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<u>17.62</u>	<u>Airport Height</u>

* For the statutory provisions regarding municipal zoning, see I.C.A. 414.

all abutting properties with their use and zoning district defined;

C. A proposed time schedule for beginning and completion of development. (Ord. 120 §544, 1971).

17.60.050 Fees and expenses. All requests for changes in this title or the zoning map, except those initiated by the city council or city planning commission, shall be accompanied by a deposit of twenty dollars which shall be used to defray the expenses of administrative preparation for consideration of the request. (Ord. 120 §545, 1971).

17.60.060 Protests. In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending the depth of one lot or not to exceed two hundred feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the city council. The provisions of Section 414.4 of the Code of Iowa relative to public hearings and official notice shall apply equally to all changes or amendments. (Ord. 120 §546, 1971).

Chapter 17.62

AIRPORT HEIGHT

Sections:

- 17.62.010 Short title.
- 17.62.020 Definitions.
- 17.62.030 Airport zones and airspace height limitations.
- 17.62.040 Use restrictions.
- 17.62.050 Lighting.
- 17.62.060 Variances.
- 17.62.070 Board of adjustment.
- 17.62.080 Judicial review.
- 17.62.090 Administrative agency.
- 17.62.100 Penalties.
- 17.62.110 Conflicting regulations.

17.62.010 Short title. The ordinance codified in this chapter shall be known and may be cited as "The Hampton Municipal Airport Height Zoning Ordinance." (Ord. 176A §1, 1985).

17.62.020 Definitions. As used in this chapter, unless the context otherwise requires:

- A. "Airport" means the Hampton Municipal Airport.
- B. "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be one thousand one hundred seventy-five feet.
- C. "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 code of federal regulations sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
- D. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- E. "Airspace height" means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.
- F. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- G. "Decision height" means the height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.
- H. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- I. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approval or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.
- J. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

K. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two miles of a VOR.

L. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

M. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military services approved airport layout plan, or by any planning document submitted by the FAA competent authority. (Ord. 176A §2, 1985).

17.62.030 Airport zones and airspace height limitations.

In order to carry out the provisions of this chapter, there are hereby created and established certain zones which are depicted on the Hampton Municipal Airport Height Zoning Map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport Height Zones.

1. Horizontal Zone. The land lying under a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by:

a. Swinging arcs of five thousand feet radii from the center of each end of the primary surface of runways 17 and 35, and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed one hundred fifty feet above the established airport elevation in the horizontal zone, as depicted on the Hampton Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface of a slope of twenty to one for a horizontal distance of four thousand feet. No structures shall penetrate the conical surface in the conical zone, as depicted on the Hampton Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end).

a. The inner edge of the approach surface is five hundred feet for runways 17 and 38.

b. The outer edge of the approach zone is two thousand feet for runway 17 and one thousand five hundred feet for runway 35.

c. The approach zone extends for a horizontal distance of five thousand feet at a slope of twenty to one for runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Hampton Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Hampton Municipal Airport Height Zoning Map.

5. No structure shall be erected in Franklin County that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Franklin County. (Ord. 176A §3, 1985).

17.62.040 Use restrictions. Notwithstanding any other provisions of Section 17.62.030, no use may be made of land or water within the city of Hampton or Franklin County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Hampton Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Hampton Municipal Airport.

C. No operations from any use in the city of Hampton or Franklin County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft. (Ord. 176A §4, 1985).

17.62.050 Lighting. A. Notwithstanding the provisions of Section 17.62.040, the owner of any structure over two hundred feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration

(FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter and exceeding nine hundred forty-nine feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the city of Hampton or Franklin County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard. (Ord. 176A §5, 1985).

17.62.060 Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this ordinance, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been submitted to the Hampton airport manager for his opinion as to the aeronautical effects of such a variance. If the Hampton airport manager does not respond to the board of adjustment within fifteen days from receipt of the copy of the application, the board may make its decision to grant or deny the variance. (Ord. 176A §6, 1985).

17.62.070 Board of adjustment. A. There is created a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this chapter;
2. To hear and decide special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and
3. To hear and decide specific variances.

B. The board of adjustment shall consist of two members selected by the city council of Hampton, two members selected by the Franklin County board of supervisors; and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the city council of Hampton and the Franklin County board of supervisors. Members shall be removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members shall be five years, excepting that when the board is first created, one member

appointed by each authority shall be appointed for a term of two years and one for a term of four years.

C. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the city and county clerks, and on due cause shown.

D. The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.

E. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter. (Ord. 176A §7, 1985).

17.62.080 Judicial review. Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15. (Ord. 176A §8, 1985).

17.62.090 Administrative agency. It shall be the duty of the Hampton city zoning officer or the Franklin County zoning administrator, who shall herein be referred to as the administrative agency, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the appropriate authority having jurisdiction upon a form furnished by him. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the administrative agency. (Ord. 176A §9, 1985).

17.62.100 Penalties. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than five hundred dollars or imprisonment for not more than one year or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. 176A §10, 1985).

17.62.110 Conflicting regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter or any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 176A §11, 1985).

Chapter 2.60

MUNICIPAL AIRPORT*

Sections:

- 2.60.010 Title.
- 2.60.020 Purpose.
- 2.60.030 Definition.
- 2.60.040 Extent of power.
- 2.60.050 Council control.
- 2.60.060 Regulations.
- 2.60.070 Air traffic rules.

2.60.010 Title. This chapter shall be known, referred to and cited as "The Hampton municipal airport ordinance." (Ord. 115 §1, 1966).

