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**UNIFIED ZONING ORDINANCE**

An Ordinance amending the Zoning Ordinance of the City of Princeton, Iowa

BE IT ORDAINED BY THE CITY CONCIL OF PRINCETON, IOWA

**ARTICLE I – PURPOSE AND TITLE**

The Zoning Ordinance of the City of Princeton, Iowa, heretofore adopted, May 4, 1970, as amended from time to time, be and is hereby amended by striking all of said Ordinance except the Title thereof and inserting in lieu thereof the following:

**ARTICLE II – INTERPRETATION**

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or law or ordinance, the provisions of this Ordinance shall prevail.

**ARTICLE III – DEFINITIONS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

**Person.** The word **person** includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The **present tense** includes the **future tense**, the **singular number** includes **plural**, and the **plural number** includes the **singular**.

The word **shall**, is mandatory; the word **may** is permissive.

The words **used** or **occupied** include the words **intended**, **design**, or **arranged to be used or occupied**.

The word **lot** includes the words **plot** or **parcel**, and all other words or phrases used to denote an individual building site which complies with the minimum provisions of this Ordinance.

**3.1 Accessory Building or Use.**

1. Accessory Structure. A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.
2. Accessory Use. A structure or use that:
3. is clearly incidental to and customarily found in connection with a principal building or use;
4. is subordinate to and serves a principal building or a principal use;
5. is subordinate in area, extent, or purpose to the principal building or principal use serviced;
6. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
7. is located on the same lot as the principal building or use served.

**3.2 Accessory Living Quarters.** Living quarters within an accessory building for the sole use of persons fully employed on the premises or for temporary use by guests of the occupants of the premises.

**3.3 Additional Residence.** A secondary residential building conforming to the restrictions of this Ordinance including those for accessory buildings.

**3.4 Adult Bookstore.** An establishment for the sale, rental, or exchange of books, magazines, or video cassettes, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, mag­azines, or video media as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area".

1. Specific Sexual Activities are defined as.
2. Human genitals in a state of sexual stimulation or arousal;
3. Acts of human masturbation, sexual intercourse or sodomy; and
4. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

1. Specific Anatomical Areas are defined as:
2. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
3. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**3.5 Adult Motion Picture Theaters.** An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.

**3.6 Adult Modeling and Entertainment Facility.** An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

**3.7** **Agriculture.** The use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities.

**3.8 Alley.** A public right of way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

**3.9 Amendment.** A change in the wording, context or substance of this Ordinance, or a change in the zoning or district boundaries of the “Official Zoning Map”, a part of this Ordinance, when adopted by Ordinance passed by the proper authoritative body in the manner prescribed by law.

**3.10 Amusement Center.** Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables and other similar entertain­ment or amusement devices.

**3.11 Apartment.**  A room or suite of rooms in a multi-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

**3.12 Apartment/Dormitory.** A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet, which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facilities which are enforced by resident personnel of such educational facility.

**3.13 Automobile Repair - Major.** General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

**3.14 Automobile Repair - Minor.** Minor repairs, incidental body and fender work, touch-up painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.

**3.15 Automobile Service Station.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
2. Tire servicing and repair, but no recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (1/2) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.
6. Greasing and lubrication;
7. Providing and repairing fuel pumps and lines;
8. Minor servicing and repair of carburetors;
9. Emergency wiring repairs;
10. Adjusting and repairing brakes;
11. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
12. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
13. Provision of road maps and other informational material to customers and provision of restroom facilities.

Itshall be unlawful to provide major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.

**3.16 Automobile Wrecking Yard.** Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

**3.17 Balcony.**  Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

**3.18 Basement.** A story having more than one-half (1/2) of its height below grade level. A basement shall not be counted as a story for the purpose of height regulation, providing the finished floor level directly above is not more than six (6) feet above grade.

**3.19 Basement, Walkout.** A basement having a portion of its finished floor not more than four (4) feet below the finished yard grade at any of its exterior walls or having not less than two-thirds (2/3) of the vertical height of an exterior wall, which has a ground level exit to the outside, above ground. A walkout basement shall be considered the ground floor level of the building and shall be counted as a story.

**3.20 Bed and Breakfast.** Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

**3.21 Billboard**. All structures, regardless of the base or material used in construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

**3.22 Block.** A block shall be deemed to be the entire property frontage along one public thoroughfare lying between the two nearest intersecting of intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other similar open space.

**3.23 Board.** The Board of Adjustment of the City.

**3.24 Boarding House.** An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).

**3.25 Book/stationery Store.** An establishment dealing in books, printed materials and stationery sup­plies, which is not an adult bookstore.

**3.26 Boundary of District.** The centerline of a street or right-of-way or the centerline of the alleyway, between the rear or side property lines or, where no alley of passageway exists, the rear or side property lines of all lots bordering on any district limits or any district boundary shown on the maps adopted by this Ordinance.

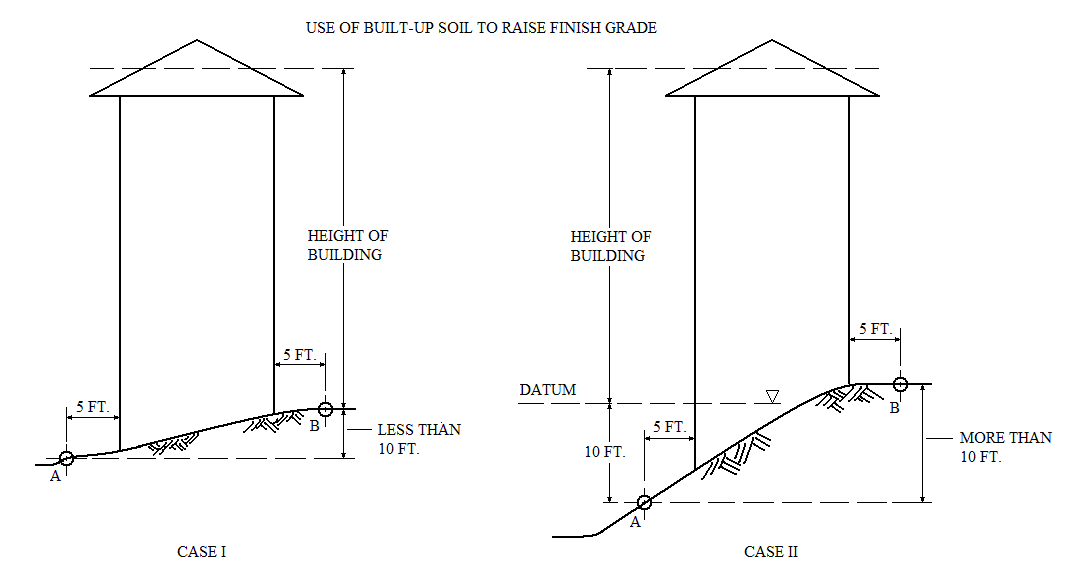
**3.27 Building.** Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (See “Structure”).

**3.28 Building, Completely Enclosed.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**3.29 Building, Height of.** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item “A” above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum of any segment of the building.



**3.30 Building Site.** The ground area of one (1) lot; or the ground area of two (2) or more lots which have been combined for the use of one building or permitted group of buildings, together with all open spaces required by this Ordinance. (See “Lot”)

**3.31 Building, Structure.** Anything constructed or erected with a fixed location on the ground or at­tached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

**3.32 Bulk Storage.** Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a bulk storage tank for the remainder of the calendar year in which it was so used.

**3.33 Care Home, Large Residential.** A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by "Disability" in this ordinance, for the primary purpose of providing shelter.

**3.34 Care Home, Small Residential.**  A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.

**3.35 Carport.**  A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides.

**3.36 Cemetery.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including crematory, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**3.37 Centerline, Public Thoroughfare.** A line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.

**3.38 Certified Survey.** A sketch, plan, map, or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed and sealed by a registered surveyor.

**3.39 Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**3.40 Clinic or Medical Health Center.** A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

**3.41 Club or Lodge. Private.** Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

**3.42 Commercial Use.** The barter, exchange, sale, service or trade of goods, materials or services, either tangible or intangible for financial, material or monetary gain.

**3.43 Commission.** The Planning and Zoning Commission of the City.

**3.44 Comprehensive Plan.** The plan or any portion thereof adopted by the City to guide and coordinate the physical and economic development of the City. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

**3.45 Conditional Permit.** A permit issued that is subject to specified conditions, limitations or restrictions, and which is subject to review or cancellation by the issuing department upon non-compliance with such conditions.

**3.46 Convenience Store.** Any retail establishment offering for sale prepackaged food products and beverages, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

**3.47 Council.** The elected Council of the City.

**3.48 Court.** An open, unoccupied, unobstructed space, except for trees, shrubs, statuary or other articles normally considered accessory to landscaping which is bounded on two (2) or more sides of a building on the same lot.

**3.49 Crown of Road.** The grade at the centerline of the pavement within a public thoroughfare, or where no pavement exists, grade at the right-of-way centerline.

**3.50 Day Care Home.** A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maxi­mum of eight (8) children includes the family's natural or adopted children and all other persons under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.

**3.51 Day Care Center.** A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.

**3.52 Deck.**  An outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade, limited to a maximum height of the adjacent first floor level in the dwelling. It is not allowed any higher level than above grade, to avoid the deck floor from creating a de-facto roofed porch underneath; but a deck can be located on the existing roof of dwellings and garages.

**3.53 District, Zoning.** A portion of the territory of the City wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.

**3.54 Dump.** A premises used for the disposal of “clean” type fill or refuse such as dirt, rocks, tree branches, and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

**3.55 Dwelling Group.** Two or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

**3.56 Dwelling, One-family.** A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least nine hundred (900) square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation.

**3.57 Dwelling, Two-family.** A building designed or altered to provide dwelling units for occupancy by two families.

**3.58 Dwelling, Multiple-family.** A building or portion thereof designed or altered for occupancy by three or more families living independently of each other.

**3.59 Dwelling Unit.** One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

**3.60 Educational Institution.** Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

**3.61 Essential Services.** The erection, construction, alteration or maintenance by public utilities or mu­nicipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, lift stations, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, 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 or for the public health or safety or general welfare but not including buildings.

**3.62 Family.** One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addi­tion thereto.

**3.63 Farm.** An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising and feeding thereon of livestock shall be subject to the regulations of the State of Iowa Department of Natural Resources. The term "farming" includes the operating of such an area for one or more of the above uses, including livestock farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings.

**3.64 Fast Food Restaurant.** An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curb service.

**3.65 Fence.**  A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.

**3.66 Foster Family Home.** A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Iowa has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

**3.67 Foster Group Homes.** A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Iowa. Adult supervision shall be provided on a twenty-four (24) hour basis.

**3.68 Frontage.** The distance of a front line as measured along the public thoroughfare. (See “Lot Lines, Front”.)

**3.69 Garage, Bus or Truck.**  A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1-1/2) ton capacity.

**3.70 Garage, Private.** A detached accessory building or portion of a principal building used for storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.

**3.71 Grade.**

1. For buildings having walls adjoining one (1) street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one (1) street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the street.
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is considered as adjoining the street.

**3.72 Greenhouse.** A building or accessory structure constructed chiefly of glass or other translucent material, which is devoted to the protection or cultivation of flowers or tender plants.

**3.73 Guest House.** An accessory building used as a dwelling unit by domestic employees or for temporary use by guest of the occupants of the premises. A guest house shall not be rented, occupied year around by the same guest, nor shall the owner occupy the guest house and rent the principal residence.

**3.74 Halfway House/Group Home.** A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

1. To help them re-enter society while housed under supervision while under constraints of alterna­tives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
2. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;
3. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
4. To provide adult congregate living arrangements without nursing care.

**3.75 Hazardous Waste.** Any substance and which substance is regulated by any state or federal law. The United States Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosiveness, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

**3.76 Health/Recreational and Physical Training Club.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, Jacuzzi and/or sauna, and pro shop.

**3.77 Home Occupation.** Any occupation or profession conducted solely by the resident occupants in their place of abode, involving primarily service and not the sale of commodities upon the premises; provided further that no more than one quarter (1/4) of the area of not more than one (1) floor level of the building may be used in pursuit of the occupation, and in connection therewith there is used no sign other than one (1) name plate affixed to the outer wall, of not more than one (1) square foot in area that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; not more than one person other than the occupants of the building may be employed.

**3.78 Hospital.** An institution in which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients, and may include inpatient overnight care.

**3.79 Hotel.**  A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms and recreational facilities and is not a bed and breakfast (also see "Motel").

**3.80 Household Hazardous Waste.** A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.

**3.81 Independent Trailer Coach or Independent Mobile Home.** A transportable non-permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.

**3.82 Junk.** Old dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor’s equipment, tanks, cask, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade.

**3.83 Junk Yard.** Any area where junk is bought, sold, exchanged, baled or packed, disassembled or handled, including automobile and house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking or structural steel materials and equipment; but including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials necessary as a part of manufacturing operations.

**3.84 Kennel.** The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a dog hospital, dog beauty parlor or pet shop, as permitted by law, or the keeping of five (5) or more dogs, six (6) months or older, on premises used for residential purposes, or the keeping of more than one (1) dog on a vacant property or on property used for business or commercial purposes, shall constitute a kennel.

**3.85 Kitchen.** Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

**3.86 Land Use Plan.** The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the City Council, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

**3.87 Legal Objector.** The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.

**3.88 Loading and Unloading Space, Off-Street.** An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to *avoid* undue interference with the public use of streets and alleys.

**3.89 Lodging House.** A building where lodging, only, is provided for compensation for four (4) or more persons.

**3.90 Lot.** For zoning purposes, as covered by this Ordinance, a lot is a parcel of real property of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on dedicated street, and may consist of any one of the following:

1. A combination of complete lots of record, complete lots of record and portions of lots of record, or of portions of lots of records.
2. A parcel of land described by metes and bounds; provided that in no one case of division or combination shall any residential lot or parcel is created which does not meet the requirements of the Ordinance.
3. A portion of lot of record.
4. Single lot of record.

**3.91 Lot Area/Coverage.** The area of the lot coveredby buildings above grade, excluding permitted projections.

**3.92 Lot of Record.** An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Scott County, Iowa in accordance with State law.

**3.93 Lot Lines.**

1. Front. The line separating the front of the lot from the street. In the case of a corner lot, that part of the lot having the narrowest frontage on any street shall be considered the front lot line.
2. Rear. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which:
3. Is parallel to the front lot line or its chord.
4. Intersects the two (2) other lot lines at points most distant from the front of lot line.
5. Side. Any lot boundary lines not a front lot line or a rear lot line.

