: A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical or scientific value. It may also have retail sales of arts and crafts.
- 33) Assessor: The Chickasaw County Assessor or appointed designee.
- 34) Assisted Living Facility: A building which provides housing with services which may include, but not limited to, health-related care, personal care, and assistance with instrumental activities of daily living to six or more tenants in a physical structure which provides a home-like environment, and which is either certified or voluntarily accredited through the Iowa Department of Aging as provided in Chapter 231C, Code of Iowa.
- 35) Athletic Complex / Community Center: A publicly owned facility that is open to the public free of charge or for a fee, typically offering indoors; a combination of fitness equipment, fitness classes, gyms, indoor recreation facilities, skating rinks, tennis courts, child care, swimming or other aquatic facilities, meeting and classrooms, as well as other activities intended to provide a service to the public often located within a public park.
- 36) Attached: A foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

- 37) Attached Permanently: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
- 38) ATV, Boat, Recreational Vehicle, Snowmobile, Trailer, and Small Engine Sales and Service: An establishment specializing in the sales or service of typical small engines, trailers, and other recreational type vehicles.
- 39) Auditorium and Performing Arts: A building, structure or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances. This term does not include a movie theatre which is considered a Community Indoor Entertainment facility.
- 40) Automobile Car Wash and Detailing: An establishment meant for the primary use of washing of passenger vehicles, including automatic washes, self-service, and professional detailing services.
- 41) Automobile Repair or Body Shop: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision services including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning. Primarily repairs are only completed on passenger vehicles not exceeding one and one-half ton.
- 42) Automobile Sales or Rental: The sale, display, lease, rental, or storage of motor vehicles, including automobiles, vans, trucks, trailers, boats, and recreational vehicles. This shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use. Sales or Rental lots must meet the requirements of accessory open sales lot. Primarily sale of rental of passenger vehicles not exceeding one and one-half ton.
- 43) Automobile Service: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing, oiling, tire sales and service on the premises.
- 44) Automobile Towing/Impound Lot: A facility used to securely store vehicles that have been towed and impounded at the request of law enforcement.

## **B**

- 45) Bank or Financial Institution: An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.
- 46) Bar: Any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also see Nightclub and Tavern.
- 47) Base Flood: The flood having one percent (1%) chance of being equaled or exceeded in any given year. (Also commonly referred to as the “100-year flood”).
- 48) Base Flood Elevation (BFE): The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- 49) Basement/Cellar: Any part of a structure, including crawl spaces, having its floor or base below ground level on one or more sides, regardless of the depth of excavation below ground level. A



basement or cellar is not included in computing the number of stories for the purpose of height measurement.

50) 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.

51) Bedroom: An area with a room designed for, used for, or capable of providing habitable sleeping area within a dwelling according to applicable building code standards.

52) Beekeeping (apiculture): The raising and care of bees for commercial or agricultural purposes.

a) Apiary means the assembly of one or more colonies of bees at a single location.

b) Colony means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.

c) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.

d) Honey bee means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).

53) Beer Garden: An establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

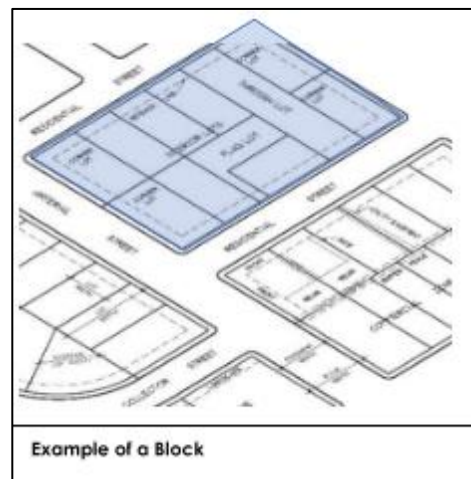
54) Beginning of Construction: Site grading is considered the beginning of construction.

55) Berm: A raised form of earth to provide screening or to improve the aesthetic character.

56) Bituminous or Concrete Plant and Sales: A facility engaged in producing bituminous or concrete for sale and delivery and uses incidental to that request. This does not include mining and extraction operations.

57) 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.

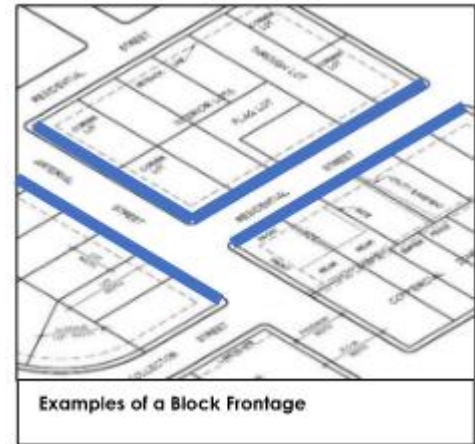
58) Block Frontage: Section of a block fronting on a street between two (2) intersecting streets or another block boundary.



59) 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.

60) Board of Adjustment: “Board of Adjustment” or “Board” shall mean the Zoning Board of Adjustment of the City of New Hampton, Iowa.

61) 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.



62) Boulevard: The portion of the street right-of-way between the back of curb line or pavement edge and the property line; also known as parking.

63) 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.

64) Brew-On Premises Store: A facility providing the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

65) Brew Pub: A restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than ten-thousand (10,000) barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging shall not exceed twenty-five percent (25%) of the total floor area of the commercial space. Also see Brewery, Craft.

66) Brewery: A facility for brewing ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than ten thousand (10,000) barrels of beverage (all beverages combined) annually.

67) Brewery, Craft: A brew pub or a microbrewery.

68) Brewery, Micro: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than ten-thousand (10,000) barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

69) Buffer: A strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

70) Buildable Area: That area of a platted lot lying within the required setbacks, exclusive of those areas that are prohibited from development due to steep slopes, wetlands, easements or other conditions protected by ordinance or legal agreement.

- 71) Building: Any structure, either temporary or permanent, having a roof or other covering, built for the support, shelter, or enclosure of persons, animals, or property of any kind, including tents or awnings, situated on private property and used for purposes of a building. This definition does not include signs of any type.
- 72) Building Face: The exposed face of a building, including windows and doors, from ground level to the roof line.
- 73) 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.
- 74) Building Line: A line parallel to a lot line or the ordinary high-water level, at any story level of a building, representing the distance beyond which all or any part of the building may not extend without violating setback provisions.
- 75) Building Material Sale or Lumberyard: An establishment engaged in the storage, distribution, and sale of building materials such as lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services and outside sale of plants and gardening supplies.
- 76) Building Permit: A permit issued by the City of New Hampton, authorizing both the use of land in the City pursuant to the requirements of this Ordinance and construction activity consistent with the State Building and Fire Codes.
- 77) Bulk Fuel Sales and Storage: A facility engaged in the storage of petroleum-based products or gases for retail or wholesale distribution.
- 78) 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.
- 79) Butt Lot: A lot at the end of a block and located between two corner lots.

## C

- 80) Campground: A parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles for which the primary purpose is recreational, and having open areas that are natural in character.
- 81) Canopy: A rigid multi-sided structure covered with fabric, metal, or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities.
- 82) Capacity (of a stormwater facility): The means the maximum volume or rate of conveyance available in a stormwater management facility, including freeboard, to store or convey stormwater without damage to public or private property.
- 83) 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.