2.60.020 Purpose. This chapter is to provide for the establishment, control, supervision and operation of the Hampton municipal airport. (Ord. 115 §2, 1966).

* For the statutory provisions authorizing cities to establish and maintain airports, see I.C.A. 330.2; for the provisions authorizing cities to make and enforce ordinances and regulations for the control, supervision and operation of airports, see I.C.A. 330.11.

2.60.030 Definition. "Airport" as used in this chapter includes landing fields, airdrome, aviation field or other similar terms used in connection with aerial traffic. (Ord. 115 §3, 1966).

2.60.040. Extent of power. The provisions of this chapter shall extend to the lands and waters within the corporation and to the space above the land and waters within the corporation and to the airport controlled, maintained and operated by the city outside its corporate limits and to the space above the same. (Ord. 115 §4, 1966).

2.60.050 Council control. The Hampton municipal airport shall be under the control of the city council. The airport committee of the city council shall have general supervision over the airport, subject to the control of the entire council. (Ord. 115 §5, 1966).

2.60.060 Regulations. Any rules or regulations so made or laid down by the council shall in no way be contrary to or in conflict with the rules and regulations for the operation of aircraft adopted by the federal government or the state. (Ord. 115 §6, 1966).

2.60.070 Air traffic rules. It is unlawful to operate any aircraft over or within the city or the Hampton municipal airport in violation of the air traffic rules and regulations which have been or may hereafter be established by the Secretary of Commerce of the United States or by any other office of the federal or state government whose duty it may be to establish such rules. (Ord. 115 §7, 1966).

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C. "Airport hazard" means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 code of federal regulations sections 77.21, 77.23 and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

D. "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

E. "Airspace height" means for the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall mean sea level elevation unless otherwise specified.

F. "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.

G. "Decision height" means the height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

H. "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

I. "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approval or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

J. "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

K. "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two miles of a VOR.

L. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

M. "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military services approved airport layout plan, or by any planning document submitted by the FAA competent authority. (Ord. 176A §2, 1985).

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a. Swinging arcs of five thousand feet radii from the center of each end of the primary surface of runways 17 and 35, and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed one hundred fifty feet above the established airport elevation in the horizontal zone, as depicted on the Hampton Municipal Airport Height Zoning Map.

2. Conical Zone. The land lying under a surface extending outward and upward from the periphery of the horizontal surface of a slope of twenty to one for a horizontal distance of four thousand feet. No structures shall penetrate the conical surface in the conical zone, as depicted on the Hampton Municipal Airport Height Zoning Map.

3. Approach Zone. The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end).

a. The inner edge of the approach surface is five hundred feet for runways 17 and 38.

b. The outer edge of the approach zone is two thousand feet for runway 17 and one thousand five hundred feet for runway 35.

c. The approach zone extends for a horizontal distance of five thousand feet at a slope of twenty to one for runways 17 and 35.

No structure shall exceed the approach surface to any runway, as depicted on the Hampton Municipal Airport Height Zoning Map.

4. Transitional Zone. The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Hampton Municipal Airport Height Zoning Map.

5. No structure shall be erected in Franklin County that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Franklin County. (Ord. 176A §3, 1985).

17.62.040 Use restrictions. Notwithstanding any other provisions of Section 17.62.030, no use may be made of land or water within the city of Hampton or Franklin County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Hampton Municipal Airport or in the vicinity thereof.

B. No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Hampton Municipal Airport.

C. No operations from any use in the city of Hampton or Franklin County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft. (Ord. 176A §4, 1985).

17.62.050 Lighting. A. Notwithstanding the provisions of Section 17.62.040, the owner of any structure over two hundred feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration

(FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter and exceeding nine hundred forty-nine feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.

B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the city of Hampton or Franklin County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard. (Ord. 176A §5, 1985).

17.62.060 Variances. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this ordinance, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been submitted to the Hampton airport manager for his opinion as to the aeronautical effects of such a variance. If the Hampton airport manager does not respond to the board of adjustment within fifteen days from receipt of the copy of the application, the board may make its decision to grant or deny the variance. (Ord. 176A §6, 1985).

17.62.070 Board of adjustment. A. There is created a board of adjustment to have and exercise the following powers:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of this chapter;
2. To hear and decide special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and
3. To hear and decide specific variances.

B. The board of adjustment shall consist of two members selected by the city council of Hampton, two members selected by the Franklin County board of supervisors; and one additional member to act as chairperson and to be selected by a majority vote of the members selected by the city council of Hampton and the Franklin County board of supervisors. Members shall be removable for cause by the appointing authority upon written charges, after a public hearing. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected. The terms of the members shall be five years, excepting that when the board is first created, one member

appointed by each authority shall be appointed for a term of two years and one for a term of four years.

C. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the offices of the city and county clerks, and on due cause shown.

D. The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.

E. The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter. (Ord. 176A §7, 1985).

17.62.080 Judicial review. Any person aggrieved, or any taxpayer affected, by any decision of the board of adjustment, may appeal to the court of record as provided in Iowa Statutes, Section 414.15. (Ord. 176A §8, 1985).

17.62.090 Administrative agency. It shall be the duty of the Hampton city zoning officer or the Franklin County zoning administrator, who shall herein be referred to as the administrative agency, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the appropriate authority having jurisdiction upon a form furnished by him. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the administrative agency. (Ord. 176A §9, 1985).

17.62.100 Penalties. Each violation of this chapter or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than five hundred dollars or imprisonment for not more than one year or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. 176A §10, 1985).

17.62.110 Conflicting regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter or any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 176A §11, 1985).