**3.94 Lot Measurements.**

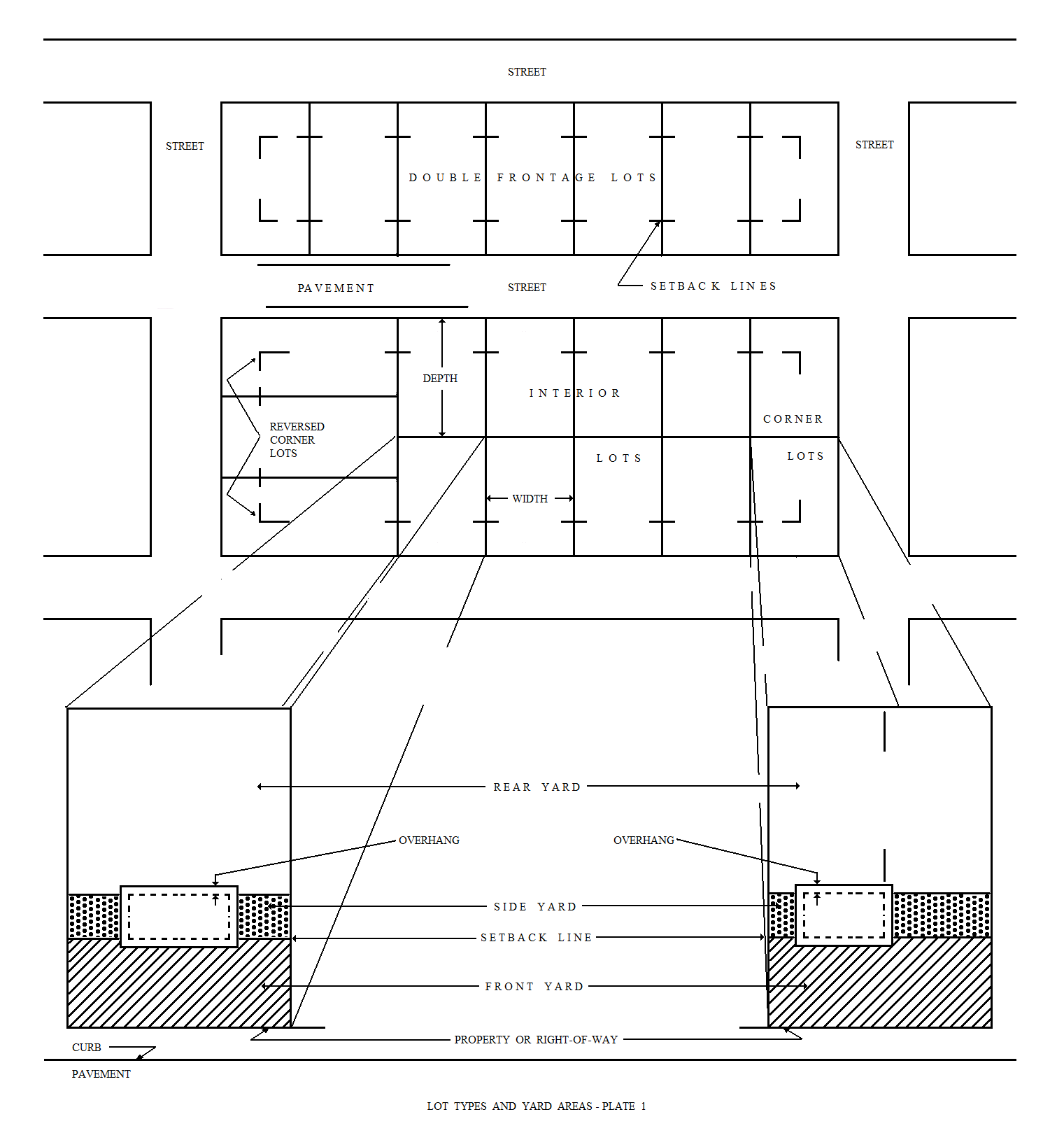
1. Area. The gross area, exclusive of streets or other public right-of-ways, within the boundary lines of a lot.
2. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.
3. Width. The horizontal distance between the side lot lines as measured perpendicular to the line compromising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from the front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

**3.95 Lot Types.**

1. Corner Lot. A lot located at the intersection of two (2) or more streets, and having the street right-of-way abutting the front and one (1) or more side lines of the lot.
2. Double Frontage Lot. A lot other than a corner lot with frontage on more than one (1) street or public thoroughfare which do not intersect one another.
3. Interior Lot. A lot other than a corner lot, having frontage on but one (1) street or public thoroughfare.
4. Key Lot. A key lot is a lot so subdivided as to have its side lines coincide with the rear lot lines of adjacent lots on either or both sides of the aforesaid key lots.
5. Reversed Frontage Lot. A corner lot, the side street line of which is substantially a continuation of the front lot line of the first interior lot to its rear.

**3.96 Lot, Through.** A lot having a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**3.97 Lot, Zoning.** A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

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**3.98 Mental Institution, Hospital or Home.** Shall mean an institution specializing in giving clinical and psychiatric aid and treatment to and in conjunction with the housing of persons and patients suffering from a temporary or lingering mental ailment, disorder or sickness.

**3.99 Mobile Home/Manufactured Housing.** A detached residential dwelling unit designed for transportation after fabrication on streets of highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home.

**3.100 Modular Home.** Factory-built housing certified to meet the current building codes and amendments as adopted by Scott County, Iowaand the requirements of the Iowa Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

**3.101 Motel.** A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term "motel" includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

**3.102 Motor Freight Terminal.** A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

**3.103 Nightclub.** A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. (See also "Tavern")

**3.104 Non-conforming Use.** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

**3.105 Non-Profit Institution.** A non-profit establishment and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational or similar services to the public, groups, or individuals. Cooperative non-profit associations, performing a service normally associated with retail sales or trade such as cooperative groceries, granary’s, equipment sales, et cetera, shall not be considered a non-profit institution under this Ordinance.

**3.106 Nursery School.** An institution providing instructional/educational services for six preschool aged children.

**3.107 Nursing or Convalescent Home.** A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane or other mental cases, inebriate, or contagious cases.

**3.108 Occupy.**  To reside in or otherwise use a property.

**3.109 Parking Area, Accessory.** An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles .

**3.110 Parking Space, Automobile.** Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

**3.111 Person.** An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

**3.112 Place of Business.** Any vehicle, building, structure, yard, area, lot, premises, or part thereof, or any other place in or on which one or more persons engage in a gainful occupation.

**3.113 Plan Commission.** The city's Planning & Zoning Commission.

**3.114 Planned Unit Development.** A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

**3.115 Porch.** Is a roofed structure (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

**3.116 Premises.** Any lot, plot, parcel or tract of land, building or buildings, structure or structures, used publicly or privately as a place of business, dwelling, or meeting place.

**3.117 Principal Building.** A building in which the primary use of the lot on which the building is located is conducted.

**3.118 Property Owner.** Any person, group of individuals, association, corporation, joint stock associa­tion, joint venture, or any other entity in whose name the legal title to the real estate is recorded. (See “Person”)

**3.119 Public Thoroughfare.** Any right-of-way under the jurisdiction and maintenance of the governmental agencies of the Federal, State, and Municipal government; which may be used by the public in general; and which serves as a frontage street to the abutting property. (See “Street”)

**3.120 Recreational Vehicle.** A general term for a vehicular unit bearing current license and/or registration, not exceeding forty (40) feet in overall length, eight (8) feet in width or twelve (12) feet in overall height, which includes but is not limited to the following specific vehicle types:

A. Camper Trailer. A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.

1. Travel Trailer. A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
2. Truck Camper. A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
3. Motor Home. A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.
4. Boat Trailer. A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
5. Horse Trailer. A vehicular structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, is licensed and registered for highway use.
6. Utility Trailer. A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
7. Recreational Boat. A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit.

**3.121 Refuse Equipment Operation.** The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.

**3.122 Residential.** The term “residential” or “residence” is applied herein to any lot, plot, parcel, tract, area, or piece of land or any building used exclusively for family dwelling purposes or intended to be used, including concomitant uses specified herein.

**3.123 Restaurant.** A food establishment, not operated as a dining room in connection with a hotel, motel, or other multiple dwelling, where food is prepared, which may serve alcoholic beverages, and served to a group of families, a club or to the public and for consumption on the premises.

**3.124 Re-Subdivision.** Any change in the shape or size of a lot, tract or parcel of land previously platted for the purpose, whether immediate or future, of sale, rent, lease, building development, anchorages or other use. Any change in the shape or size of any lot, tract or parcel of land previously approved for building purposes whether immediate or future and regardless whether or not the same is vacant or improved in whole or in part, for sale, rent, lease, building development, anchorage, or other uses.

**3.125 Right of Way.** A strip of land dedicated to the City or other unit of government for streets, alleys, and other public improvements.

**3.126 Rooming House.** A residential building used, or intended to be used, as a place where sleeping accommodations are furnished or provided for pay, but which does not maintain a public dining room or café in the same building, nor in any building in connection therewith.

**3.127 Section.** Shall mean a section of this Ordinance unless some other Ordinance, code or statute is indicated.

**3.128 Set-back.** The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

**3.129 Sign.** Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

1. Signs not exceed one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
2. Flags and insignias of any government except when displayed in connection with a commercial promotion.
3. Legal notices; identification, information, or directional signs erected or required by governmental bodies.
4. Integral, decorative or architectural features of buildings, except letters, trademarks, moving parts or lights.
5. Signs directing or guiding traffic and parking on private property, but bearing no advertising matter.

**3.130 Signs, Number and Surface Area.** For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.

**3.131 Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**3.132 Sign, Off-Site.** A sign other than On-site sign. (See “Billboard”)

**3.133 Special Permit.** The authorization of a zoning certificate for an unclassified or special use of a lot by the Board of Adjustment following a review of the application for the use by the Plan Commission. A special permit may be issued only for those uses listed under the “Special Uses” of the Ordinance. (See Article XXVI.)

**3.134 Stable, Riding.** A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or leisure riding on the premises.

**3.135 Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**3.136 Story, Half.**  A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

**3.137 Street.** A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

**3.138 Structural Alterations.** Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

**3.139 Structure.** Is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

**3.140 Subdivision.** A division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, rent, lease, building development, right-of-way dedication, or other use.

**3.141 Tavern.** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; whether sandwiches, snacks and other food products are available for purchase or not. "Tavern" does not include "restaurants", where the principal business is serving food (includes "Bar" and "Cocktail Lounge").

**3.142 Tent.** Any structure or enclosure, the roof or one-half (1/2) or more of the sides of which are of silk, cotton, canvas, or any light material, either attached to a building or structure or unattached.

**3.143 Terrace/Patio.** An unroofed paved area located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio blocks).

**3.144 Theater.** An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

**3.145 Town.** The City of Princeton, Iowa.

**3.146 Toxic Waste.** Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment which are being discarded by being disposed, incinerated or recycled.

**3.147 Trailer Park or Mobile Home Park.** An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.

**3.148 Trash.** Cuttings from vegetation, refuse, paper, bottles, rags.

**3.149 Travel Trailer Park.** A parcel of land upon which two (2) or more spaces are provided, occupied, or intended for occupancy by travel trailers for transient purposes, not to exceed thirty (30) days.

**3.150 Truck Parking Area or Yard.** Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers, and including commercial vehicles, while not loading or unloading. Does not include Class B trucks.

**3.151 Unrelated Group Family.** A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Article IV of this Zoning Ordinance.

**3.152 Variance.** A modification of the specific regulations of this Ordinance granted by the resolution of the Board of Adjustment in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

**3.153 Waterfront.** Any site shall be considered as waterfront premises providing any or all of its lot lines abut on or are contiguous to any body of water, including creek, canal, lake, river, or any other body of water, natural of artificial, not including a swimming pool, whether the said lot line is front, rear, or side.

**3.154 Yard.** The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.

**3.155 Yard, Front.** An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**3.156 Yard, Rear.** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**3.157** **Yard, Side**. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

**3.158 Zone.** Any one of the classes of Districts established by this Ordinance.

**3.159 Zoning Administrator.** The Administrative Officer designed or appointed by the City to administer and enforce the regulations contained in this Ordinance.

**3.160 Zoning Certificate.** A written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of the Ordinance and for the purpose of carrying out and enforcing its provisions.

**3.161 Zoning Maps.** The map or maps incorporated into this Ordinance as a part hereof.

**ARTICLE IV - ADMINISTRATION AND ENFORCEMENT BUILDING PERMITS AND**

**CERTIFICATES OF ZONING COMPLIANCE**

**4.1 Administration and Enforcement.**

The provisions of this Ordinance shall be enforced and administered by the Zoning Administrator.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

**4.2 Building Permits Required.**

Buildings or other structures shall not be erected, moved, added to, or structurally altered without a permit therefore, issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this Ordinance, or upon written order from the Board of Adjustment. Fees for building permits shall be as provided by the City Ordinance and the County of Scott County, Iowa.

**4.3 Application for Building Permit.**

All applications for building permits shall be accompanied by a site plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or alteration. The application shall include the existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

**4.4 Certificate of Zoning Compliance for New, Altered or Non-Conforming Uses.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Certificates of Zoning Compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed in conformity with the provisions of this Ordinance.

A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and copies shall be furnished upon request to any person. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable under Article XXXIII of this Ordinance.

**4.5 Construction and Use to be as provided in Applications, Plans, Permits and Certificates of Zoning Compliance.**

Building permits or Certificates of Zoning Compliance issued on the basis of plans and applications, approved by the Zoning Administrator, authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article XXXIII.

**ARTICLE V – BOARD OF ADJUSTMENTS PROCEDURE, POWERS, AND DUTIES**

**5.1** **Board Created.**

A Board of Adjustment is hereby established which shall consist of five (5) members. The term of office of the members of the Board and the manner of their appointment shall be as provided by section 5.2 of this Article.

Prior to application sent to the Board for review Council provides the right to review requests through the Planning and Zoning Commission of the City.

### 5.2 Membership.

The board of adjustment shall consist of five members as determined by the council. Members of a five-member board shall be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. A five-member board shall not carry out its business without having three members present. A majority of the members of the board of adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling real estate. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.  As provided by Section 414.8, Code of Iowa.

### 5.3 Rules – Meetings - General Procedure.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this chapter. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and provide a minimum of ten (10) business days for public notification. The board 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 be immediately filed in the office of the city and shall be a public record.

### 5.4 Appeals.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within ten (10) business days by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

### 5.5 Hearings, Notice.

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

### 5.6 Effect of Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with the officer that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

### 5.7 Decision on Appeal.

In exercising the above-mentioned powers such Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

### 5.8 Fee for Appeal.

See Article XXXII – Schedule of Fees

### 5.9 Powers.

### The board of adjustment shall have the following powers:

### To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.

### To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

### To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

**5.10 Powers – Special Exceptions.**

To permit the following exceptions to the district regulations set forth in this Ordinance subject to the requirements of this section:

1. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
2. To permit the extension of a use into a district where it would be otherwise prohibited in a case where a district boundary line is so located that a lot or plot is in more than one district.
3. To hear and decide only such other special exception as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board unless and until:
4. A written application for special exceptions is submitted indicating the section of this Ordinance under which this special exception is sought and stating the grounds on which it is requested.
5. Notice of public hearing shall be given ten (10) business days in advance of the public hearing. The owner of the property for which special exception is sought or his/her agent and any property owners adjacent to and across from shall be notified by mail. Notice of hearing shall also be posted on the property for which special exception is sought.
6. The public hearing shall be held. Any party may appear in person, agent, or attorney.
7. The Board shall make a finding that it is empowered under the Article of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest or any properties that are not explicitly named on the application for review.