- 84) 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.
- 85) Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including, crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.
- 86) Certificate of Occupancy: An official certificate issued by the Zoning Administrator or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.
- 87) 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. Requires a State of Iowa licensure.
- 88) 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. Requires a State of Iowa licensure.
- 89) Church: A location, whether in a building or not, used for religious worship. If in a building, a church may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, recreational facilities and/or library.
- 90) City: The City of New Hampton, Iowa.
- 91) City Attorney: “City Attorney” shall mean the legal professional licensed in the State of Iowa that is designated by the City Council as such.
- 92) City Council: “City Council” shall mean the City Council of the City of New Hampton, Iowa.
- 93) 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.
- 94) City Limits: The established corporate boundary of the City of New Hampton, Iowa.
- 95) Civil Engineer: A professional engineer licensed in the State to practice in the field of civil works.
- 96) Class V Impervious: A surface constructed of gravel or other such similar material which either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at increased rate of flow than prior to installation.
- 97) Clear Cutting: The removal of an entire stand of trees.

- 98) Clinic, Medical or Dental: A building or buildings used by physicians, dentists, osteopaths, chiropractors, and allied professions for outpatient care of persons requiring such professional service.
- 99) Club or Lodge: A building or structure operated by a non-profit association of persons who are bona fide members, paying annual dues, with the use of the premises being restricted to members and their bona fide guests.
- 100) Code: The Municipal Code of the City of New Hampton, Iowa.
- 101) Collector Street: A Street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and street for circulation within such developments.
- 102) 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.
- 103) Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- 104) Commission: The Planning and Zoning Commission of New Hampton, Iowa. Also refer to "Planning and Zoning Commission."
- 105) Common Area or Property: A parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.
- 106) Common Interest Community (CIC): Contiguous or noncontiguous real estate that is subject to an instrument which obligates persons owning a separately described parcel of the real estate, or occupying a part of the real estate pursuant to a proprietary lease, by reason of their ownership or occupancy, to pay for
- a) Real estate taxes levied against;
  - b) Insurance premiums payable with respect to;
  - c) Maintenance of; or
  - d) Construction, maintenance, repair or replacement of improvements located on, one or more parcels or parts of the real estate other than the parcel or part that the person owns or occupies. Real estate subject to a master association, regardless of when the master association was formed, shall not collectively constitute a separate common interest community unless so stated in the master declaration recorded against the real estate.
- 107) Common Space: Property owned and managed jointly by members of a planned community.

- 108) 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.
- 109) 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.
- 110) Community Indoor Entertainment: A business that provides or makes available entertainment or recreational facilities to the public for a fee including, but not limited to, billiard parlors, skating rinks, indoor swimming pools, bowling alleys, movie theaters, arcades, tennis courts, and other similar businesses. Such businesses may also provide a snack bar, restaurant, retails sales of related items, and other support facilities.
- 111) Compact Evergreen Tree or Hedge: A coniferous tree or hedge that retains its foliage through the year.
- 112) 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.
- 113) Condominium: An estate in real property as regulated by *Chapter 499B of the Code of Iowa* consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
- 114) Conflicting Land Use: The use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.
- 115) 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.
- 116) Contiguous: Adjoining or lying next to.
- 117) Contour Map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. Contour interval is the vertical height between contour lines.
- 118) Contractor's Shop and Storage Facility: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This definition includes construction offices, shops, and showrooms for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal and other material in connection with contracting services.
- 119) Control Structure: Part of a Stormwater Management Facility designed to regulate the stormwater runoff release rate.
- 120) 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.

- 121) Convention or Event Center: A facility designed or used to host conferences, exhibitions, events, large meetings, seminars or training facilities, which may be associated with a hotel or motel.
- 122) Conversion of Dwellings: The conversion of any principal building or structure into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within Article IV applying to such district.
- 123) Corporate Limits: All land, structures and open space that has been annexed into the City's jurisdiction.
- 124) Counseling Service (Behavioral, Mental Health, Drug and Alcohol Abuse): For this purpose of this Ordinance "counseling" is defined as professional counseling services are offered for various issues including behavioral and mental health as well as drug and alcohol abuse counseling.
- 125) 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.
- 126) 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.
- 127) Curbline: 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.

## D

- 128) Date of Substantial Completion: The date certified by the local zoning administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.
- 129) Deck: A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, attached or functionally related to a principal use, structure or site, and at any point extending more than thirty (30) inches above ground. A deck is considered a structure. 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.
- 130) Density: The number of dwelling units or square footage of commercial floor area relative to the total lot area.

- 131) Department Store: A business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, enclosed and exhibited and sold directly to the customer for whom the goods and services are furnished.
- 132) Design Storm: A of a Stormwater Management Facility designed to regulate the stormwater runoff release rate.
- 133) Detention Basin: A Stormwater Management Facility designed, constructed, or modified to provide short term storage of stormwater runoff, which reduces the peak outflow to a rate less than the peak inflow.
- 134) Developed Condition: Hydraulic and hydrologic site characteristics that occur upon completion of a development.
- 135) 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.
- 136) 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, drilling operations or storage of equipment or materials. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- 137) 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.
- 138) District: A geographical portion of the greater land area subject of this Ordinance, which geographical portion is assigned a zoning classification and within which classification certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 139) Downtown Business District: Main Street from Linn Avenue to Water Avenue.
- 140) Drainageway: Any depression two feet (2') or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.
- 141) Drainage Area: An area of land contributing to stormwater runoff.



- 142) 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.
- 143) Drive, Private: A platted or unplatted, private passageway providing access to a street.
- 144) Driveway: A private entrance, either paved or unpaved, that provides vehicular access between a public right-of-way and the abutting property, including to any buildings or activities on the property.
- 145) Duplex, Triplex and Quad: Dwelling units on a single lot having two, three and four units respectively, being attached by common walls and each unit having separate sleeping, cooking, eating, living and sanitation facilities.
- 146) 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.
- 147) Dwelling, Attached: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
- 148) 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.
- 149) 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.
- 150) 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.
- 151) 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.
- 152) 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.
- 153) 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.
- 154) 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. Any structure, or portion of a structure, or other shelter, designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel and resort rooms and cabins.

## E

- 155) 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; such as access to another property or the construction of utilities, drainage ways, roadways, etc.
- 156) Economic Base: The production, distribution and consumption of goods and services within a planning area.
- 157) Educational Institution: Shall mean a public, or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards as established by the Iowa State Board of Education or other respective authority having jurisdiction over the institution.
- 158) Effective Date: The date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.
- 159) Egress: An exit.
- 160) Elder Home: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.
- 161) Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use for just compensation.
- 162) Enclosed Area Below Lowest Floor: The floor of the lowest enclosed area in a building when all the following criteria are met:
- a) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.05(4)(A) of this chapter; and
  - b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage; and
  - c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation; and
  - d) The enclosed area is not a basement, as defined in this section.
- 163) Encroachment: The expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 164) Environmental Assessment Worksheet (EAW): A document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, and to consider alternatives or to institute methods for reducing environmental effects.

- 165) Environmental Impact Statement (EIS): A statement on the effect of development proposals and other major activities that significantly affect the environment.
- 166) Erected: Construction upon or moved onto a site.
- 167) Erosion Control: Measures engaged to prevent erosion including: soil stabilization practices, limited grading, mulch, temporary or permanent cover, compost application, and construction phasing. Methods employed to prevent sediment from leaving the site -- including silt fence, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
- 168) 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 400).
- 169) Existing and Lawful: The use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.
- 170) Existing Construction: Any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.
- 171) Existing Factory-built Home Park or Subdivision: A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- 172) 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.
- 173) Expansion: The enlargement of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
- 174) Expansion of Existing Factory-built Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- 175) Exterior Design Feature: The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

## F

- 176) Façade: The exterior wall of a building exposed to public view from the building's exterior.
- 177) Factory: A structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
- 178) Factory-built Home: Any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For purposes of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also includes recreational vehicles which are placed on a site for greater than one hundred and eighty (180) consecutive days and not fully licensed for and ready for highway use.
- 179) Factory-built Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- 180) Family: One (1) or more persons occupying a single dwelling unit, provided that all members are one of the following:
- a) Legal spouses (including common law) who reside in the same household.
  - b) Natural, adoptive, or stepmother or father, and children who reside in the same household.
  - c) An individual or child who lives alone or resides with a person, or persons, not legally responsible for the child's support.
- 181) 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*.
- 182) 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.
- 183) 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.
- 184) Farmers Market (Flea/Food/Crafts): A recurring event, held outdoors or in another defined place, on designated days and times, where market vendors, consisting of agricultural producers,

home processors, or craft producers that manufacture non-food goods by the force of their own labor, are organized for the purpose of selling their products directly to the public.