In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance. The Board may prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set, shall void the special exception.

**5.11 Powers – Variances.**

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

1. A written application for a variance is submitted demonstrating:
2. that special condition and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings, in the same district;
3. that literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
4. that the special conditions and circumstances do not result from the actions of the applicant;
5. that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
6. Notice of public hearing shall be given ten (10) business days in advance of the public hearing. The owner of the property for which the variance is sought or representing agent and any other affected property owners shall be notified by mail.
7. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
8. The Board shall make findings that the requirements of this Article have been met by the applicant for a variance.
9. The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance.
10. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**5.111 Board of Adjustment - Review by Council.**

The council shall provide for the appointment of a Board of Adjustment and in the regulations and restrictions adopted pursuant to the authority of this chapter shall provide that the said Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinances in harmony with its general purpose and intent and in accordance with general or specific rules therein contained and provide that any property owner aggrieved by the action of the council in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners.

The council may provide for its review of variances granted by the board of adjustment before their effective date. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand. As provided by Section 414.7, Code of Iowa.

**5.12 Decisions of the Board of Adjustment – Vote required.**

In exercising the above-mentioned powers, the Board may so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as sought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of this applicant on any matter upon which it is required to pass under this Ordinance or to effect any variance in the application of this Ordinance.

### 5.13 Appeals from Decisions of the Board of Adjustments.

### Any taxpayer or any officer, department, Board or Bureau of the City or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustments may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such a petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. As provided by Section 414.15, Code of Iowa.

### 5.14 Conflicting rules, ordinances, and statutes.

If the regulations made under this chapter require a greater width or size of yards, courts or other open spaces, or a lower height of building or less number of stories, or a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under this chapter govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under this chapter, the other statute or local ordinance or regulation governs. If a regulation proposed or made under this chapter relates to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream, prior approval of the department of natural resources is required to establish, amend, supplement, change or modify the regulation or to grant any variation or exception from the regulation. As provided by Section 414.21, Code of Iowa.

**ARTICLE VI – DISTRICT CHANGES AND ORDINANCE AMENDMENTS, MAP**

**REPLACEMENT AND ZONING OF ANNEXED AREAS**

**6.1 Changes and Amendments.**

The Council may on its own motion or on petition after public notice and hearing as provided by law, and after report by the Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. Any owner or owners of property may present a petition duly signed and verified, requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty (50) percent of the area included in such proposed change and by the owners of fifty (50) percent of the property within three hundred (300) feet there from, and said petition shall be filed with the Commission.

The Commission shall make a report to the Council within sixty (60) days from the date of receipt of such petition. In case the proposed amendment, supplement or change be disapproved by the Commission, or in case of a protest against any proposed amendment or change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof, extending the depth of one (1) lot or not to exceed two hundred (200) feet there from, or of those directly opposite thereto, extending the depth of one (1) lot not to exceed two hundred (200) feet there from, or those directly opposite thereto, extending the depth of one (1) lot or not to exceed two hundred (200) 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 (3/4) of all the members of the Council.

**6.2 Map Replacement.**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, under the following words:

“This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Article VIII of the City of Princeton, Iowa.”

**6.3 Zoning of Annexed Area.**

Any land annexed to the City either before or after the effective date of this Ordinance but not shown on the Official Zoning Map shall be zoned “R” Residential until the Zoning Commission and the Council shall have studied the area and adopted Final Zoning Plan for the area in accordance with Article XXIII of this Ordinance. Said Final Zoning Plan shall be adopted within six (6) months of date of annexation.

**ARTICLE VII – DISTRICTS AND MAP**

**7.1** For the purpose of this Ordinance, the City of Princeton, Iowa, is hereby divided into twelve (12) classes of districts as follows:

“A-1” Agricultural District

“A-2” Agricultural Preservation District

“R-1” Single-Family Residential District

“R-2” Moderate Density Residential District

“R-3” High Density Residential District

“C-1” Commercial District

“C-2” Riverfront Commercial District

“M-1” Restricted Industrial District

“O-1” Office District

“B-1” Highway Intensive Business District

“CV-1” Conservation

“PUD” Planned Unit Development District

“RCO” Riverfront Corridor Overlay District

**7.2** The boundaries of these districts are hereby established as shown on a map entitled Zoning Map, City of Princeton, Iowa, herein after referred to as the Zoning Map, which accompanies and is hereby made a part if this Ordinance. The district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at a the time of the enactment of this Ordinance; but when a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

**7.3** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized on and the other district requirements applying to the less restricted portion of such lot is more than fifty (50) feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within fifty (50) feet of said boundary line.

**7.4** Questions concerning the exact location of district boundary lines shall be determined by Council according to the rules and regulations which it may adopt.

**7.5** All territory which may hereinafter be annexed to the City of Princeton shall be classed automatically to the “R-1” Single-Family Residential District within the general land use classification shall have been changed by amendment of this Ordinance as provided hereunder.

**ARTICLE VIII – GENERAL PROVISIONS**

**8.1 Zoning Affects Every Structure And Use.**

Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

**8.2 Continued Existing Uses.**

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in subsection 8.3. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

**8.3 Non-conforming Uses.**

Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

1. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

1. Any building, for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
2. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance.
3. No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
4. Any building or structure devoted to a nonconforming use with a fair market value of less than five hundred dollars ($500), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such nonconforming use shall be removed or changed to a conforming use.
5. Any legal, nonconforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.
6. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
7. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
8. No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
9. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.

**8.4 Nonconforming Uses In Any District Other Then An “R” District.**

Structural alterations and enlargements. Any building or structure in any other than an “R” District devoted to a use made nonconforming by this Ordinance may be structurally altered or enlarged in conformity with the lot area, the lot frontage. In addition, the Council and Commission should address whether it desires to allow the expansion of non-conforming uses in non0residential districts.

**8.5 Street Frontage Required - Flag Lots.**

Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street purposes. No building in the rear of a principal building on the same lot shall be used as a dwelling. Setbacks for flag lots will be determined at the start of the buildable area of the lot.

**8.6 Accessory Buildings in Residence Districts.**

1. No accessory building or buildings shall be erected in any-required court or front yard. Except for carports and garages, no accessory building shall be erected in a side yard. When erected in a side yard the accessory building shall meet the setback requirements of the principal structure. When erected in a rear yard it or they cumulatively shall not occupy more than thirty (30) percent of a required rear yard and/or it or they shall not exceed the total ground floor footage of the primary structure except for swimming pools and shall be a distance at least three (3) feet from all lot lines adjoining lots which are in any “R” District, and at least six (6) feet from alley lines and from any other building or structure on the same lot. Accessory buildings shall not exceed fifteen (15) feet in height, except that an accessory building used in part or wholly as a dwelling for domestic employees of the owners or of the tenants of the principal building shall not exceed two (2) stories or twenty five (25) feet in height, provided it shall conform to the open space requirements of this Ordinance for a principal building, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principal building shall be considered the front lot line for the building in the rear. Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half (2) of the height of such private garage shall be below the level of the yard or court.
2. Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of Section 8.6.A shall apply.

**8.7 Required Yard Cannot Be Reduced or Used by Another Building.**

1. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
2. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

**8.8 Permitted Obstructions in Required Yards.**

The following shall not be considered to be obstructions when located in the required yards specified:

1. In all yards - porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open ­type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of­-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.

1. In front yards - one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard. In “A-1” District permitted roadside stands.
2. In rear yards - open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breeze-ways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
3. In side yards - overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.

**8.9 Conversion of Dwellings**.

The conversion of any building 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 this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a 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 to such further requirements as may be specified hereinafter with the Article applying to such district.

**8.10 Minimum Ground Floor Area for Dwellings.**

A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the Uniform Building Code (changed every third year) and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

**8.11 Traffic Visibility Across Corner Lots.**

In any district, except B-2, on any lot, no fence structure or planting shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner.

**8.12 Essential Services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this Ordinance.

**8.13 Fences, Walls and Hedges.**

1. Fences, walls and hedges located in a yard adjacent to a public street of residential and educationally zoned property shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.
2. Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.
3. All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of­-way lines extended.
4. All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The appropriate official, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
5. Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or in Agricultural Districts or as a permitted use for temporary festival/event enclosure purposes.
6. Fencing shall not be allowed in floodways.
7. Swimming pool fencing requirements are outlined in the County building code.

Optional:

1. Barbed wire fences shall be permitted only in Industrial, Agricultural, or Suburban Estate-1 Districts or on review by the Zoning Commission in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.
2. Electric fences shall be permitted only in Agricultural Districts and only for the enclosure of livestock. Electric fences shall not carry a charge greater than twenty five (25) milliamperes or a pulsating current lower than one tenth (1/10) second in a one second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
3. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two (2) months after the installation of a public sidewalk.

**8.14 Home Occupation.**

1. Home Occupation, Major. Major home occupations are home occupations where customers and employees may come to the home and where the occupation:

1. Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and no other.

1. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
2. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
3. Shall have no signs present on the property except for one sign, not exceeding two square feet, and not illuminated.
4. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
5. Shall have no storage or display of goods visible from outside the structure.
6. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. Shall have adequate off street parking spaces available to compensate for additional parking needs generated.
8. Deliveries from commercial suppliers may be made more than once a week and the deliveries shall not be made from semi-tractor trailer trucks.
9. Shall include, but are not necessarily limited to, the following:
10. Single-chair beauty parlors and barber shops;
11. Photo developing and printing;
12. Organized classes with up to six students at a time;
13. Television and other electric or electronic repair, excluding major appliances

such as refrigerators or storage;

1. Upholstering;
2. Dressmaking and millinery; and
3. Woodworking excluding cabinet making.
4. Home Occupation, Minor. Minor home occupations are home occupations which shall not have nonresident customers and employees and where:

1. Shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no other.
2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.
3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
4. Shall be no advertising, display, or other indications of a home occupation on the premises.
5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.
6. Shall have no storage or display of goods visible from outside the structure.
7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
8. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
9. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner’s property except that multiple family sales are permitted if they are held on the property of one of the participants and any such sale shall be considered to be a sale for all participants.
11. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
12. Shall include, but are not necessarily limited to, the following:
13. Artists and sculptors;
14. Authors, desktop publishers and composers;
15. Home crafts for sale off-site;
16. Office facility of clergy;
17. Office facility of a salesman, sales representative or manufacturer’s representative provided that no transactions are made in person on the premises;
18. Address of convenience used solely for receiving and making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;
19. Individual tutoring;
20. Preserving and home cooking for sale off-site;
21. Individual instrument and vocal instruction provided that no instrument may be amplified;
22. Telephone solicitation work;
23. No professional offices in minor home occupations.

**8.15 Pending Applications for Building Permits.**

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builders control.

**8.16 Uses Authorized by the Zoning Commission.**

Any use or structure as regulated by the Planning and Zoning Commission in the various districts shall be accumulative in nature beginning with the most restrictive district.

**8.17 Principal Building.**

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot unless otherwise provided in this Ordinance.

**ARTICLE IX – ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS**

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

**9.1 Height Limits.** Height limitations stipulated elsewhere in this Ordinance shall not apply.

1. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Zoning Appeals.
2. To places of public assembly such as churches, schools and other permitted public and semi­public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
3. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use for the highest building otherwise permitted in the district.
4. To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half (2) foot over the side and rear yards required for the highest building otherwise permitted in the district.

**9.2 Lot Area Requirements.**

1. Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Zoning Commission and/or the Zoning Board of Adjustment.
2. Lots Unserved by Sewer and Water. In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

**9.3 Lot Area per Family.**

1. Modification of Minimum Lot Area. On any lot where more than two dwelling units are permitted. Where part or all of the off-street parking spaces required for dwelling are provided within the principal building, the minimum lot area per dwelling unit specified may be reduced by a maximum of twenty (20) percent, in accordance with the following formula:

a/b x 20%

When a = the number of spaces provided within the principal building, and b = the number of spaces required for the dwellings.

**9.4 Front Yard Exceptions and Modifications.**

1. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.
2. Interior Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any “R” District shall be at least ten (10) feet and need not exceed thirty (30) feet.
3. Corner Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any “R” District shall be at least ten (10) feet and need not exceed thirty (30) feet, except as provided in Section 8.10.

**9.5 Side Yard Exceptions and Modifications.**

1. Along any district boundary line, an abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restricted district; and in a “B-1" or “M-1” District, on a lot abutting a lot in any “R” District, such side yard for a building higher than the limiting height in such “R” District shall be increased by three (3) feet for each story over such limiting height.
2. Side Yards Shall Be Increased. In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any “R-1" or “R-2" District, or fifty (50) feet in any “R-3" District.
3. Side Yards May Be Reduced. By three (3) inches from the otherwise required least width or sum of the least widths for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2-1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.
4. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.
5. Side Yards May Be Varied. Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.
6. Structures or Projections into Side Yards May Be Permitted As Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes three (3) feet from a side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.
7. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1­1/2) feet.
8. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

**9.6 Rear Yard Exceptions and Modifications.**

1. Rear Yards May Be Reduced. Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.
2. Structures Or Projections Into Rear Yards May Be Permitted As Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes six (6) feet from the building. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22 1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (2) of the width of the rear wall.
3. Chimneys, flues, belt courses, leaders, sills, pilaster lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required rear yard not more than one and one-half (1­1/2) feet.
4. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, nor an alley lot line or within six (6) feet of an accessory building.

**DISTRICTS**

**ARTICLE X – “A-1” Agriculture District**

**10.1 General Description.**

The A-1 General Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County in order to protect lands for continued farming, allow non-farm residential development on a limited basis, and minimize conflicts between agricultural and non-agricultural areas.

The A-1 District is also established to protect those agricultural lands which, due to their location, soils, and use for agricultural activities, warrant protection from indiscriminate development. However, their proximity to existing development, combined with pressures for new development, makes these lands unsuitable for preservation according to the more restrictive regulations of the A-2 Agricultural Preservation District. The A-1 District is also intended to protect those agricultural lands that would otherwise be subject to residential subdivision activity which could render these important farmlands useless for farming.

**10.2 Permitted Principal Uses.**

1. Agriculture
2. Cemeteries
3. Churches
4. Farm dwelling unit
5. Governmental uses
6. Greenhouses, commercial
7. Home occupation (non-impact, minor Impact)
8. Nurseries, commercial
9. Private stable
10. Public parks and forest preserves
11. Roadside stand offering for sale only products grown on the premises
12. Schools
13. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
14. Uses customarily accessory to farm operations
15. Any other similar uses deemed to be consistent

**10.3 Permitted Accessory Uses.**

1. Other uses incidental to a permitted use

**10.4 When Authorized by Appropriate Authority.**

1. Airstrips/runways and heliports
2. Aircraft hangars/tied owns
3. Agribusiness
4. Auction barns
5. Bulk storage of fuel and fertilizers
6. Child care facilities
7. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits
8. Density increase for residential dwellings
9. Factory farms
10. Government buildings
11. Grain elevator
12. Home occupation (major impact)
13. Kennels, animal hospitals, veterinary clinics
14. Landscape contractors
15. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
16. Public stable
17. Public or private recreational facilities, (i.e., golf course, marina, boat dock)
18. Recreational camps
19. Recreational vehicle parks
20. Residential care homes
21. Temporary uses

**10.5 Height Regulations.**

1. No Structure shall exceed two and one half (2 ½) stories or thirty-five feet (35’) for the principal structure.

**10.6 Lot Area and Yard Requirements.**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Width | Front Yard Depths | Side Yard Least Width on Any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| All Uses | 10 Acres | 200 ft. | 50 ft. | 50 ft. | 100 ft. | 50 ft. |

**ARTICLE XI – “A-2” Agriculture Preservation District**

**11.1 General Description.**

The A-2 District is established to conserve farmland and to encourage continued agricultural activities, thereby helping to ensure that sustainable agriculture will continue as a long term land use and a viable economic activity within the District. The A-2 District is also established to preserve natural features and the rural landscape, while allowing low density residential development that minimizes its impact on agricultural land, farming operations and sensitive environmental features. The preferred use in the A-2 District is Agriculture. The District is intended to permit a range of uses related to agriculture, to encourage preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. More specifically, the District is established to severely restrict non-farm development in predominantly agricultural areas in order to:

1. Preserve productive agricultural land for continued food and fiber production;
2. Protect productive farms from encroachment by incompatible non-farm uses;
3. Maintain the existing agricultural processing and related service industries;
4. Preserve the maximum freedom of operation for those legitimate agricultural purposes permitted in this District.

**11.2 Permitted Principal Uses.**

1. Agriculture
2. Farm dwelling unit
3. Roadside stand offering for sale only products grown on the premises
4. Home occupation, minor
5. Private stable
6. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
7. Public parks and forest preserves
8. Uses customarily accessory to farm operations

**11.3 Permitted Accessory Uses.**

1. Other uses incidental to a permitted use

**11.4 When Authorized by Appropriate Authority.**

1. Airstrips/runways and heliports
2. Aircraft hangars/tiedowns
3. Agribusiness
4. Bulk storage of fuel and fertilizers
5. Cemetery
6. Churches
7. Commercial excavation of natural materials and improvements of a stream, lake river channel and removal of dirt and or topsoil, quarry, borrow pits
8. Density Increase for farm dwellings on a single 40 acre parcel when 40 acre per dwelling requirement is met on entire farmstead
9. Government buildings
10. Grain elevator
11. Home occupation, major
12. Kennels
13. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
14. Private recreational use on land that is located along a body of water
15. Public stable
16. Recreational camps
17. Schools

**11.5 Height Regulations.**

1. No structure shall exceed two and one half (2 ½) stories or thirty-five feet (35’) for the principal structure.

**11.6 Lot Area and Yard Requirements.**

The following minimum requirements shall be observed for both primary and accessory buildings. No accessory building shall be located in a front yard.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Width | Front Yard Depths | Side Yard Least Width on Any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| All Uses | 40 Acres | 165 ft. | 40 ft. | 15 ft. | 30 ft. | 40 ft. |

**ARTICLE XII – “R-1” SINGLE-FAMILY RESIDENTIAL District**

**12.1 Regulations.**

The regulations set forth in this Article or elsewhere in this Ordinance which is applicable shall apply in the “R-1” Single Family Residential District.

**12.2 General Description.**

This district is established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, but are not limited to, the following specific purposes:

1. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
2. To protect residential areas to the greatest extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.
3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulations of the bulk of buildings.
4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.
7. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character of desirable development, and to protect the value of land and improvements and so strengthen the economic base of the city.

**12.3 Use Regulations.**

A. Principal Permitted Uses.

1. A single-family dwelling on each lot or building site.
2. Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly, but not necessarily, operated on a non-profit basis: however, amusement parks, golf-driving ranges, golf miniature putting courses, normally operated for profit and imploring manufactured or constructed facilities of an unnatural or nonenvironmental design shall be excluded.
3. Day care home.
4. Foster family homes.
5. Unrelated group family uses.
6. Municipal fire and police station.
7. Care home small residential.
8. Essential services and municipal administrative or public service buildings not less than eighty feet (80’) from any lot line.
9. Existing railroad right-of-way, but not switching storage or freight yards of sidings.
10. Agricultural crops, including truck gardening, but not the raising of poultry, pets, or livestock for commercial purposes, or on a scale that would be objectionable because of noise or odor to surrounding residences.
11. Any other similar uses deemed to be consistent.
12. Permitted Accessory Uses.
13. Normal accessory buildings and structures for a dwelling such as: Private garages, swimming pools, children’s playhouses (shall not be used as dwelling purposes), radio and television receiving antennas, antennas, barbeque pits, playground equipment, tennis courts, et cetera.
14. Living quarters for persons employed on the premises.
15. Private office of lawyer, architect, real estate or insurance agent, or engineer within their own dwelling; however, those occupations normally classified as a trade and requiring substantial use of contractors or mechanical tools or equipment such as: carpenters, electricians, painters, plumbers, et cetera, shall be excluded. (See definition of Home Occupation under Article III.)
16. Minor home occupations, as defined.
17. Day care home licensed by the State of Iowa and with occupancy permit.
18. Domestic animals such as: cats, dogs, birds, tropical fish, et cetera, which are normally allowed to run free or are housed within the dwelling. Horses, cows, sheep, goats, chickens, et cetera, normally considered farm or wild and untamed animals shall be excluded except as otherwise provided for in this Ordinance.
19. Flower and vegetable gardening for noncommercial gain.
20. Greenhouses and horticultural nurseries for noncommercial gain.
21. Carports and other temporary structures provided setback requirements are met.
22. Other uses incidental to a permitted use.
23. When Authorized by Council.
24. Community Center.
25. Major home occupation, as defined.
26. Utility stations without service yards or storage.
27. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts.
28. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District.
29. Municipal buildings and libraries.

1. Off street parking facilities for permitted uses and/or uses permitted in this zoning district.

1. Day care home, as defined, but serves between nine (9) and twelve (12) children.

**12.4 Height Regulations.**

No principal structure shall exceed two and one half (2 ½)stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story twenty feet (20') in height, except as provided in Section 9.1.

**12.5 Lot Area, Frontage and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Frontage | Front Yard Depths | Side Yard Least Width on Any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| Dwellings: | 8,400 sq. ft. | 70 ft. | 25 ft. | 8 ft. | 16 ft. | 25 ft. |
| Non-Dwellings: | 1 acre | 150 ft. | 50 ft. | 25 ft. | 50 ft. | 50 ft. |

**12.6 Off-Street Parking Regulation.**

(See Article XXIX.)

**ARTICLE XIII – “R-2” MODERATE DENSITY RESIDENTIAL District**

**13.1 Regulations.**

The regulations set forth in this Article or elsewhere in this Ordinance which is applicable shall apply in the “R-2” Moderate Density Residential District.

**13.2 Use Regulations.**

A. Principal Permitted Uses.

1. Any use permitted in the “R-1” District providing such use shall comply with the minimum requirements of the “R-2” District.
2. Two-family dwellings.
3. Multi-family dwellings: providing however, individual buildings shall contain no more than eight (8) dwelling units and land use density shall not exceed twelve (12) dwelling units per acre of land under ownership, exclusive of road right-of-way.
4. Day nursery schools and childcare centers providing no building; structure or accessory use for property so used is located no less than thirty (30) feet from any other principal building on any other lot in an “R” District; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than one thousand (1,000) square feet in area for the first twenty (20) or less children under care, with twenty-five (25) square feet added to such play lot area for each additional designated child capacity of the principal building.
5. Boarding and lodging houses.
6. Permitted Accessory Uses.
7. Any use permitted in the “R-1” District providing such use shall comply with the minimum requirements of the “R-2” District.
8. Playground areas and equipment accessory to multi-family dwellings.
9. Multi-family entertainment and service centers, providing such areas shall not be located to the front of the principal building at ground level or above and such areas shall be screened from public view.
10. Storage garage accessory to the principal building.

**13.3** **Height Regulations.**

No principal structure shall exceed two and one half (2 ½)stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story twenty feet (20') in height, except as provided in Section 9.1.

**13.4 Lot Area, Frontage and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Frontage | Front Yard Depths | Side Yard Least Width on Any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| Single, Two-Family Dwellings & Day Nurseries | 6,000 sq. ft. | 50 ft. | 25 ft. | 6 ft. | 12 ft. | 25 ft. |
| Multi-family Dwellings | 9,000 sq. ft. | 75 ft. | 35 ft. | 10 ft. | 20 ft. | 35 ft. |
| Non-Dwellings | 1 acre | 150 ft. | 50 ft. | 25 ft. | 50 ft. | 50 ft. |

**13.5 Off-Street Parking Regulation.**

(See Article XXIX.)

**ARTICLE XIV – “R-3” HIGH DENSITY RESIDENTIAL District**

**14.1 Regulations.**

The regulations set forth in this Article or elsewhere in this Ordinance which is applicable shall apply in the “R-3” High Density Residential District.

**14.2 Use Regulations.**

A building or premises shall be used only for the following purposes:

A. Principal Permitted Uses.

1. Any use permitted in the “R-2” Residential District providing such use shall comply with the minimum requirements of the “R-3” District.
2. Multi-family apartment buildings designed for more than eight (8) dwelling units providing such use shall not exceed twenty-four (24) dwelling units per acre of lot area.
3. Professional and semi-professional office buildings for the following:

Abstract and Title

Accountants – bookkeeping

Actuaries

Advertising (no shops)

Adjusters (insurance)

Arial survey and photography

Appraisers – no sale or rental of any type of merchandise or equipment

Architects

Attorneys

Auditors

Business Analysis – counselors and brokers

Building contractors – office only (no shop or storage)

Chiropractors

Consultants

Counseling, child guidance and family service

Court reporter, public stenographers

Credit reporting

Dentist

Detective agencies and investigating service

Drafting and plan service

Engineers, professional

Insurance and bonds

Manufacturer’s agents

Market research

Medical doctors

Model agencies (no school)

Mortgage broker

Notary public

Optician

Optometrist

Public libraries

Public relations

Real Estate

Secretarial service

Social service bureau

Stock broker exchange – investment service

Tax consultants

Telephone answering service

Theater ticket agencies

Travel agencies

Any use which is found by the Zoning Administrator to be a use similar to one of the above named uses, and, in the Administrators opinion, conforms to the intent of this section.

1. Permitted Accessory Uses.
2. Any use permitted in the “R-2” Residential District providing such use shall comply with the minimum requirements of the “R-3” District.
3. Retail shops and refreshment stands accessory to principal buildings of this Article; provided, however, there shall be no access to such place of retail shop except from the inside of the principal building or internal courtyard, nor shall any display of stock, goods, or advertising for such be so arranged that it can be viewed from outside the principal building.

**14.3** **Height Regulations.**

No principal building shall exceed forty-five feet (45') in height. No accessory structure shall exceed one (1) story twenty feet (20') in height, except as provided in Section 9.1

**14.4 Lot Area, Frontage and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Frontage | Front Yard Depths\*\* | Side Yard Least Width on Any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| Dwellings & Offices | 15,000 sq. ft. | 80 ft. | 30 ft. | 15 ft. | 30 ft. | 35 ft. |
| All Other Uses | 1 acre | 150 ft. | 50 ft. | 25 ft. | 50 ft. | 50 ft. |

\*\* All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.

**14.5 Building Floor Area to Lot Area Ratio.**

|  |  |
| --- | --- |
| Height of Building | Total Floor Area to Lot Area Ratio |
| 1 Story | 0.30 |
| 2 Story | 0.50 |
| 3 Story | 0.75 |
| 4 Story | 0.80 |

**14.6 Open Space Requirements.**

(See Article XXVII)

**14.7 Off-Street Parking.**

(See Article XXIX.)

**ARTICLE XV – “C-1” COMERCIAL District**

**15.1 Regulations.**

The regulations set forth in this Article and elsewhere in this Ordinance which are applicable, shall apply in the “C-1” Commercial District.

**15.2 Use Regulations.**

A building or premises shall be used only for the following purposes:

* + - 1. Principal Permitted Uses:

1. Any use permitted in an “R-3” District except residential dwellings.\*
2. Retail business or service establishments such as the following:

Animal hospital, veterinary clinic or kennel; providing any exercising runway or pasture shall be at least two hundred (200) feet from any “R” District.

Antique shops,

Apparel shops, infant, teenage, and adult,

Art goods and bric-a-brac shops,

Artists’ shops and studios,

Automobile, trailer and farm implement establishment for display, hire, sales, and minor repairs, including sales lots and body and fender work,

Bakery, whose products are sold only at retail and only on the premises,

Ballrooms and dance halls,

Banks, including drive-in teller services and ATM’s (Automatic teller machines),

Barber shop or beauty salon,

Bicycle sales,

Billiard parlors and pool halls,

Bookstore,

Bowling alley

Business, commercial, dancing or music schools

Candy shops, retail sales only

Cigar and cigarette stores

Clothes cleaning and laundry pickup stations

Cocktail lounge or tavern

Collection office of a public utility

Confectionary and ice cream stores

Curio stores

Dairy stores

Dance and/or music studio

Drive-in eating and drinking establishments, summer gardens, and road houses, including entertainment and dancing, provided the principal building is distant at least two hundred (200) feet from any “R” District.

Drugstore

Florist shop, retail sales only

Furniture stores

Garden shops

Gasoline service station

General hardware stores, including display plumbing and electrical fixtures, but not in connection with a plumbing or electrical shop

Gift shop

Grocery, delicatessen or meat market, except those dealing in live poultry

Haberdashery

Hobby shop

Hotels

Household appliance stores and hardware store

Ice cream parlor

Ice storage and distributing station of not more than five (5) ton capacity

Jewelry stores

Landscape garden plant stores

Launderette

Leather goods store

Locker plants for storage and retail only

Lumber yards, retail, but not including any mill work, manufacturing, fabricating or wholesale operations

Mail order offices, display room

Messenger offices

Millinery shops

Motel and auto courts

Music store and record shop

Newsstands

Night clubs

Notions

Paint and wallpaper store

Pet shop

Photographic store and/or studio

Post office substation

Printing

Radio and television sales and repair

Radio and television broadcasting stations, studios and offices but not towers in excess of one hundred (100) feet

Restaurants

Shoe and shoe repair shops

Sign painting shops

Soda fountain and café providing no alcoholic beverages may be served or sold

Soft drink stands

Souvenir stores and variety stores

Spa and massage therapy

\* Residential dwellings may be permitted by special permit.