- 185) Feasibility Study: An analysis of a specific project or program to determine if it can be successfully carried out.
- 186) Federal: The federal government of the United States of America.
- 187) 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.
- 188) Fence, Invisible: An electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.
- 189) Fence, Open: A fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces, which affords direct views through the fence.
- 190) Fence, Solid: Any fence, which does not qualify as an open fence.
- 191) 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.
- 192) 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.
- 193) Five Hundred (500) Year Flood: A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- 194) Flag Lot: A lot predominately situated behind another lot and having an access to a public right of way through a portion of the lot which does not satisfy the minimum lot width standards in effect for the district in which the lot is located. The creation of a flag lot is prohibited except when approved through a special exception process and/or in accordance with other provisions of this Ordinance.
- 195) Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:
- a) The overflow of inland or tidal waters such as streams or rivers.
  - b) The unusual and rapid accumulation or runoff of surface waters from any source.
- 196) Floodplain: Any land area susceptible to being inundated by water from any source, as may be identified by the Federal Emergency Management Agency (FEMA).

- 197) Floodplain Management: An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- 198) Floodproofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- 199) Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot (1.0’).
- 200) Floodway Fringe: Those portions of the special flood hazard area outside the floodway.
- 201) 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.
- 202) 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.
- 203) Flood Insurance Rate Map (FIRM): The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
- 204) Flood Insurance Study (FIS): A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- 205) Food Processing or Production: The processing or production of food for sale. This term does not include animal slaughtering which is considered heavy manufacturing. Examples include, but are not limited to, coffee roasting, brewery, distillery, and candy making.
- 206) Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 207) Footprint: The area underneath the leading edge of a structure as projected vertically onto the ground (includes roofline at eaves or drip line).
- 208) Freestanding, Canopy: A permanent, freestanding, unenclosed roof structure designed to provide patrons shelter from the elements.
- 209) Front: The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

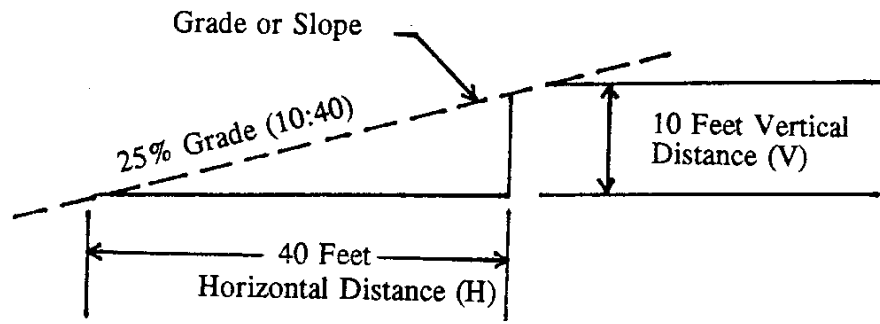
- 210) Frontage: That side of a lot abutting a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.
- 211) Frontage Road: A street parallel and adjacent to a major arterial or collector, primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
- 212) Front Lot Line: A line dividing a lot from any public street or highway, except a limited or controlled access highway to which the lot has no access. The front lot line is the right-of-way line of the public highway on which the lot has access.
- 213) Fuel Storage: Tanks used to storage fuel either above- or below-ground as part of an agricultural, commercial or industrial operation.
- 214) Funeral Home or Mortuary: A building used for the storage, preparation, and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home or mortuary.

## G

- 215) Garage: A fully enclosed building designed or used for the storage of motor vehicles, but not including buildings in which fuel is sold or in which repair or other services are performed.
- 216) 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.
- 217) 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.
- 218) Garage, Side Loaded: A detached accessory structure garage with a vehicle entry door at an angle of no less than forty-five (45) degrees from the edge of a public alley right-of-way so that vehicles can pull entirely out of the garage onto a driveway parking space without entering the alley.
- 219) 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'.
- 220) Gas Station and Convenience: A building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or accessories. This may also include lubrication of automobiles, replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair or spray painting. This use may include the retail sales of convenience goods, and car wash facilities. Designed to accommodate passenger vehicles not heavy truck traffic.
- 221) Golf Cart: A motorized vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

- 222) Governing Body: The City Council of the City of New Hampton, Iowa.
- 223) Government Building or Public Safety Facility: A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a governmental entity, including but not limited to a building or facility that provides fire protection, police protection, or emergency medical services (not including a hospital or medical or dental clinic), together with incidental storage and maintenance of necessary vehicles.
- 224) Grade: The degree of rise or descent of a sloping surface or the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line. (See Figure 1).
- For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
  - For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

**Figure 1: Grade or Slope**

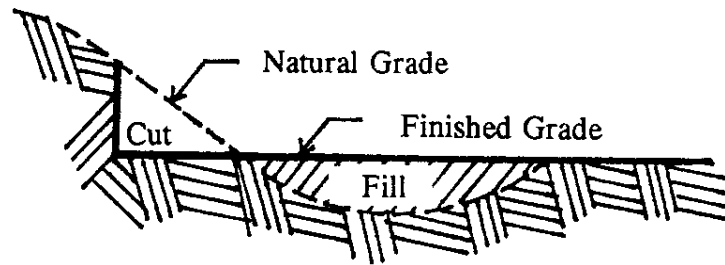


$$\text{SLOPE CALCULATION} = V / H$$

- 225) Grade, Finished: The final elevation of the ground surface after development (See Figure 2).
- 226) 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**



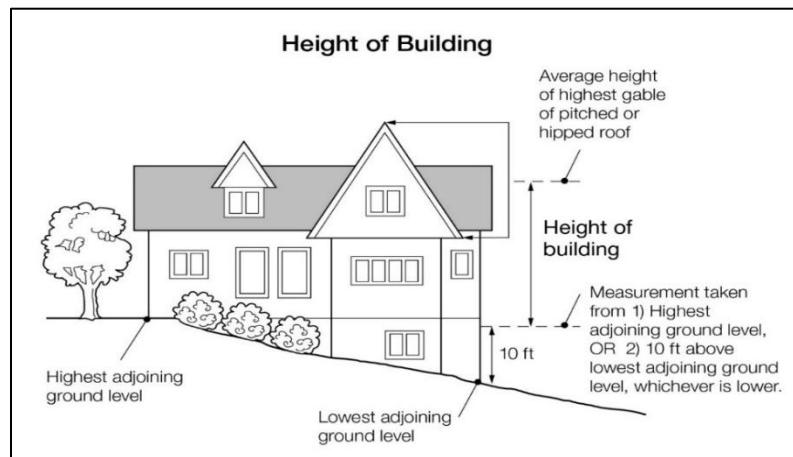
- 227) Grain Elevator: A structure or group of related structures whose purpose is limited to the receiving, storing, drying, and transporting of bulk grain.
- 228) Group Home or Group Care Facility: A facility that provides resident services to nine (9) or more individuals, or an unlicensed (under *Chapter 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.
- 229) Greenspace: Open space covered by native plants, natural landscape or other vegetative cover.
- 230) Greenhouse: An accessory building whose roof and sides are made largely of glass or other transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of delicate or out of season plants.
- 231) Grocery Store: A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains an inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This use may also include sales of personal convenience and small household goods, provided such sales are incidental to the sale of food and beverages.
- 232) Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.
- 233) Ground Coverage Percentage: The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows.
- 234) Groundwater: Water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

## H

- 235) Hard Surfaced: Any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either concrete, asphalt, or masonry brick or pavers.