1. Outdoor advertising signs and billboards in accordance with provisions of Article XXIV
   * + 1. Accessory Uses.

Any accessory uses permitted in the “R-3” District providing such use shall comply with the minimum requirements for the “C-1” District.

**15.3 Height Regulations.**

No principal structure shall exceed thirty five feet (35') in height. No accessory structure shall exceed one (1) story twenty feet (20') in height, except as provided in Section 9.1.

**15.4 Lot Area, Frontage and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Principal Use | Lot Area | Lot Frontage | Front Yard Depths\*\* | Side Yard Least Width on One Side\* | Side Yard Minimum sum of both sides\* | Rear Yard Depths |
| All Uses | 10,000 sq. ft. | 80 ft. | 45 ft. | 15 ft. | 30 ft. | 25 ft. |

\*All yards abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard. Side yards may be waived by the Council, for coordinated plans of adjacent properties under separate ownership: providing however, that such waiver shall be predicated on an approved Site Plan. (See Article XXVIII.)

**15.5 Open Space Requirements.**

(See Article XXVII.)

**15.6 Off-Street Parking.**

(See Article XXIX.)

**15.7 Buffers Required.**

(See Article XXV.)

**ARTICLE XVI – “C-2” RIVERFRONT COMMERCIAL District**

**16.1 Regulations.**

The regulations set forth in this Article and elsewhere in this Ordinance which are applicable, shall apply in the “C-2” Riverfront Commercial District.

**16.2 Use Regulations.**

A. Principal Permitted Uses:

1. Any use permitted in the “C-1” District providing such use shall comply with the minimum requirements of the “C-2” District.

2. Manufacture of treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

3. Printing or publishing houses.

B. Accessory Uses.

1. Accessory uses permitted in the “C-1” District.

2. Any exterior or roof sign the height of which shall not exceed forty (40) percent of the building height above the roof line, but not to exceed fifty (50) feet above the roof line in any case. For buildings less than forty (40) feet in height, the maximum height above the roof line for any exterior or roof sign shall be sixteen (16) feet.

**16.3 Height Regulations.**

No building shall exceed thirty-five (35) feet in height.

**16.4 Lot Area, Lot Frontage, and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Principal Use | Lot Lot Area Front Yard  Lot Area Width Per Family Depths | Side Yard Least Width on any One Side | Width Minimum Sum of Both Side Yards | Rear Yard Depths |
| All Uses | None required unless the proposed right-of-way of a thoroughfare shown on Official Major Thoroughfare Plan in which case the building setback line shall be the proposed right-of-way line. | None except adjacent to an “R” District, in which case not less than ten (10) feet. |  | None except abutting an “R” District in which case twenty-five (25) feet. |

**16.5 Open Space Requirements.**

(See Article XXVII.)

**16.6 Off-street Parking.**

(See Article XXIX.)

**16.7 Buffers Required.**

(See Article XXV.)

**ARTICLE XVII – “M-1” RESTRICTED INDUSTRIAL District**

**17.1 Regulations.**

The regulations set forth in this Article and elsewhere in this Ordinance which are applicable shall apply in the “M-1” Restricted Industrial District.

**17.2 Use Regulations.**

A building or premises shall be used only for the following purposes:

1. Principal Permitted Uses.
2. Any business or service establishment permitted in a “C” District which is incidental to an industrial or manufacturing use.
3. Industrial, manufacturing, major repair, processing, storage and wholesale establishments and services such as the following:

Automobile body and fender repair shop

Automobile repair garage

Automobile construction, assembly or factories specializing in the re-work or re- building of automobile components

Bag, carpet and rug cleaning

Bakeries

Boat yard

Carpenter and cabinet shops

Concrete mixing concrete products manufacture

Contractor’s equipment and materials storage yard

Creamery, bottling works, dairy ice cream manufacturing, ice manufacturing and cold storage plant

Enameling, lacquering or japanning

Flammable liquids, underground storage only, not to exceed twenty-five thousand (25,000) gallons and located not less than two hundred (200) feet from any “R” District

Foundry casting lightweight non-ferrous metals or electric foundry not causing noxious fumes or odors

Laboratories – experimental, film or testing

Laundries

Lumber and building supply yards

Machine shop

Milk distributing station

Motor freight terminal

Plumbing, heating, and air-conditioning shops

Sawmill, planning mill, including manufacture of wood products

Sheet metal shops

1. Any residential use shall be prohibited, except for caretaker’s quarter’s incidental to a permitted industrial use.
2. Outdoor advertising signs and billboards in accordance with provisions of Article XXIV of this Ordinance.
3. Accessory Uses.

Any accessory use customarily accessory and incidental to a permitted principal use.

**17.3 Required Conditions.**

No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, and offensive or pollute the water or air due to emission of cinders, dust, gas fumes, noise, odor, smoke, refuse matter or water-carried waste.

**17.4 Prohibited Uses.**

Dwellings

**17.5 Height Regulations.**

No principal building shall exceed forty-five feet (45') in height.

**17.6 Lot Area, Lot Frontage, and Yard Requirements.**

The following minimum requirements shall be observed:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Use | Lot Area | Lot Width | Front Yard Depth\* | Side Yard Each Side | Rear Yard Depth |
| All Uses | 10,000 sq. ft. | 75 ft. | 45 ft. | 10 ft. \*\* | 45 ft. \*\* |

\*All yards in the “M-1” District, abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.

\*\* “M-1” District adjacent to any “R” District, the minimum setback shall be fifty (50) feet from the “M-1” District boundary line, except in such cases where the District line is construed to follow the centerline of a public thoroughfare, wherein such cases shall be determined by the provisions for the required minimum front yard depth.

**17.7 Open Space Requirements.**

(See Article XXVII.)

**17.8 Off-Street Parking.**

(See Article XXIX.)

**17.9 Buffers Required.**

(See Article XXV.)

**ARTICLE XVIII – “O-1” OFFICE DISTRICT**

**18.1 General Description.**

The office of district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:

1. To provide means of transitional use of land between commercial and residential uses.
2. To promote, enhance, and conserve quality of the manmade environment.
3. To protect the worth of property.
4. To promote the most desirable use of land.
5. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly, lodging, and eating.
6. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, and require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
7. To provide a use district for offices for those who provide services only including instruments of service.
8. To provide a district of less intense use and to encourage lower density use and retention of open space.
9. To make use of areas which are not appropriate for other uses.
10. To make use of areas which are not appropriate for other uses.
11. To control the growth of other districts.
12. To make less valuable land available for use other than residential.

**18.2 Permitted Principal Uses.**

1. Church
2. Community service offices
3. Consultant offices
4. Dwelling above the ground floor
5. Funeral Home
6. Hospital and special care facilities
7. Nursing Home
8. Offices providing clerical administration
9. Professional offices
10. Schools and facilities for academic instruction

**18.3 Permitted Principal Uses.**

Accessory uses incidental to a permitted principal use other than a permanent residence.

**18.4 When Authorized by Council.**

1. Dwellings
2. Any other similar uses deemed to be consistent

**18.5 Height Regulations.**

No principal structure shall exceed two (2) stories or thirty feet (35') in height, and no accessory structure shall exceed one (1) story or twenty feet (20') in height, except as provided in Article IX Section 9.1.

**18.6 Lot Area and Yard Requirements**

The following minimum requirements shall be observed for both primary and accessory building along with buffer yard requirements as described in Section 36.6. No accessory building shall be located in a front yard.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Number of Stories | Lot Area  (Sq. ft.) | Lot Width | Front Yard Depth | Side Yard Width | Side Yards Sum Width | Rear Yard Depth |
| All Stories | No more than 50% building coverage: 5,000 – single, 6,000 - duplex | None | 15 ft. or same as adj. “R” District | None | 15 ft. | 15 ft. |

**ARTICLE XIX – “B-1” HIGHWAY INTENSIVE BUSINESS DISTRICT**

**19.1 General Description.**

The Highway Intensive Business District is intended to permit development of service uses relating to expressways or along other major arterial thoroughfares. This district permits uses that, by their nature, tend to generate heavy traffic usage. This district also provides for functions and businesses which may be characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, and by outdoor commercial amusement and recreational activities not completely enclosed.

**19.2 Permitted Principal Uses.**

1. Any use permitted in a “C-1” District
2. Auto repair, major, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
3. Agricultural implement sales and services with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
4. Air conditioning and heating sales and service with outdoor fabrication and repairs
5. Bath house or boat house with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
6. Boat sales with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
7. Building material sales yard, wholesale business with warehouses as specified in this ordinance. at least 100' from residentially zoned private property
8. Carpenter and cabinet shop with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
9. Car wash
10. Contractors offices and shops within building
11. Feed and seed store, wholesale
12. Greenhouse with outside storage permitted
13. Kennels with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
14. Motor vehicle dealerships with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
15. Recreational uses, public open air, such as swimming pools, tennis courts, baseball fields. and golf ranges with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
16. Sign painting shop and similar establishment with building(s) and outdoor storage at least one hundred feet (100') residentially zoned private property
17. Travel trailer sales and service with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property

**19.3 Permitted Accessory Uses.**

1. Permitted accessory uses in a B-3 District
2. Other uses incidental to a permitted principal use

**19.4 When Authorized by Council.**

1. Any uses permitted on review in a B-3 District
2. Auditorium
3. Mini-warehousing with structures at least one hundred feet (100') from residentially zoned private property
   1. **Prohibited Uses.**

Dwellings

**19.6 Lot Area and Yard Requirements.**

The following minimum requirements shall be observed for both primary and accessory building along with buffer yard requirements as described in Section 36.6. No accessory building shall be located in a front yard.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Height | Front Yard | Side Yard | Rear Yard | Other |
| 45 ft. | 20 ft. or same as adjacent “R” | None except same as adjacent “R” | 10 ft. or same as adjacent “R” | In accordance with Performance Standards |

**ARTICLE XX – “CV-1” CONSERVATION DISTRICT**

**20.1 General Description.**

The CV-1 District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, water courses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.

* 1. **Permitted Principal Uses.**

1. Open space
2. Any other similar uses deemed to be consistent
   1. **When Authorized by Council.**
3. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock.
4. Campgrounds, wilderness
5. Forestry activities and nurseries
6. Public parks, passive
7. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
8. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
9. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
10. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution

**ARTICLE XXI – “PUD” PLANNED UNIT DEVELOPMENT DISTRICT**

**21.1 Purpose.**

The purpose of the planned unit development (PUD) district is to promote to the extent possible:

1. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this Ordinance.
2. Permanent preservation of common open space and recreation areas and facilities.
3. A pattern of development to preserve natural vegetation, topographic, and geologic features.
4. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.
5. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities
6. A land use which promotes the public health, safety, comfort, morals, and welfare.
7. To improve storm water management practices and reduce flooding, erosion, and sedimentation through the retention of open space, vegetation, and natural drainage patterns.
8. To implement adopted land use and community policies.
9. To implement provision of the Iowa Quad Cities Greenway Plan.
10. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
11. To conserve scenic views and elements of the municipality(s) rural character.

The PUD District is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this Ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principals shall not be interpreted to permit the reduction of standards set forth in this section.

**21.2 Procedure.**

The owner, owners, or bona fide buyer of any tract of land may petition the Council for a change to the PUD zoning district in accordance with Article VI. A planned unit development shall be authorized in accordance with the following procedures:

1. Application procedure.
2. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of 21.2(B)(1)(a.) of this section and show evidence that the proposed development will conform to the official city plan and to the purpose of the PUD district set forth in 21.1 of this section. The Council shall grant or deny said application pursuant to the provisions contained in Article VI. Approval of the PUD zoning district shall constitute an expression of approval by the Commission of the application plan as a guide to the preparation of the preliminary PUD plan. The application shall be accompanied by a filing fee in an amount equal to that prescribed by Article XXXIII.
3. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of 21.2(B)(1)(a.) and 21.2(B) of this section may be submitted in lieu of an application plan required in (a) above. This type of application shall be accompanied by a filing fee in an amount equal to that prescribed by Article XXXIII.
4. Approval of the preliminary plan.
5. Supporting data in accordance with 21.2(A) of this section.
   1. Copies of the preliminary PUD plan and supporting data shall be submitted to the appropriate official for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
   2. Copies of the preliminary PUD plan shall be submitted to the Commission that shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication have general circulation within the city. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Commission to the Council. If needed, the Administrator shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.
6. Findings: The Zoning Administrator shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
7. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.

1. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
2. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
3. The physical design of the proposed plan and the manner, in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.

1. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
2. The desirability of the proposed plan to physical development, tax base, and economic well being of the entire community.
3. The conformity with the intent and spirit of the comprehensive plan.
4. Specific points noted on the plan that have impact on its design, function, and visibility in the community.

1. Following receipt of the recommendation by the Administrator and approval by the Commission, the Commission shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan, the Council shall set forth findings of fact in accord with 21.1 of this section on which they base their approval and describing how the proposal meets the standards of 21.3 of this section.
2. All conditions, documents, and plans required by the Council must be delineated on the plat or agreed to in writing prior to Council approval.
3. The Council may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established city policies.
4. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the city. The final plan shall be approved as the final land use and zoning plan if it conforms substantially to the preliminary land use and zoning plan.

The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.

1. The provisions of Article VI shall be applicable to the preliminary PUD plan.
2. Approval of final plan. The final planned unit development plan shall be submitted to the appropriate official who shall refer same to the Administrator. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
3. A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of 21.2 of this section. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the Council. The Council may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the Council shall initiate such zoning changes as it deems necessary to preserve the public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Zoning Administrator shall monitor all pending PUD projects and inform the Council of those six (6) months or more behind schedule.
4. The final plan and supporting data shall be submitted to the Administrator for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
5. After review of the final plan, the Commission shall submit the planned unit development plan to the Council with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the Council who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.
6. The Council shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in taking action on the final plan.
7. All conditions, documents, and plans required by the council must be delineated on the plan or agreed to in writing prior to council approval.
8. Recording the final planned unit development plan. The construction of any public improvement in the planned unit development shall be initiated only after recording of the final PUD plan has been recorded with the county recorder, and shall be issued in full conformance with this ordinance.
9. Changes in the planned unit development. The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.
10. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the county recorder as amendments to the final PUD plan.
11. Minor changes. The Administrator may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes shall be any change not defined as a major change.

**21.3 Specific Content.**

The planned unit development plans and supporting data shall include at least the following information:

1. Application stage:
2. General site information. Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
3. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots, and other features.
4. Preliminary plan stage:
5. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by the administrator. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:
6. Boundary lines: Bearings and distances.
7. Easements: General location, width, and purpose.
8. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
9. Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
10. Existing ground elevations on the tract: For land that slopes less than one-half of one (2 of 1) percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one (2 of 1) percent show two (2) foot contours.
11. Subsurface conditions on the tract, if required by the commission or council: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.
12. Other conditions are on the tract: Water courses, flood plains, marshes, rocky outcrop, wooded areas, and isolated preserved trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.
13. Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
14. Zoning on and adjacent to the tract.
15. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
16. Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
17. General location, purpose, and height, in feet or stories of each building other than single-family residences on individually platted lots.
18. Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
19. Miscellaneous: Such additional information as may be required by the Administrator or found in the subdivision control ordinance.
20. Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
21. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the county recorder.
22. Schedule. Development schedule indicating:
23. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
24. Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting.
25. If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.
26. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
27. Density. Provide information on the density of residential uses and the number of dwelling units by type.
28. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
29. Service facilities. Provide information on all service facilities and off-street parking facilities.
30. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
31. Facilities plans (public and/or private). Preliminary plans for:
32. Roads, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
33. Sanitary sewers.
34. Storm drainage and erosion.
35. Water supply system, if required by the Administrator.
36. Lighting program, if required by the Council.
37. Grading.
38. Final plan stage.
39. Final detailed plan. A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
40. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
41. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.
42. An accurate legal metes and bounds description of each separate non-subdivided use area, including common open space.
43. Designation of the exact location of all buildings to be constructed in non-subdivided areas.
44. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
45. Architectural plans unless waived by the Zoning Administrator during the preliminary stage.
46. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefiting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the city attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
47. Engineering data. All public utilities or improvements required by the City in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the Council.
48. Guarantee deposit. Prior to the acceptance by the Council of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the City a good and sufficient bond with surety to secure to the City the actual construction and installation of such public utilities or improvements according to the City specifications within two (2) years from the date of approval by the Council of the final plan or a petition to the Council to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the sub divider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the City against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the Council.
49. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
50. Covenants. Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.

**21.4 Standards.**

The planned unit development must meet the following standards:

1. Comprehensive plan. A planned unit development must conform with the intent and spirit of the comprehensive plan.

1. Size. The site of the total planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.
2. Compatibility. The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.

1. Space. Space between buildings shall be subject to approval during the review process.
2. Open Space Land Use and Design.
3. Permitted open space uses. The following uses are permitted in open space land areas:
4. Conservation of open land in its natural state (for example, woodland fallow field, or managed meadow).
5. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, including residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, and other animals likely to produce highly offensive odors.
6. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than 65% of the minimum required open space land.
7. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
8. Neighborhood open space uses such as village greens, commons, picnic areas community gardens, trails, and similar low-impact passive recreational uses. Motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact are specifically excluded.
9. Active non-commercial recreation areas, such as ball fields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Ball fields, playgrounds, and courts shall not be located within 100 feet of abutting properties and shall not be illuminated for activity after dark. Parking facilities for the same shall also be permitted and shall generally be gravel-surfaced, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
10. Golf courses may comprise up to seventy-five percent (75%) of the minimum required open space land, but shall not include commercial driving ranges or miniature golf. Not more than ten percent (10%) of the remaining open space land may be wetland, submerged, or used for storm water management. Golf course parking areas and any associated structures shall not be included within the minimum open space requirement. Parking and access ways may be paved and lighted. Golf courses included as part of the open space shall be designed to maximize the extent of fairways that front along adjacent public roads. Naturalistic plantings comprises of indigenous species shall be established in the buffer areas between the fairways and the adjacent roadways.
11. Storm water drainage and detention areas designed, landscaped, and available for use as an integral part of the open space.
12. Easements for drainage, access, sewer or water lines, bike paths, or other public purposes.
13. Underground utility rights-of-way. Utility and street rights-of way may traverse conservation areas. Street rights-of way shall not count toward the minimum required open space land, but underground utility rights-of way shall.
14. Open space design standards. The following standards shall be adhered to in the design of the open space and greenway areas:
15. Open space shall be laid out in general accordance with the open space and greenway networks.
16. Long, narrow strips of open space are discouraged, except where designed to protect linear resources such as streets or trails or to provide connections between larger open space areas.
17. Fragmentation of open space into isolated unlinked pieces is discouraged, except to provide neighborhood parks and common areas.
18. Dedicated open space land shall generally remain undivided and may be owned and maintained by a homeowners association, land trust, another conservation organization recognized by the municipality, or by a private individual (typically as part of non­common conservation land used for rural resource activities, such as equestrian facilities, tree nurseries, etc.). However, in no case shall less than twenty-five percent (25%) of the property be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the open space land may be owned by different entities.
19. The open space shall include land dedicated for public recreational use as outlined in the City subdivision regulations.
20. Where the proposed development adjoins public parkland, a natural open space buffer at least 50 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or tail construction). Where this buffer is unwooded, the City may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through no-mow policies and the periodic removal of invasive alien plant and tree species.
21. Other requirements.
22. No portion of any building lot may be used for meeting the minimum open space required. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required open space land.
23. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with the permitted open space uses specified herein, shall be provided to open space land in accordance with the following requirements:
    * + Each neighborhood shall be provided with one centrally located access point to the open space per twenty-five (25) lots, a minimum of thirty (30) feet in width.
      + Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
24. All open space land areas that are not wooded or farmed shall be landscaped, revegetated, or managed to encourage natural succession to meadow or woodland.
25. Yards.
26. The required yards along the periphery of the project should be at least equal in width or depth to that of the adjacent zoning district.
27. All other yards shall be subject to approval during the review process.
28. Parking requirements. Adequate, adjacent parking shall be provided based on design and use.
29. Traffic. That adequate provision is made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Administrator or council may require a professional traffic engineer to investigate and submit a traffic study.
30. Low Density Conservation Standard. Open space shall comprise a minimum of fifty percent (50%) of the development site. In no case shall the gross density of the development exceed one point four (1.4) development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than twenty percent (20%) of the minimum open space land may be wetland, submerged or used as a storm water retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
31. Medium Density Conservation Standard. Open space shall comprise a minimum of 30 percent of the development site. In no case shall the gross density of the development exceed 2.0 development units per acre. A development unit is defined as the entire impervious developed area of the unit including the building footprint and surfaced parking, driveways, sidewalks, etc. No more than 20% of the minimum open space land may be wetland, submerged or used as a storm water retention facility. The open space requirement shall include land dedicated for public recreational use in accordance with the subdivision regulations of this City.
32. Other Standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. All new construction shall conform to City specifications and regulations.

**21.5 Conditions and Guarantees.**

Prior to the granting of any planned unit development, the Commission may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in Section 21.3. In all cases in which planned unit developments are granted, the Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**ARTICLE XXII – “RCO” RIVERFRONT CORRIDOR OVERLAY DISTRICT**

**22.1 General Description.**

The intent of the Riverfront Corridor Overlay District (RCO) is:

1. To recognize, preserve, maintain and promote economically viable uses that are a benefit to the City;
2. To maximize public benefit for further development of the riverfront area;
3. To provide for improved scenic and aesthetic controls;
4. To recognize the riverfront area as a visual, environmental and recreational resource that affect and benefits the City as a whole;
5. To protect adjacent properties from the negative effects of incompatible development;
6. To establish a physically attractive pattern of development for the general welfare of the City. The RCO extends along the Mississippi River in the corporate limits of the City of

Princeton, Iowa. The exact boundary of the RCO is delineated on the Official City Zoning map. The Riverfront Corridor Overlay District regulations supplement and control (where inconsistent) the regulations of underlying district(s). All other applicable provisions and standards of the Zoning Ordinance and other pertinent ordinances shall remain in effect.

**22.2 Permitted Principal Uses.**

A. All uses permitted by right in the underlying zoning district(s).

**22.3 Other Uses.**

1. All requirements of the underlying zoning district(s) concerning site planning, building height, lot area, and yard depths shall remain applicable except where modified by the following sections.

**22.5 Public Pedestrian/bike Easement.**

Reserve for Future Use.

**22.6 Development Incentives.**

Reserve for Future Use.

**22.7 Site Plan Requirement.**

All applicants for proposed uses in the RCO shall be required to submit a site plan for review and recommendation by the Commission and approved by the Council prior to, or in conjunction with, a zoning change, Special Use Permit or building permit. The Commission shall review site plans for proposed uses requiring approval. The site plan shall include the following information:

1. A drawing(s) at a scale of one hundred (100) feet or less to the inch indicating:
2. The legal description of the property;
3. Existing topography and the proposed finished grade of the site, shown with contour intervals greater than two (2) feet;
4. Location and description of existing and proposed utility services on and adjacent to the development, including sanitary sewers, storm sewers, water mains, fire hydrants, and other utilities;
5. All existing and/or proposed easements;
6. The location and size of each existing and proposed structure or use on the site;
7. The location and width of streets adjacent to or on the property;
8. The dimensions and capacities of parking areas and loading areas, including the location and type of illumination and landscaping;
9. The types of surfacing, such as paving, turf or gravel to be used on the site;
10. A drainage plan for the site;
11. The location and height of all existing proposed walls, fences, and screen plantings, landscaping and buffer areas; and

**22.8 Traffic Analysis.**

A traffic study may be required for developments that are expected to generate large volumes of traffic to and from a site. The Zoning Administrator shall determine if a traffic study is required for a site. The analysis shall be performed by a registered professional engineer. The analysis shall include the anticipated or projected trip generation per day (ADT) and peak hourly traffic resulting from the proposed use; access points and driveways to and from the site; parking areas and number of parking spaces; stacking areas, sight distances from the access points; distance from proposed access points to existing intersections and driveways within five hundred (500) feet; and other information necessary for proper review by the City.

**22.9 Performances Standards for Site Development.**

1. Landscaping and Screening - Commercial, industrial, office and multi-family developments shall be required to provide landscaping or screening adequate to achieve the following objectives:

To screen incompatible land uses and protect residential areas from negative effects such as noise, glare and litter;

To encourage the creative use of landscaping to frame or enhance views and vistas and discourage the obstruction of existing views; and

To be sensitive to the environmental nature of the riverbank by limiting its alteration except as necessary.

1. Illumination - Exterior lighting on buildings or in yard and parking areas shall not produce any hazards, nuisances, or unsightly glare for adjacent land uses, pedestrians and motorists.
2. Signs freestanding.

**22.10 Submission of Site Plan.**

A site plan shall be submitted at the time of application for a rezoning, an authorized use, and if applicable, for a variance. If only a building the site plan shall be submitted at the time of application for the permit. The site plan shall be submitted to the Zoning Administrator. A processing fee (See Article XXXII – SCHEDULE OF FEES) shall be paid to the City at the time the site plan is submitted. This fee shall not be required if the site plan is submitted at the same time as an application for a zoning change or authorized use.

**22.11 Review Process.**

Upon receiving a site plan, the Commission shall schedule a public hearing for review by the Commission. The Commission shall review and make a recommendation to the Council for site plans requiring a zoning change, or only a building or sign permit. The Council shall review and take final action on site plans requiring a zoning change, or only a building or sign permit. The Administrator shall review and approve site plans for uses requiring authorization or variances, if applicable. A site plan approved by the Administrator shall not require other authority review before the issuance of a building permit.

**22.12 Notice of Public Hearing.**

If a site plan is submitted as part of an application for a zoning change, authorized use or variance, the appropriate notification procedure established in the Zoning Ordinance shall be followed. If only a building or sign permit is required, at least twenty (20) days before the public hearing, a notice stating the time and place of the hearing shall be placed in a newspaper of general circulation in the City of Princeton. Notice shall also be delivered personally or by mail at least ten (10) days before the hearing to the applicant, respective owners of record or property adjoining or adjacent to the subject parcel within the City’s planning jurisdiction, the Zoning Board and/or the Commission.

**22.13 Findings of Fact.**

Site plans reviewed by the Council. Appeals shall be approved, approved with conditions, or disapproved. In any case, the reviewing body shall make the following specific findings of fact concerning the site plan:

1. Whether the proposed development conforms to the standards and requirements of the Riverfront Corridor Overlay District;
2. Whether the proposed development is consistent with the land use recommendations and development policies;
3. Whether the proposed development is designed to prevent traffic congestion and access problems along adjacent streets;
4. Whether the proposed development is an attractive design and an efficient use of land;
5. Whether the proposed development is compatible with adjacent land uses and is designed to protect adjacent properties from adverse effects such as noise, glare, litter and unattractive features;
6. Whether the proposed development will be adequately served by public facilities; and
7. Whether the proposed development will have any negative environmental or physical impacts on the site or on adjacent properties.

**22.14 Exemptions from Site Plan Requirements.**

One and two family residences follow R-1 site plan requirements.

**22.15 Amendments to Approved Site Plans.**

Any amendment or change to an approved site plan must be submitted to the Administrator for review. The Administrator shall determine if the proposed amendment is a major change requiring review and approval by the Council. Minor changes can be approved by the Administrator.

**ARTICLE XXIII – PERFORMANCE STANDARDS**

**23.1 Compliance with Provisions.**

1. New Uses: Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Article.
2. Existing Uses: Existing business and residential/commercial uses which are not in compliance with the performance standards contained in this Article are exempt, except where a .use did not comply with performance standards in effect prior to the effective date hereof (effective date).

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms to the applicable performance standards.

**23.2 Certification May Be Required.**

When necessary, the appropriate official may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

**23.3 Smoke Emissions.**

The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Iowa Department of Natural Resources (IDNR).

**23.4 Particulate Matter.**

No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the Iowa Department of Natural Resources (IDNR) or its successor.

1. Prior to the City issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IDNR approval of the applicant’s application and permit to install or alter equipment or control equipment if such a permit is required under the applicable IDNR standards.
2. In the event the IDNR lowers its air quality standards, the IDNR standards in effect on the adoption date of this ordinance shall remain applicable. Under these circumstances, prior to the City issuing a building permit, an applicant must submit to the Appropriate Official documentation from a licensed engineer demonstrating that the use complies with the IDNR standards (on the adoption date of this ordinance).
3. In the event the IDNR raises its air quality standards, the new IDNR standards shall apply, and the applicant must comply with the requirements of *Subsection B* of this Section.

**23.5 Toxic Matters.**

The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty­-four (24) hour sampling period.

**23.6 Vibration.**

Earth borne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

D = K/f

Where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground in cycles per second

|  |  |  |  |
| --- | --- | --- | --- |
| Zone and Place of Measurement | Continuous | Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration) | Less Than 8 Pulses Per 24 Hour Period |
| B Zones and I-UL Zone:  At Lot Line | 0.003 | 0.006 | 0.015 |
| I-1 Zone and I-2 Zone:   1. At Zone Boundary Line 2. At R Zone, Recreational   Area or School Boundary Line | 0.030  0.003 | 0.060  0.006 | 0.150  0.015 |

**23.7 Glare Illumination.** See Illumination Provisions, Article XIV.

**23.8 Sewage Waste.**

Sewers and sewage discharge shall meet the appropriate City code and all IDNR requirements.