- 236) Hazardous Chemical Storage or Distribution: An establishment storing hazardous chemicals or materials for profit for the purpose of wholesale distribution.
- 237) Hedge: A plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.
- 238) Height of Building: The vertical distance between the highest adjoining ground level at the building or ten (10) feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof. The height limitations contained in this Ordinance do not apply to spires, steeples, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level that are specifically not intended for human occupancy. (See Figure 3)

**Figure 3: Height of Building**



- 239) Heavy Truck, Farm Implement, Construction Equipment Repair, Rental, Sales, and Service: A facility offering the sale, service, or repair of heavy trucks, farm implements or construction equipment including, but not limited to; semi-tractor and trailer, farm tractor, dump-truck, skid loader, bulldozer, and crane.
- 240) Heavy Truck Fuel and Convenience: A gas station and convenience facility designed for semi-truck and trailer overnight parking, fueling, or maintenance. Such a facility also typically provides showers for rent and will also serve passenger vehicles.
- 241) Heavy Truck Wash and Detailing: An automotive washing facility designed to accommodate large vehicles such as semi-tractor and trailer or heavy equipment.
- 242) Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 243) Historic Preservation: The protection, rehabilitation, and restorations of districts, sites, buildings, structures, and artifacts significant in American history, architecture, archaeology, or culture.
- 244) 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:
    - 1) By an approved state program as determined by the Secretary of the Interior; or
    - 2) Directly by the Secretary of the Interior in states without approved programs.
- 245) Home Occupation: The following types of uses which are clearly secondary and incidental to residential occupancy, and which do not change the character thereof.
- a) Type I. An occupation conducted in a residential district in which no evidence of nonresidential activity is evident from off of the premises, no increase in traffic results from the business activity, and no employees other than household members work on the premises. Type I home occupations are permitted in all residential districts as accessory uses.
  - b) Type II. An occupation conducted in a residential district that does not meet the requirements of a Type I home occupation for one or more reasons, but is not identified as a Type III home occupation. Specifically excluded are any activities that result in the alteration of a building, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from outside of the lot on which such use is located. Type II home occupations are permitted uses in all residential districts, and specifically include: daycares, private lessons, photography and artist studios, commercial contractor storage, or similar uses which may result in the need for multiple trips or visits to the home business. All such uses shall be subject to all other provisions of this Ordinance.
  - c) Type III. Home occupations that have the potential to adversely affect the functioning of individual sewage treatment systems or those uses that have an increased potential to create a nuisance, environmental contamination, inappropriate off-street parking, or any other non-compatible residential activities with a potential to significantly disrupt the character of surrounding residential uses in the immediate neighborhood. Type III Home occupations may be approved as a special exception use in residential zoning districts, provided findings in support of such use are approved by the Board of Adjustment. The Zoning Administrator shall be responsible for determining whether such accessory use constitutes a primary use of the premises with regard to factors contained in Article II of this Ordinance. Factors to be included in such review, and/or approval of a Type III Home Occupation shall include, but are not limited to, the following potential residential neighborhood impacts:

- 1) Residential neighborhood character.
- 2) Excessive noise, dust, vibrations, glares, etc.
- 3) Environmental contamination.
- 4) Substantially increased off-street parking.
- 5) Any other significant or unusual non-residential neighborhood impacts.

Type III Home Occupation uses may include, but are not limited to, the following similar uses:

- 1) Greenhouses
  - 2) Automobile Repair Operations
  - 3) Woodworking Shops
  - 4) Appliance Repair
  - 5) Small Engine Repair
  - 6) Food Production
  - 7) All other accessory uses of a similar character as determined by the Zoning Administrator.
- 246) Hospital: An institution or place where sick or injured in-patients are given medical or surgical care, at either public or private expense, but excluding nursing homes and institutions where persons suffering from permanent types of illness, injury, deformity or deficiency or age are given care and treatment on a prolonged or permanent basis.
- 247) Hotel/Motel: Any building or portion thereof where lodging is offered to transient guests for compensation and in which there are more than three (3) sleeping rooms, with no cooking facilities in an individual room or apartment.
- 248) 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.

## I

- 249) Impervious Surface: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at increased rate of flow than prior to development. Examples include: rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, or gravel driveways; and other similar surfaces. (See also lot coverage).

- 250) 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.
- 251) Indoor Fitness, Health Club or Spa: A structure or leased space at which a variety of spa services are offered including, but not limited to, weight lifting, cardiovascular equipment, personal training, and group exercise classes, artificial tanning, as well as health spas and saunas. For the purpose of this Ordinance skating rinks, tennis courts, basketball courts, swimming pools, and other similar uses are defined as community indoor entertainment.
- 252) Industrial Park: A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
- 253) Industrial Uses: The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
- 254) Industrial, General: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.
- 255) Industrial, Heavy: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.
- 256) Industrial, Light: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.
- 257) Infill Development: The construction of a building or structure on vacant parcel located in a predominantly built-up area.
- 258) Infrastructure: Facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.
- 259) Ingress: Access or entry.

- 260) Inoperative: Inoperative shall mean a vehicle that is incapable of movement under its own power and in need of repair or junking, and shall include vehicles incapable of legal movement on public roads.
- 261) Inoperable Motor Vehicle: Any motor vehicle which:
- a) Does not have a current state license plate; or,
  - b) Which is disassembled or wrecked in part or in whole, or is unable to move under its own power; or,
  - c) Is not equipped as required by the *Code of Iowa* for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
- 262) 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.
- 263) Intensification of Use: Any change, alteration, extension, expansion or enlargement of a use or use and structure in combination where the off-street parking requirements of this Code would be calculated at a higher ratio and/ or would require that additional off-street parking spaces be provided.
- 264) Intermittent Stream: Has flowing water only during certain periods of time, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water.

## J

- 265) 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.
- 266) 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.
- 267) Junk Vehicle: As may be defined in the New Hampton Code of Ordinances.

## K

- 268) 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.
- 269) 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.

## L

- 270) Landscape Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
- a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
- 271) Landscaping: The improvement of any parcel of land with: grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects and other natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- 272) 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.
- 273) Liquor Store: An establishment licensed to sell off-sale liquor.
- 274) Loading Space: An off-street space or berth used for the loading or unloading of vehicles.
- 275) 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.

- 276) Law Enforcement Center: A governmental facility working directly with the enforcement of laws through a municipality or county. A law enforcement center may be the base of operations for a sheriff, police department, or state agency, or it may be an incarceration facility (temporary or long-term), or a combination of all.
- 277) Loading Area/ Space: An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.
- 278) Local Street: A street or road primarily for service to abutting properties.
- 279) Lot or Lot of Record: A parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Chickasaw County Recorder and abutting at least one improved public street or right-of-way, two (2) thoroughfare easements, or one improved private road.
- 280) Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.
- 281) Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) street frontages is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than one hundred thirty-five (135) degrees. (See Figure 4).
- 282) Lot, Coverage: Lot coverage shall include all structures, driving surfaces, including gravel surfaces, septic tank, parking areas regardless of type of surface, and other improved surfaces (see also impervious surface).
- 283) Lot Depth: The mean horizontal distance between the front and rear lot lines.
- 284) Lot, Division or Reconfiguration: A legal description(s), which divides a parcel of land into one (1) or more new parcels, or adjusts an existing parcel line into a new position on the ground.
- 285) Lot, Double Frontage: A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 4).
- 286) Lot Frontage: The length of the front line measured at the street right-of-way line.
- 287) Lot, Interior: "Interior lot" means a lot other than a corner lot (See Figure 4).
- 288) 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.
- 289) Lot Line, Exterior Side: A yard, immediately adjoining a public street, extending from the front yard to the rear yard and from the side lot line of the lot nearest part of the principal structure on a corner lot.

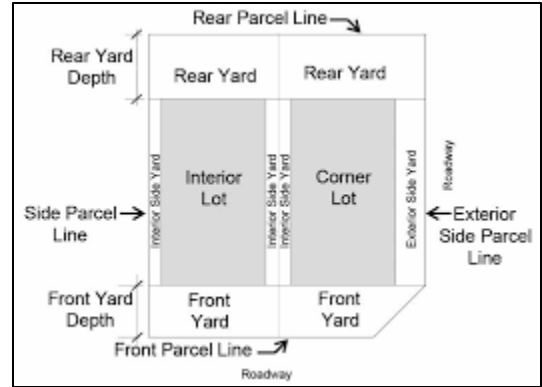


290) Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

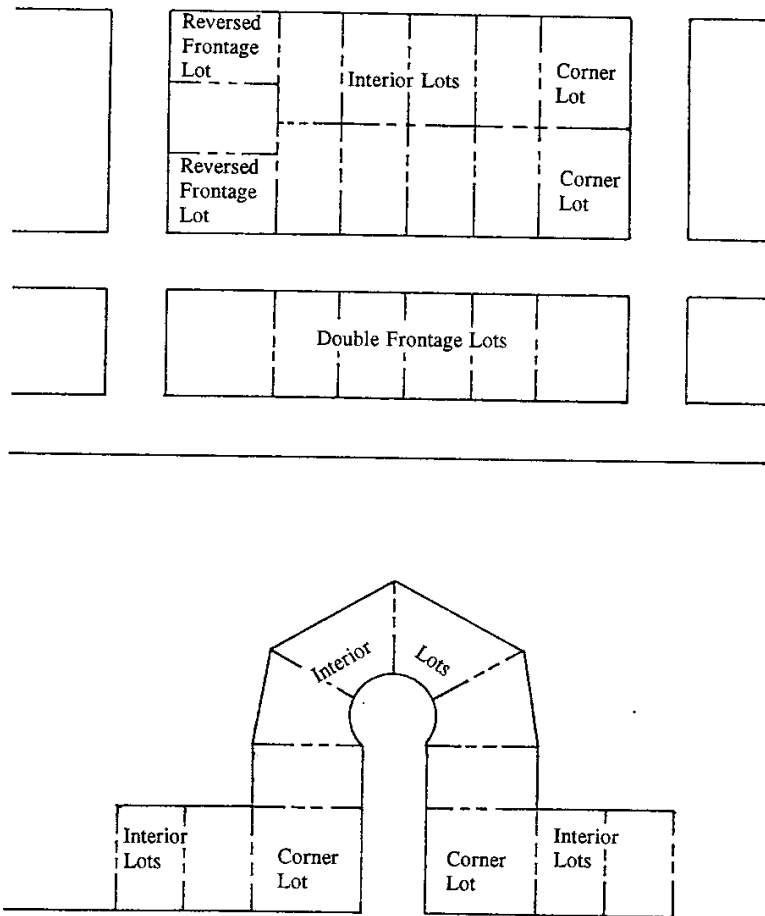
291) Lot Line, Side: Any lot line other than a front or rear lot line.

292) 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.

293) Lot Width: Lot width is measured at the building line at right angles to its depth or side lot lines.



**Figure 4: Examples of Lot Definitions**



294) Lowest Floor: The floor of the lowest enclosed area in a structure including a basement, except when the criteria listed in the definition of “Enclosed area below the lowest floor” are met.

- 295) Lumber Yard: A premises on which primarily new lumber and related building materials are sold.
- 296) Luminaire, Cut-Off: A luminaire with elements, reflectors, or refractor angles that direct and cut off the light at a cutoff angle less than 72 degrees.

## M

- 297) Manufactured Home: A factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.  
*(Code of Iowa, Sec. 414.28)*
- 298) Manufactured Home Park: Any site, lot, field, or tract of land upon which three or more mobile homes, manufactured homes, or modular homes or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.  
*(Code of Iowa, Sec. 526B.7)*
- 299) Manufacturing/Processing Light: A facility or area used for the assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outside operations or storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty-five percent (25%) of the floor area of buildings on the lot. Examples include but are not limited to: food processing, electronic equipment assembly and manufacturing and assembly from finished products.
- 300) Manufacturing/Processing Heavy: An establishment or use of land that includes the assembly, fabrication, or processing of goods and materials using processes that ordinarily have impacts on the environment or significant impacts on the use and enjoyment of surrounding properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or any use where the area occupied by outside storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five percent (25%) of the floor area of buildings on the lot. Examples include but are not limited to, battery, chemicals, machinery, and plastics manufacture; mushroom plant; batching plant; beverage bottling and distribution, packaging plant; sawmill; slaughterhouse; and rendering plant. This use does not include any use that meets the definition of “manufacturing/processing light” or any other use otherwise defined within this Ordinance, and does not include any use that constitutes a public nuisance.
- 301) Map, Official Zoning District: A map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the City Council for New Hampton, Iowa.
- 302) Marginal Access Street: A minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.

- 303) Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.
- 304) Massage Establishment: Any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing device.
- 305) Master Plan: A master plan shall have the same meaning as a comprehensive development plan.
- 306) Maximum Damage Potential Development: Hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
- 307) Medical or Dental Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together.
- 308) Medical Cannabis: Means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:
- a) Liquid, including, but not limited to, oil;
  - b) Pill;
  - c) Vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
  - d) Any other method, excluding smoking, approved by the commissioner.
- 309) Medical Cannabis Manufacturer: Means an entity registered by the commissioner to cultivate, acquire, manufacture, possess, prepare, transfer, transport, supply, or dispense medical cannabis, delivery devices, or related supplies and educational materials.
- 310) Medical Cannabis Product: Means any delivery device or related supplies and educational materials used in the administration of medical cannabis for a patient with a qualifying medical condition enrolled in the registry program.
- 311) Metes And Bounds Description: A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineating a fractional portion of a section, lot or area by described lines or portions thereof.
- 312) Mini Storage: A building which contains separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time, or as part of an approved CIC.

- 313) Minor Projects: Small development activities (except for filling, grading, and excavating) valued at less than five hundred dollars (\$500.00).
- 314) Minor Street: A Street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
- 315) Mixed Use: Properties where various uses, such as office, commercial, institutional, and/or residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.
- 316) Mixed Use Buildings: A building or structure that incorporates two (2) or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
- 317) Mixed Use Development: A single development that incorporates complementary land use types into a single development.
- 318) 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.”
- 319) 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.
- 320) Mobile Restaurant or Mobile Food Unit: A temporary food service establishment that is a vehicle-mounted and is designed to be readily movable.
- 321) Modular Home: A factory-built structure which is to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, as adopted and displays a seal issued by the Iowa State Building Code Commissioner.
- 322) 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.
- 323) Multiple Family Dwelling: A structure designed or used for residential occupancy by more than one family, with or without separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, townhomes, row houses, and similar housing types containing at least five (5) dwelling units Multiple family dwellings do not include hotels, motels, nursing homes or hospitals.
- 324) Multi-Family or Townhome Development: Any residential development proposing greater than one (1) structure on one parcel of property. The number of dwelling units allowed within a structure or on a parcel is defined by the zoning district.
- 325) Multi-Family/Mixed-Use: Typical mixed-use buildings are vertically mixed-use consisting of main level commercial with apartment style living above.