**23.9 Storage.**

1. The open storage of materials and equipment shall except for sales display shall be subject to the following requirements:
2. Storage of materials and equipment shall be completely screened from view. An eight foot (8') solid wall fence or yard buffer.
3. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.
4. See Article VII. Section 8.6 Accessory Buildings in Residence Districts.

1. The bulk storage of flammable liquids and chemicals, when stored in above-ground tanks, shall occur no closer than the lot line or any principal building than the distance indicated by the following table:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  | Minimum | |
| Capacity | |  |  |  | Separation Distances | |
| Per Container | |  |  |  | Above Ground | |
| (Gallons) | |  |  |  | Containers | |
|  |  |  |  |  |  |  |
| Less than | 125 |  |  |  | None | |
| 125 to | 250 |  |  |  | 10 | Feet |
| 251 to | 500 |  |  |  | 10 | Feet |
| 501 to | 2,000 |  |  |  | 25 | Feet |
| 2,001 to | 30,000 |  |  |  | 50 | Feet |
| 30,000 to | 70,000 |  |  |  | 75 | Feet |
| 70,001 to | 90,000 |  |  |  | 100 | Feet |

1. The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

**23.10 Screening.**

See buffer yard requirements as described in Article XXV.

**23.11 Noise.**

Refer to Princeton City Codes Chapter 48 – Noise.

**ARTICLE XXIV – ILLUMINATION PROVISIONS**

Parking Facility and Exterior Security Lighting:

**24.1 Purpose.**

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

**24.2 Lighting Plan.**

Except for single family and two family dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:

1. Luminary height;
2. Luminary and standard technical specifications;
3. Intensity of illumination measured at the least point of illumination and the greatest point of

illumination when measured from ground level;

1. Type of light source (Metal Halide, High Pressure Sodium, etc.);
2. Hours of illumination; and
3. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.

**24.3 Lighting Plan.**

* + - 1. Lighting Standards

1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
2. That the proposed lighting is not in conflict with the stated purpose in this section.
3. That the proposed lighting will not unreasonable harm or restrict public health, safety, and welfare or create a nuisance; and
4. The proposed luminary has a cutoff angle of less than or equal to 66 degrees.
5. Any open area used for motor vehicle parking, storage, or access shall be illuminated with free-standing luminaries. Free-standing luminaries are permitted to be a maximum of 30 feet in height with a 3 foot support, for a maximum height from the ground of 33 feet. When a luminary is located within 500 feet of a protected residential property, the maximum permitted luminary’s height shall be 25 feet. Allmeasurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminary. All luminaries must have a total cutoff angle equal to or less than 90 degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:
6. That the lighting is not in conflict with the stated purpose in this section;
7. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
8. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
9. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department finds the following:

1. That the proposed lighting is not in conflict with the stated purpose in this section;
2. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
3. The color distortion effect of Low Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.
   * + 1. Intensity of Lighting
4. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:
5. The proposed lighting is not in conflict with the stated purpose of this section;
6. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
7. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.

1. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:
2. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
3. Additional lighting is required to increase Visibility of a property which is not readily accessible for police during routine patrol; and
4. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

1. Glare/Illumination. In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.
2. Parking structures. Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

**24.4 Compliance.**

Any new lighting installed after the effective date of this Ordinance shall be in compliance with the requirements of this Ordinance. Any lighting in existence before the effective date of this Ordinance that does not comply with its requirements shall be considered legally non-complying and may remain, subject to the following provisions:

1. Alterations to existing lighting
2. When policies and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, policies and supports that comply with this section; and
3. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

1. Removal and replacement of parking lot surface. When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

1. A parking lot or portion thereof is removed and replaced when any portion of the existing parking surface material is removed and a new surface is installed.
2. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.
3. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.
4. Change of type of occupancy. When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the city code shall be utilized.
5. Unoccupied sites. When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.
6. Development application. When a development application is made for a site, the city council may as a condition of approval require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the proposes of this section.

**24.5 Point of Measurements.**

Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.

**24.6 Applicability.**

Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:

1. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the Planning Commission and approved by the city Council;
2. That any deviations are consistent with the purposes of this section;
3. That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
4. That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and
5. That no increase in glare occurs as a result of deviation from the adopted standards.

**ARTICLE XXV – LANDSCAPE AND BUFFERYARD REQUIREMENTS**

**25.1 Site Plans.**

If a building or parking lot permit is applied for and no zoning action is required, an administrative site plan approval will be required.

**25.2 Site Plan Review.**

An application for a building or parking lot permit shall promptly be forwarded to the appropriate officials. Review must be completed within fifteen (15) days of the receipt by the city of a complete site plan review application. If, in the judgment of the appropriate officials, the site plan review application does not contain sufficient information to enable the appropriate city officials to properly carry out its responsibilities, the appropriate officials may request additional information from the applicant. In that event, the fifteen (15) day period previously referred to shall be suspended, pending the receipt of all information requested by the appropriate officials.

**25.3 Appeal Process.**

If the appropriate officials approve a site plan, a building or parking permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate official’s decision to the Zoning Board of Adjustment. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

**25.4 Exemption from Site Plan Requirements.**

One and two family residences are exempt from citywide site plan review requirements. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

**25.5** **Parking Lots.**

1. Permits for Off-Street Parking Lots. No person shall expand an existing parking lot or construct a new parking lot of five (5) spaces or more without having first obtained a written permit therefore, issued by the appropriate official, or his designee representative. Prior to obtaining a permit for such expansion or new construction, the applicant shall submit to the appropriate official or his designated representative, a landscape/site plan as required in the Zoning Ordinance, and plans showing the construction specifications for all off-street parking lots and he shall provide for proper inspection of construction.
2. Construction. All off-street parking lots required to obtain a permit as identified in the above section shall be laid to the line and grade of, and shall conform to surface thickness and other specifications of the appropriate city official or his designated representative.
3. Landscaping and Screening Requirements for Off-Street Parking Lots. The provision of this section for the installation and maintenance of landscaping and screening requirements are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the city.
4. Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with lawn. Rock cover may be used, but may not exceed twenty percent (20%) of the landscaped front yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers shall be required.

The ten foot (10') front yard setback may be reduced to five feet (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, rock ground cover, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding and/or rock ground requirements will still be applied if a shrubbery fence is provided.

1. Parking lots of five (5) or more spaces shall be setback five feet (5') from side and rear property lines. Landscaping requirements within the side and rear yards include that the yard be seeded or sod with lawn. Rock ground cover may be used, but may not exceed twenty percent (20%) of the landscaped side and rear yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.

When a side and/or rear yard is adjacent to a residential use, a continuous four foot (4') solid wall/fence or shrubbery hedge shall also be provided with the five foot (5') setback yard. If a four foot (4') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.

1. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the City Engineer.
2. Trees and other landscaping shall be of a species which are hardy to the area and have measured diameters of such identified in the Minimum Standards for Plantings section of this appendix. Prohibited trees are identified in the section so identified in this appendix.
3. Subject to the approval of the appropriate official, alternate landscaping plans may be substituted for consideration.
4. A landscape/site plan will be required to be submitted for staff reviews prior to issuing a parking lot development permit for parking lots of five (5) spaces or more. The following basic standards should be set:
5. Drawn to scale;
6. Identify location of landscaping or other features;
7. Specify nature of materials (i.e., species, variety, etc.);
8. Specify number of plants, shrubs, trees, etc., by species.
9. Landscaping and screening must be maintained in good condition, free of refuse and debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner’s responsibility to see that the landscaping is maintained.
10. Appeal Process. If the appropriate officials approve a site plan, a parking lot permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate official’s decision to the Zoning Board of Adjustment. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

**25.6 Bufferyard Requirements.**

1. Intent. The provisions of this section are to provide specific landscape screening and buffer yard requirements to reduce the incompatibility between zoning districts of different intensity and type. These buffer yards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.

1. Requirements. In addition to landscaping and screening requirements for off-street parki.ng areas, bufferyard standards \will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjacent properties. The specific requirements are identified in the following sections and the accompanying table: Schedule of Bufferyard Requirements. Landscaping and screening requirements for off-street parking areas apply to the side of the property abutting a public street right-of-way. A list of prohibited trees is provided in the section entitled Prohibited Trees.

1. Description of Bufferyards A through D

1. Type A Buffer. The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):
2. 1 canopy tree;
3. 1 understory tree;
4. 6 shrubs;
5. 1 evergreen/conifer.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type A buffer, each with a different amount of required plantings reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:

1. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
2. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').
3. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plan units per one hundred feet (100').
4. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.

1. Type B Buffer. The standard buffer with Type B is ten feet (10') wide and contains the following number of required plant per one hundred feet (100'):

a. 2 canopy trees;

b. 2 understory trees;

c. 6 shrubs;

d. 2 evergreens/confers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type B buffer, each with a different amount of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.

1. Type C Buffer. The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100'):

1. 3 canopy trees;
2. 2 understory trees;
3. 9 shrubs;
4. 3 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C buffer, each with a different amount of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

1. Type D Buffer. The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100'):

1. 3 canopy trees;
2. 2 understory trees;
3. 15 shrubs;
4. 5 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type D buffer, each with a different amount of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

**25.7 Minimum Standards for Planting.**

1. Canopy Trees. Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
2. Understory Tree. One inch (1") diameter, six inches (6") above ground level, and six feet (6') in height when planted.
3. Shrubs. Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more.
4. Evergreens/Conifers. Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.

**25.8 Prohibited Trees.**

The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirements for off-street parking areas and/or bufferyard requirements:

1. Ailanthus (tree of heaven)
2. Box Elder
3. European Mountain Ash
4. European White Birch
5. Gingko, fruit bearing
6. Hawthorne
7. Mulberry
8. Pin Oak
9. Poplar
10. Purple-Leaf Plum
11. Russian Olive
12. Siberian Elm
13. Silver Maple
14. Sweet Gum
15. Willow

**25.9 Maintenance of Landscaping and Screening.**

Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner’s responsibility to see that the landscaping is maintained.

**25.10 Schedule of Bufferyard Requirements.**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| SUBJECT PROPERTY |  | R-1 R-2 R-3 | C-1 | C-2 | M-1 | O-1 | B-1 |
| R-1 R-2 R-3 | N | N | N | N | N | N |
| C-1 | N | N | N | N | N | N |
| C-2 | A | N | N | N | N | N |
| M-1 | C | C | C | N | D | N |
| O-1 | A | B | B | N | N | N |
| B-1 | C | C | C | N | C | N |

1. Approximate bufferyard requirement:

A - 8 feet (8') in width;

B - 10 feet (10') in width;

C - 15 feet (15') in width;

D - 15 feet (15') in width;

N - No buffer required.

1. Position of property abutting public right-of-way is governed by landscaping for parking lot requirements.

**25.11 Appeal Process.**

If the appropriate officials approve a site plan, a building permit may then be issues. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate official’s decision to the Zoning Board of Adjustment. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

**ARTICLE XXVI – SPECIAL USES**

**26.1 Regulations.**

The regulations set forth in this Article or elsewhere in this Ordinance which is applicable shall apply to the Special Uses listed in this Article.

It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various Districts established by this Ordinance: therefore, these uses shall be subject to certain conditions and standards set forth in this Article, and the authority for the location thereof shall be subject to review by the Planning and Zoning Commission and the issuance of a Special Use Permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this Article.

**26.2 Special Uses.**

The following uses are declared “Special Uses” and upon the issuance of a special use permit, such special uses may be authorized in any zoning district, except as it is specifically excluded or limited by the provisions of this Section.

* + - * 1. Accessory or branch structures and facilities for public utilities and public service uses, including reservoirs and tanks, pumping stations, telephone exchanges and power and transformer stations: providing, however, equipment storage yards and garages which are considered commercial, business and industrial uses shall not be permitted in any “R” District.
        2. Borrow pits and quarries for rock, sand, gravel or other soil deposits: providing, however, these uses are specifically excluded from any “R” of “C” District.
        3. Buildings and uses owned by Federal, State, County, City or other political subdivision which are operated for the social benefit or convenience of the public: providing, however, equipment storage yards and garages, et cetera, which are operated and maintained for the necessary business and industrial service of the community shall not be permitted in any “R” District,
        4. Churches.
        5. Clubs, lodges and fraternal buildings which are operated by nonprofit benevolent organizations for the social benefit or convenience of the public.
        6. Columbarium’s, crematories and mausoleums unless inside a cemetery: providing, however, these uses are specifically excluded from any “R” District.
        7. Educational schools, facilities and institutions including elementary schools, junior high schools, middle schools, high schools and colleges, both public and privately owned providing for the general education of mankind. Schools which specialize in limited short business, commercial and industrial training courses and are operated for commercial gain are specifically excluded from this Article and shall be considered as a regular business or commercial use.
        8. Establishments or enterprises involving large assemblages of the people or automobile as follows; provided, however, these uses are specifically excluded from any “R” District:
      1. Amusement parks
      2. Carnivals, circuses and fairgrounds, except as hereinafter provided.
      3. Commercial sport of recreational enterprises, including nonprofit amphitheaters, convention halls and auditoriums.
      4. Race tracks and rodeo grounds.
         1. Golf, swimming and tennis clubs or country clubs and similar public and private owned uses.
         2. Mental hospitals: providing, however, these uses are specifically excluded from any “R” District.
         3. Mining operations; providing, however, these uses are specifically excluded from any “R” District.

Rock crushing plants or the processing of materials from borrow pits and quarries; provided, however, these uses are specifically excluded from any “R” or “C” Districts.

* + - * 1. Mobile Home Parks, subject to the provisions of Article XIII of this Ordinance of the City of Princeton, Iowa.
        2. Museums and libraries not operated for profit.
        3. Nursery schools for the daycare or temporary overnight care of children.
        4. Public parks.
        5. Recreation, amusements, refreshment and service buildings in public parks, playgrounds and golf courses.
        6. Wireless communication facilities, subject to Chapter 156 of the Princeton Municipal Code.
        7. Rescue missions and leagues; provided, however, these uses are specifically excluded from any “R” Districts.
        8. Refuse and garbage dumps, incinerators and other waste disposal methods; provided, however, these uses are specifically excluded from any “R”, “C”, or “M” Districts.
        9. Sewage disposal plant.
        10. Shooting ranges, including pistol, rifle, skeet, and trap ranges.
        11. Temporary offices, billboards and buildings incidental to the development and construction of commercial, industrial and residential projects.
        12. Travel Trailer Parks. A parcel of land upon which two (2) or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes, not to exceed thirty (30) days in duration. “A-1” and “C-1” Districts only.

1. Minimum Requirements for parks:

Front Yard – Same as Districts indicated or fifty (50) feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which the park abuts.

Side Yard – Thirty-five (35) feet.

Rear Yard – Thirty-five (35) feet.

Minimum Area – One and one-half (1 ½) acres.

Maximum Density – Twenty (20) unit spaces per gross acre of park site.

Drives – Twenty-five (25) feet in width with asphaltic concrete surface.