- 326) Multi-Tenant Building: A structure or grouping of attached or detached structures on a single parcel of land or CIC plat.
- 327) Municipal Arterial Streets: Those streets which connect principal traffic generating areas or connect such areas with other street systems.
- 328) Municipal Collector Streets. Those streets that collect traffic from municipal service streets and connect to other street systems.
- 329) Municipal Service Street. Those streets that primarily provide access to property.
- 330) Municipal System (Water & Sewer): A centrally treated, distributed, and/or collected system of public water or sewage service.

## N

- 331) New Construction (new buildings, factory-built home parks): Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- 332) New Factory-built Home Park or Subdivision: A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
- 333) Nightclub: A commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided, except when defined as adult entertainment. Also see Bar.
- 334) 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.
- 335) 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.
- 336) Nursery: A business growing and selling trees, flowering and decorative plants and shrubs and which may be conducted within a building or without, for the purpose of landscape construction.
- 337) 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.

## O

- 338) Office, General: Refer to “Professional or Business Offices.”

- 339) Official Monument: A marker established by the original Federal Land Survey for use as a reference point in surveying and subdividing land.
- 340) Off-Street Parking Area: All off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
- 341) Open Sales Lot: The impervious land area of a parcel where a business will devote space to the regular display of goods for sale, rent, lease or trade where such goods are not enclosed within a building.
- 342) Open Space: A parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
- 343) Open Space, Common: A separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
- 344) Outlet Store: A commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and village clustered style centers.
- 345) Outlot: A lot remnant or parcel of land left over after platting, which is intended as open space or other designated use.
- 346) Overflow Path: The path taken by stormwater runoff as a result of flows exceeding the capacity of the underground drainage system or detention basin. The path may include streets, channels, drainage ways, or areas of sheet flows, and be located on public property or private property within an easement.
- 347) Overhang: The part of a roof or wall which extends beyond the facade of a lower wall.
- 348) 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.
- 349) 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.

## P

- 350) Parcel: A part of a tract of land.
- 351) Park: Any public or private land available for recreational, educational, cultural, or aesthetic use.
- 352) Parking, Off-Street: All hard-surfaced areas other than public rights-of-way for the purpose of parking vehicles.

- 353) Parking, On-Street: The space designated for parking a vehicle within the paved portion of the street right-of-way.
- 354) Parking Lot: An area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.
- 355) Parking Space: An area of definite length and width designed for parking of motor vehicles; said area shall be exclusive of drives, aisles or entrances giving access thereto. A minimum of eight and half feet wide by nineteen feet long (8 ½' x 19').
- 356) Parking Structure, Public: A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas.
- 357) Pasture: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.
- 358) Patio: A horizontal unenclosed platform without railings, seats, trellises, or other features attached or functionally related to a principal use or site at ground level or at no point extending more than thirty (30) inches above the ground. Platforms with railings, seats, trellises or other features shall be regulated as decks regardless of height above ground level.
- 359) Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
- 360) Pawn or Trade Shop: An establishment that purchases or offers secured loans to people with items of personal property used as collateral including, but not limited to, guns, jewelry, musical instruments, home audio equipment, computers, video game systems, televisions, cameras, power tools and other relatively valuable items as collateral.
- 361) Pedestrian Way: The right-of-way across or within a block, for use by pedestrian traffic whether designated as a pedestrian way, cross-walk or however otherwise designated.
- 362) Performance Bond: A bond which may be required by the City of New Hampton, Planning & Zoning Commission or Board of Adjustment to insure the completion of any activity falling under the jurisdiction of this Ordinance.
- 363) Permanent Foundation: A base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.
- 364) Permeable Pavement: A hard-surfaced pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. For purposes of this Code this does not include gravel, cinders, crushed rock or seal coat.
- 365) Permitted Use: A use by right which is authorized in each zoning district.
- 366) Person: An individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district

or any other group or combination acting as an entity, except that it shall not include New Hampton, Iowa.

- 367) Personal Services and Repair: An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services. Examples include, but are not limited to, catering establishments, custom dressmaking, film processing, garment printing and embroidering, licensed massage salons, optical and optician services, service and repair establishments, sun tan centers, appliance repair and service bicycle repair and rental, small craft rental, tailor shops, dry cleaning and laundromats.
- 368) Pervious Surface: All non-impervious areas on a parcel, including green space, landscaped planting areas, ponds, or other features which accommodate groundwater recharge.
- 369) Permanent Foundation: A foundation meeting the State Building Code and consisting of approved footings, crawl space or a basement.
- 370) Permit: Documentation of duly authorized approval provided in the form of a building permit, special use permit, sign permit, fence permit, or variance, allowing a property owner to undertake an activity regulated under the provisions of this Ordinance.
- 371) Person: Any individual, corporation, association, firm, partnership, or similarly identified interest.
- 372) Pharmacy or Convenience: A store where medicinal drugs are dispensed and sold as well as other medical and healthcare supplies, typically including retail or grocery sales as well.
- 373) 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.
- 374) 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.
- 375) Planned Unit Development (PUD): A type of development, characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperative housing; full fee ownership, commercial enterprises; or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.
- 376) Planning and Zoning Commission: "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the City of New Hampton, Iowa.
- 377) Plat: A map or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record of title. The plat is a recorded legal document and must conform to the law.



- 378) Plat of Survey: A graphical representation of a survey of one (1) or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a licensed land surveyor.
- 379) Porch, Unenclosed: A roofed projection which has no more than fifty percent (50%) of each outside wall area enclosed by a building or siding material other than meshed screens.
- 380) Practical Difficulties: "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.
- 381) Pre-developed Condition: Hydraulic and hydrologic site characteristics that occur prior to a proposed development, including natural storage areas, drainage ways, drainage tiles, and highway drainage structures.
- 382) Preliminary Plat: The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Zoning Administrator, Planning & Zoning Commission, and Board of Adjustment for consideration.
- 383) Premises: Any platted lot, parcel, tract of land or contiguous group thereof.
- 384) Principal Structure: A structure in which is conducted the principal use of the lot upon which it is situated.
- 385) Principal Use: The principal use to which the premises are devoted.
- 386) Printing or Publishing: A facility dedicated to designing, writing, printing or publishing news, magazine, media releases, either for hard copy distribution or through web-based services.
- 387) Private Street: A way for vehicular traffic, located within the City of New Hampton, which is not owned by the City, State or County.
- 388) Professional or Business Offices: Places of business from which licensed or certified practitioners such as, attorneys, accountants, administration of business, architects, charitable organizations, surveyors, engineers, insurance, management, real estate, radio or television broadcasting etc. which provide a service to the public and from which only limited associated retail products incidental to the service provided are sold. This does not include uses where goods and merchandise are commercially produced to be sold.
- 389) Prohibited Use: Any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.
- 390) Protective Covenants: Contracts entered into between private parties constituting a restriction on the use of all private property, or within a subdivision, for the benefit of property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. Protective covenants are not enforced by the City of New Hampton.

- 391) Public Improvement: Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, utility or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
- 392) Public Park, Athletic Fields and Active Outdoor Recreation: An athletic field, park, playground, beach, or recreation or community center in the community owned, leased, or used wholly or in part by a township, city, county, state, school district, or federal government for recreational purposes.
- 393) Public Uses: Uses owned or operated by municipal, school districts, county, state or other governmental units.
- 394) Public Utility: Any person, firm, corporation, municipal department or board fully authorized and furnishing under municipal regulation to the public electricity, gas, steam, communication services, cable television, telegraph services, transportation, water or the like.
- 395) Public Utility Building, Minor: Essential service structures or uses, including, but not limited to, buildings or uses such as telephone exchange stations, sewer lift stations, power poles, lines, and transformers, except as a power substation or transmission line, public and private water, sewer, and drainage distribution facilities, etc.
- 396) Public Utility Building, Major: Essential service structures or uses, including, but not limited to, buildings or uses such as booster or pressure regulating stations, wells and pumping stations, wastewater treatment plants, elevated tanks & towers, electrical power substations, and major electric utility transmission lines, etc.

## Q

- 397) Quarry: An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

## R

- 398) Railroad: The land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
- 399) 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.
- 400) Recreational Vehicle Campground: Any area, whether privately or publicly owned, used on a daily, nightly, weekly or longer basis for the accommodation of five or more tents or recreational vehicles, either free of charge or for compensation. Recreational Vehicle Campgrounds are considered commercial planned unit developments.
- 401) Refuse Waste Facility, Transfer Station: Where intermediate solid waste, collected from any source, is temporarily deposited to await transportation to the final disposal site or facility.
- 402) Refuse Waste Facility, Construction Debris Service and Recycling: A facility specializing in the collection and recycling of waste resulting from the demolition of building, and other manmade structures. It does not include asbestos waste, appliances, furniture or household refuse.
- 403) Regional Stormwater Management Facilities: Those facilities designed to handle stormwater runoff from several lots which may include the entire subdivision, or multiple subdivisions, and may include existing developed areas.
- 404) Religious Institution: A church, synagogue, temple, mosque or other structure that is architecturally designed or particularly adapted for the primary use of the regular assembly of persons for religious worship. Religious institution includes those accessory uses that are secondary to the principal use, but which are intrinsic and necessary to the tenants and exercise of religious beliefs and that can be conducted on the property in a manner that complies with the requirements of applicable federal, state, and local laws, rules, regulations, codes, and ordinances.
- 405) Research, Design, and Testing: A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- 406) 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.
- 407) Restaurant: An establishment that prepares and retails food for consumption on the premises or for carry-out.
- 408) Retail Store or Services, General: A structure, facility or area for the retail sale of general merchandise or food to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, convenience and specialty foods, toys, furniture, books and stationery, pets, drugs, hardware and similar consumer goods. This definition does not include grocery stores, or pharmacies.
- 409) Retention Basin: A pond, pool, or basin used for permanent storage of stormwater runoff.
- 410) Return Frequency: Statistical parameter that defines the average occurrence time for a storm of a given magnitude.

- 411) Rezoning: An amendment to or change in the zoning regulations either to the text or map or both.
- 412) Rights-of-Way (ROW): The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes. May also be intended to be occupied by an electrical transmission line, oil or gas pipeline, water main, sanitary or stormwater main, shade trees, or for another special use approved by the contracting authority.
- 413) Road, Private: A way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.
- 414) Road, Public: All public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.
- 415) Routine Maintenance of Existing Buildings and Facilities: Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
  - b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
  - c) Basement sealing;
  - d) Repairing or replacing damaged or broken window panes;
  - e) Repairing plumbing systems, electrical systems, heating, or air conditioning systems and repairing wells or septic systems.

## S

- 416) Sand or Gravel Pit: Land used for the extraction of sand and/or gravel for public and/or commercial use.
- 417) 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.
- 418) School: A building or space that is principally used as a place where twenty-five (25) or more persons from any grade from head start through the 12th grade receive a full course of educational instruction. Any post-secondary or post high school educational building, including any college or other vocational technical college, shall not be deemed a school for purposes of adult sexually oriented business distance restrictions under this Ordinance.
- 419) Screening: The reduction of negative visual impact of a structure or use on adjacent or nearby properties by use of fencing, permanent landscape plantings, or other suitable means.

- 420) Searchlight: An apparatus for projecting a beam or beams of light from the ground into the sky.
- 421) Semi-Public Uses: Uses owned by private or private non-profit organizations which are open to some, but not all, of the public such as denominational cemeteries, private schools, clubs, lodges, recreation facilities, religious institutions, etc.
- 422) Semi-Trailer: A freight trailer with wheels only in the rear that is designed to be pulled by a truck tractor, and is used to transport and store materials and products.
- 423) Setback: The minimum distance, as prescribed by this regulation, measured from the edge of the eave or other similar building component located closest to the lot line.
- 424) Short-Term Rentals: Any dwelling or condominium or portions thereof, in which the owner does not reside, that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.
- 425) Sidewalk: A paved, or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
- 426) Sight Visibility Triangle: The area of a lot closest to the intersection or driveway area, containing no visual impairment and allowing full view of both pedestrian and vehicular traffic according to the provisions of this Ordinance.
- 427) 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.
- 428) Simple Lot Division: Any division of land in which no new streets, public or private, are proposed, which does not require the construction of any public improvements, and which creates fewer than three (3) lots.
- 429) Site: A lot, parcel, or tract of land, or portion thereof, where development is occurring, or has occurred, and may, or may not, require additional permits.
- 430) Site Plan: An overall plan (to scale) of the area to be developed including, but not limited to: proposed building location(s), proposed parking and drive locations, proposed utilities including storm sewer components and subsurface drain tile, proposed ground elevations with drainage patterns highlighted, roof drainage outlet locations, other underground utilities, and property boundaries.
- 146A. Solar Energy System: A device, array of devices or structural design feature, the purpose of which is to provide for generation of electricity, and the collection, storage, and distribution of solar energy for public use. A solar energy farm consists of an array of solar energy devices in a space that exceeds 40,000 square feet.



- 431) 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.
- 432) Special Flood Hazard Area (SFHA): The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, AI-30, AE, AH, AO, AR, and/or A99.
- 433) Spot Zoning: The zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group but must be in the general public interest.
- 434) Stable, Private: A building, incidental to an existing residential, principal use, that shelters equine for the exclusive use of the occupants of the premises.
- 435) Stable, Public: An accessory building in which equine are kept for commercial use including boarding, hire, and sale.
- 436) 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.
- 437) State: The State of Iowa.
- 438) Storage: The keeping, in a roofed or unroofed area, of any goods, material, merchandise, or vehicles.
- 439) Storage, Climate Controlled: Storage units that are fully enclosed in a building with the access to the individual storage units being from interior hallways of the building, rather than from accessing the unit directly from the outdoors. The storage unit is designed and maintained to provide for steady temperatures and humidity levels. Humidity levels should not exceed fifty percent (50%) with temperatures between 50 to 80 degrees F.
- 440) Storage Container: A standardized reusable steel box or container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on a private property and used for the storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials or merchandise.



- 441) Storm Drain: A conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.
- 442) Storm Sewer System: Facilities for the conveyance of stormwater runoff, a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters, and swales.
- 443) Stormwater Detention: Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.
- 444) Stormwater Management: The collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.
- 445) Stormwater Management Facilities: A detention basin and the associated appurtenances to make the system functional.
- 446) Stormwater Management Plan: A site plan, certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased stormwater runoff from the site.
- 447) Stormwater Runoff: Surplus surface water generated by rainfall that does not seep into the earth but flows over land.
- 448) 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.
- 449) 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 percent (50%) of the total perimeter, or not more than eight (8) feet below grade at any point.
- 450) 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.
- 451) Street, County: Any road or street owned, operated, and maintained by Chickasaw County.
- 452) 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.
- 453) Street, Public: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, place, lane, court, alley or other such designation that has been accepted by the local government's road authority for maintenance as part of its system of publicly maintained right-of-ways.

- 454) Street, Private: A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, place, lane, court, alley or other such designation, which connects to one or more existing public streets over which the general public does not have a right to pass or that is dedicated to the public and has not been accepted.
- 455) Street Width: Street width is defined as the horizontal distance, paved or unpaved, that is located within rights-of-way.
- 456) Structure: That which is built or constructed, an edifice or building or appurtenance thereto, or any piece of work artificially built up, or composed of parts joined together in some definable manner including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain facilities, and other similar uses; except aerial or underground utility lines such as: sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting appurtenances.
- 457) Structural Alteration: Any change to a structure, except those required by law or Ordinance, which would prolong the life of its supporting members, including but not limited to, bearing walls, columns, beams, or girders.
- 458) 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.
- 459) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a ten (10) year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.
- 460) Substantial Improvement: Any improvement to a structure which satisfies either of the following criteria:
- a) Any repair, reconstruction, or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the “start of construction” of the first improvement of the structure, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure’s designation as a historic structure.
  - b) Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed



addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%).

- 461) Studio Apartment: Apartment without a formally designed bedroom.
- 462) 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.
- 463) Subdivision Identification Sign: A freestanding or wall sign located at the entrance of a recognized subdivision, condominium complex, or residential development.
- 464) Subdivision, Major: A Subdivision of a real estate parcels that cannot be divided through the simple or minor subdivision process and requiring the approval of a preliminary and final plat or a CIC.
- 465) Subdivision, Minor: Any subdivision containing not more than eight (8) parcels fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Land Use Plan or these regulations.
- 466) Substandard Lot: A lot that was legally established and recorded under the terms of regulations in existence at the time such lot was created, but which does not now meet the minimum dimensional standards prescribed by this Ordinance.
- 467) Suitability Analysis. An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
- 468) Surveyor: A licensed land surveyor who engages in the practice of land surveying pursuant to the *Code of Iowa*.
- 469) 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.

## T

- 470) Tavern: See Bar.
- 471) Temporary Use: A use intended for limited duration to be located in a zoning district not permitting such use.

- 472) Thoroughfare: A Street provided for heavy volumes of fast-moving vehicles, having considerable continuity, and used primarily as traffic arteries between large areas.
- 473) Tiny House: A house that is typically one hundred and fifty (150) to eight hundred (800) square feet. A tiny house on wheels is considered a recreational vehicle and a tiny house on a foundation is considered an accessory dwelling unit (ADU).
- 474) Tiny House Subdivision: A subdivision of land which promotes the development of tiny houses (one hundred and fifty (150) to eight hundred (800) square foot) as primary residential dwelling units.
- 475) Towers: Any ground or roof mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, turbines, blades or similar apparatus above grade. Does not include flag poles and bird houses.
- 476) Tract: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.
- 477) 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.
- 478) Tree: Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.

## U

- 479) Unattended Vegetation: Overgrown or untrimmed shrubs, brush, or grasses; diseased, dead, noxious, or poisonous vegetative growth; weeds; and any other improperly maintained or inappropriate vegetation according to local and state laws.
- 480) Utilities: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone and cablevision. See the definition of “essential services”.

## V

- 481) Variance: Relief from certain provisions of this Ordinance, when due to the particular physical surroundings, shape or topographical condition of the property, compliance would result in a practical difficulty upon the property owner. A variance shall not be used to permit a use in a district where it is not allowed under the terms of this Ordinance.
- 482) Veterinary Clinic or Animal Hospital: A facility for the diagnosis, treatment, or hospitalization of small animals, including dogs, cats, rabbits, hamsters, and other animals of similar nature. Does not include animal kennel, grooming, or boarding services.
- 483) Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

## W

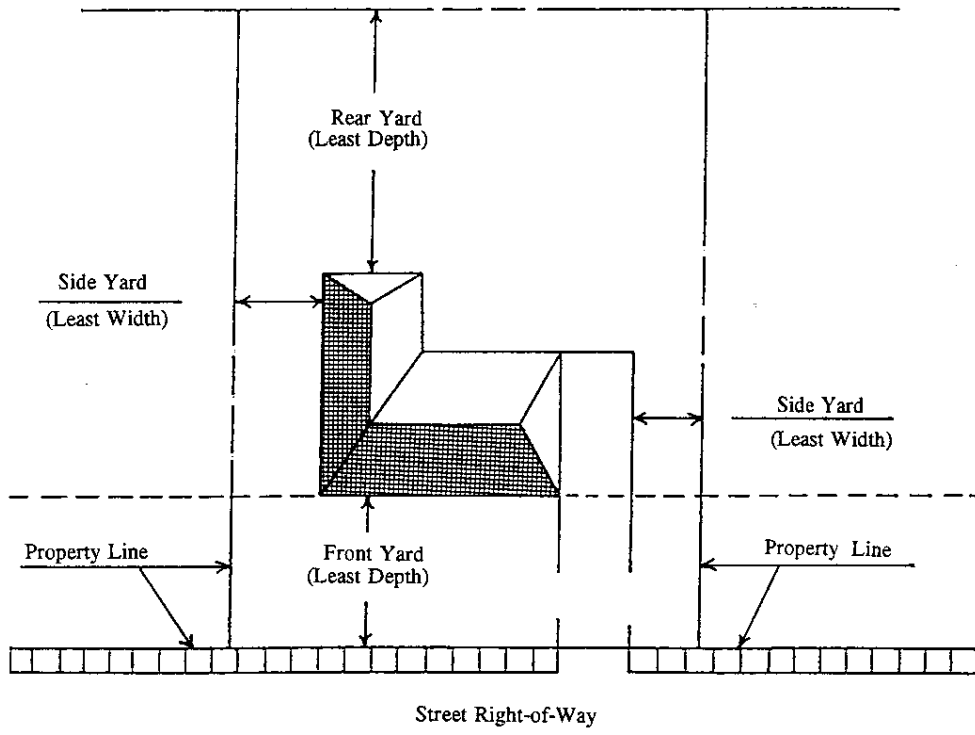
- 484) Warehouse Storage and Distribution Facility: A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck storage, maintenance, and administrative offices.
- 485) Wetlands: That classification of land subject to protection measures as indicated by the U.S. Army Corps of Engineers and/or the Iowa Department of Natural Resources.
- 486) Wind Energy Conversion Systems: a system consisting of at least one of the following: a wind turbine, a tower, and associated control or conversion electronics, which is intended to reduce on-site consumption of utility power, is incidental and subordinate to a permitted use on the same parcel and has a rated capacity of up to one hundred (100) kilowatts. The following are definitions of the different components:
- a) Blade: an element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
  - b) Height, Total System: the height above grade of the wind energy system, including the tower generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.
  - c) Meteorological Equipment: equipment primarily used to measure wind speed and directions, including other data relevant to locating an operational wind energy conversion system.
  - d) Qualified Professional: an individual certified by the manufacturer of a wind energy conversion system as qualified to install and/or maintain that manufacturer's wind energy conversion system.
  - e) Rotor Diameter: the diameter of the circle described by the moving rotor blades.
  - f) Shadow Flicker: alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
  - g) Tower: the vertical component of a wind energy conversion system that elevates the wind generator above the ground.
  - h) Wind Turbine: a wind turbine is any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy.

## X

# Y

- 487) 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).
- 488) 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).
- 489) 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).
- 490) 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).
- 491) Yard, Side Exterior: That portion of a corner lot that borders a public street but is not defined by the address and for which no driveway access is provided.

**Figure 4: Yard Definitions**



## Z

- 492) Zoning Administrator: The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.
- 493) Zoning Certificate / Building Permit: A written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning & Subdivision Ordinance and for the purpose of carrying out and enforcing its provisions.
- 494) Zoning District: See District.
- 495) Zoning District, Change of: The legislative act of removing one (1) or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.
- 496) Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.