A Common Service Building – Providing laundry facilities, short order food service, accessory supplies, et cetera, may be included in the “parks” permitted in the “A-1” District, provided such building shall be located within the central “park” area; shall not be visible to passing traffic; and shall be restricted to the use of the “park” occupants. Such service buildings shall be permitted in the “C-1” Districts; provided, however, such use shall conform to the requirements provided in the “C-1” District regulations.

The Rear and/or Side Yards – shall be screened from adjacent property access by planting screen not less than ten (10) feet in width, or by a non climbable fence wall.

1. Requirements for “Trailer” Spaces

Minimum Space Size – Twenty (20) feet by fifty-five (55) feet.

Minimum Space Area – One thousand one hundred (1,100) square feet.

Off-Drive Parking – One (1) parking space for and within the area of each “Trailer” space.

Minimum Front Yard – Ten (10) feet.

Minimum Rear Yard – Five (5) feet.

Minimum Side Yard – Five (5) feet.

Trailer Separation – The minimum distance between any two (2) trailers shall not be less than ten (10) feet.

**26.3 Required Conditions.**

A. General Conditions:

1. A Special Use Permit shall not authorize a use which does not comply with the minimum requirements of the District in which it is located.

2. A Special Use Permit shall not authorize a use which is in conflict with any Ordinance of the City, or law of the State of Iowa regulating nuisance, pollution or hazardous occupation.

B. Required Site Plan:

All requests for authorization of a Special Permit for Special Uses shall be accompanied by a Site Plan in compliance with Article XXVIII of this Ordinance.

**26.4 Restrictions.**

A. Authorization for a special Use permit shall not be granted for failure to comply with the following conditions:

1. Buildings involving the large assemblages of people shall be located not less than three hundred (300) feet from any existing dwelling.

2. Uses involving nuisances such as noise, vibration, pollution, et cetera, shall not be located less than five hundred (500) feet from an “R” District or less than one thousand (1,000) feet from an existing dwelling.

3. Uses involving the large assemblages of people shall not be located in vicinity where the arterial traffic system is inadequate to provide for the increased traffic density.

4. Uses involving the extensive use of exterior lighting shall not be located in vicinity where such lighting may be hazardous to air or ground traffic ways and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any “R” District boundary.

B. The following restriction shall be complied with:

1. Uses of a utility or public service which are located within an “R” or “C” District, for the benefit of improved public service, shall be screened from public view by buffer walls or strip parks in accordance with Article XXV of this Ordinance.

**26.5 Temporary Uses.**

Notwithstanding other provisions of this Ordinance, the Council, may, without notice, public hearing or other procedures described in Article XXVIX for the issuance of a Special Permit, issue a special permit authorizing the operation of a charitable or other nonprofit sponsored carnival for a period not to exceed seven (7) days.

**26.6 Procedure.**

The procedure for obtaining a Special Uses Permit shall be as follows:

* + - * 1. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by such plans as required by the provisions of this Article in quadruplicate.
        2. The application shall be referred to the Planning and Zoning Commission. The Commission shall hold a public hearing to review the application for Special Permit and shall make a report to the Board of Adjustment regarding the recommended disposition of the application within forty-five (45) days from the date of such public hearing.
        3. The Board of Adjustment shall hold a public hearing within thirty (30) days after receiving the certification of said recommended disposition by the Commission.
        4. Notice of hearing by the Commission and Board shall be given to all property owners within five hundred (500) feet of the boundary of the property on which the special use is to be located. Such notice shall be by United States mail at least ten (10) business days prior to the hearing and shall contain the time and location of such hearing.
        5. The Special Permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the Board. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance. In addition, the Special Permit in connection with such violation shall be subject to revocation by the Board.
        6. Whenever an application for Special Permit has been denied by the Board, no new application for Special Permit, including the same property or any portion thereof, shall be filed or considered by the Board until six (6) months shall have elapsed from the date of the Official Board denial of the first application.

**ARTICLE XXVII - OPEN SPACE REQUIREMENTS**

**27.1 Intent.**

It shall be recognized that the extensive use and excessive congestion of land induces the natural elements to become hazardous to the general health and welfare of the community. Therefore, the intent of this Article shall be to require not less open space than which is necessary to preserve the basic qualities and beauty of nature.

* 1. **Open Space Requirements.**

1. All buildings and land use in any “R” District shall comply with the following:
   1. On each lot there shall be provided an open space equal to at least twenty-five percent (25%) of the total area: said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) feet lanes which are separated by open space.
   2. Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet in width.
   3. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site there shall be provided a minimum open space of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles to the opening from the wall containing the opening to the opposite wall.
   4. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four (4) feet; open stairways may project from the building wall into the required open space (court only) not more than seven and one-half (7 ½) feet. Stairways when located in the required open space (court) shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.
2. All buildings and land use in any “C” District shall comply with the following except as herein provided:
3. Any “R” District use in any “C” District shall comply with Part “A” above.
4. Any commercial use in the “C-2” District shall be exempt from this Article.
5. On each lot there shall be provided an open space equal to at least twenty percent (20%) of the total lot area, said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) feet lanes which are separated by open space.
6. Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet in width.
   1. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site there shall be provided a minimum open space of not less than thirty (30) feet. Said distance to be measured on a line projected at right angles to the opening from the wall containing the opening to the opposite wall.
   2. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four (4) feet; open stairways may project from the building wall into the required open space (court only) not more than seven and one-half (7 ½) feet. Stairways when located in the required open space (court) shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.
7. All buildings and land use in any “M” District shall comply with the following:
   1. On each lot there shall be provided an open space equal to at least twenty percent (20%) of the total lot area, said space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two (2) twenty (20) feet lanes which are separated by open space.
   2. Each individual and unattached principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen (16) feet in width.

**ARTICLE XXVIII - SITE PLANS**

**28.1** Site Plans which are required for review and approval for any use in any District or elsewhere by this Ordinance shall comply with and illustrate the following:

1. All Site Plans shall be drawn at a scale not less than 1” = 100’ and six (6) copies of the Site Plan shall be submitted with zoning permit application.
2. A Preliminary Site Plan clearly illustrating the general methods, special distribution, location, et cetera to be used for compliance with the requirements of this Ordinance may be submitted for preliminary land use approval; providing, however, that the Final Site Plan required by this Article shall be submitted, reviewed and approved prior to the issuance of a building or construction permit.
3. The Final Site Plan required shall include the following legal information:
   1. Legal property owners name and description of property.
   2. Appellant’s name, requested land use and zoning.
   3. If the appellant is other than the legal owner, the appellant’s interest shall be indicated and the legal owner’s authority to appeal shall be certified legal form.
4. The Final Site Plan shall clearly illustrate and enumerate the following information:
5. Property boundary lines, dimensions and total area.
   * 1. Contour lines at intervals of not more than five (5) feet. The City datum. If substantial topographic change is proposed, the existing topography shall be illustrated on a separate map, and the proposed finished topography shown on the Final Site Plan.
     2. The availability and location of existing utilities.
     3. He proposed location, size, shape, and type of all buildings or structures.
     4. The total square feet of building floor area, both individually and collectively.
     5. The number of dwelling units, bedrooms, offices, et cetera as required determining special compliance.
     6. A vicinity sketch showing detailed adjacent existing land uses within five hundred (500) feet of the property, and general existing land uses within one thousand (1,000) feet of the property.
     7. Existing buildings, right-of-way, street improvements, overhead utilities, easements, drainage courses, et cetera.
     8. Parking areas, number of parking spaces proposed, number of parking spaces required by this Ordinance, type of surfacing to be used, et cetera.
     9. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other manmade features to be used in the landscape.
     10. Location and type of all plants, grass, and trees to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated in elevation and prospective as well as plan, with the approximate size and exact name of plants, shrubs, or trees to be planted clearly indicated.
     11. Walls, fences or any other artificial screens to be used as buffers shall be shown in the elevation and prospective as well as plan with proposed height and structural material to be used indicated.
     12. Traffic considerations, architectural themes, pedestrian movements, et cetera and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

**ARTICLE XXIX - OFF-STREET PARKING & LOADING AREAS**

**29.1 Off-street Parking and Loading.**

1. Purpose. The purpose of this section of the Zoning Ordinance is to alleviate or prevent congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use of the property.
2. General Provisions.
   * + - 1. Procedure - An application for a building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with the requirements of this ordinance.
         2. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. Such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.
         3. In all districts an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, and in addition to the above required loading and unloading spaces. Such areas in the case of “R” districts and for dwellings in other districts shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.
         4. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied.
3. Units of Measure.
4. Floor area as employed in this parking and loading section in the case of office, merchandising or service types of use shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principal use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.
5. Parking spaces shall not be less than eight and one-half feet (8-1/2') wide and nineteen feet (19') long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.
6. Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.
7. Schedule. Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility:
   1. Athletic Field – five parking spaces per acre.
   2. Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
   3. Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
   4. Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
   5. Banks and Business Offices - four parking spaces per 1000 square feet, plus drive through requirements if applicable.
   6. Barber/Beauty Shop Styling and Tanning Salons - two parking spaces per personal grooming station, plus one for every two employees during a maximum shift.
   7. Bowling Alleys - six parking spaces per alley plus bar and restaurant requirements, if applicable.
   8. Car Wash - six parking spaces per bay.
   9. Care Homes - one parking space for every two residents, plus one for each employee during a maximum shift.
   10. Churches - one parking space for every four sanctuary seats.
   11. Community Center - one parking space for every three maximum patrons.
   12. Day Care Centers - one parking space for very two employees during a maximum shift, plus one for every ten children served plus one per institutional vehicle.
   13. Drive Through Facility - six stacking spaces for each drive through station or automatic teller machine, plus appropriate employee parking for principal use.
   14. Dry Cleaning - one parking space for every two employees during a maximum shift, plus four for patrons.
   15. Durable Goods Sales (appliances, furniture, etc.) - one parking space per 500 square feet, plus one per employee during a maximum shift.
   16. Dwelling, residential -
       * 1. One and Two-Family Dwellings – two (2) parking spaces for each dwelling unit, exclusive of private garages.
         2. Multi-Family Dwellings – two (2) parking spaces for each of the first twelve (12) dwelling units and one and one-quarter (1 1/4) parking spaces for each additional dwelling unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement; or each garage parking space may be counted as a portion of the parking requirement when a separate visitor parking area equal to one (1) parking space for each dwelling unit is provided.
   17. Elderly Housing Facility - three parking spaces for very four units, plus one per employee during a maximum shift.
   18. Fraternities, Sororities and Boarding Houses - one parking space per lodging resident, plus one per employee during a maximum shift.
   19. Funeral Home - one parking space per 50 square feet of public access area, plus one per business vehicle.
   20. Group Home/Halfway House/Boarding House - one parking space per bedroom.
   21. Health Recreation and Physical Training Facility - five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
   22. Hospital - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift, plus six per 1,000 square feet devoted to outpatient service.
   23. Laundromats – one parking space for every two washers.
   24. Manufacturing Plants and Testing Labs - three parking spaces for every four employees during a maximum shift, plus one per business vehicle plus four per 1,000 square feet devoted to office space.
   25. Medical, Dental or Veterinary Office or Clinic - two parking spaces per treatment room, plus one per employee during a maximum shift.
   26. Mobile Home Park – one parking space for every four units.
   27. Motel, Hotel or Apartment Hotel - one parking space per unit, plus one for every two employees during a maximum shift plus banquet, restaurant and/or bar requirements if applicable.
   28. Nursing Home - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift.
   29. Park, Community - five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.
   30. Park, Neighborhood - five parking spaces per first two acres, plus one for each additional acre.
   31. Residences - two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.
   32. Restaurants, Taverns, or Night Clubs - one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
   33. Retail, Freestanding and Shopping Centers - five parking spaces per 1,000 square feet gross floor area, and one for every two employees on a maximum shift.
   34. Schools, Elementary and Junior High - one parking space per employee, plus one per class room plus one per institutional vehicle.
   35. Schools, High School- one parking space per employee, plus one for every four students plus one per institutional vehicle.
   36. Sports Stadium, Outdoor - one parking space for every three maximum patrons, plus parking for buses.
   37. Swimming Pool – one parking space for every three maximum patrons.
   38. Wholesale and Warehouse - two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.
8. Development Standards:

1. Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the City Engineer with asphalt cement concrete, Portland cement concrete or alternate equivalent materials acceptable to the City Engineer, and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any “R” District and in accordance with illumination standards further described in this Ordinance.

2. Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two family uses.

3. All motor vehicles and trailers in residential zoning districts must be parked on an improved surface in accordance with requirements of the City. Outside storage of inoperable or unlicensed vehicles and vehicle parts is prohibited in residential zoning districts.

1. Exceptions:
2. The Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.
3. Establishment of Off-street Parking:
   * + - 1. The City Planning Commission, in consultation with other city departments and agencies concerned, shall make studies as found advisable of various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to be provided by the city and to be financed wholly, or in part, by a special assessment district or by other means. Where such need is found, the Planning Commission shall report its recommendation for the acquisition of such off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the areas they are intended to serve.
         2. Wherever pursuant to this procedure, off-street parking facilities are established by means of a special assessment district, or other district which the City Council may have determined, they shall be exempt from the requirements of this Article for privately supplied off-street parking facilities except as provided in the following: the City Council, upon recommendation of the Planning Commission and after public hearing, may require by resolution, that a portion, not to exceed fifty percent (50%) of the off-street parking facilities required by this Article shall be provided in connection with occupancy or use of a building in an area that was included in a special assessment district for the provision of off-street parking facilities, or in any other district which the City Council may have determined to be served by a public off-street parking facility in the following cases:
4. In such cases where the use of a building, erected after the levying of the special assessment in such an area or after the establishment of the public off-street parking facility, creates a need for an annual or exceptional amount of off-street parking facilities.
5. In such cases where alteration, extension or change in a use of a building, after the levying of the special assessment in such an area or establishment of the public off-street parking facility, creates a need for off-street parking facilities more than thirty percent (30%) in excess of the requirements of off-street parking facilities for such building or use before alterations, extensions or changes in use, as computed on the basis of the requirements in this section.
6. In any district, spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 8.14.
7. Parking, Storage or Use of Recreational Vehicle.
   * 1. Trailers, Mobile Homes, and Trucks. Trailers of all types, mobile homes that are not manufactured homes, trucks or other recreational vehicles shall not be parked or stored on any lot occupied by a dwelling or on any lot in any Residential District except in accordance with the following provisions.
8. Definitions. Refer to Section 3.120 in Article III – Definitions.
9. Parking on Public Property. No major recreational vehicle shall be parked on City streets or other public ways for more than forty-eight (48) hours. At no time that the vehicle is parked on public property shall it be utilizing public utilities.
10. PARKING AND STORAGE IN RESIDENTIAL DISTRICT. No major recreational vehicle shall be parked or stored on any lot in a residential district, except in a carport, enclosed building or behind the front yard of a residential lot. No recreational vehicle intended for portable temporary housing shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use, provided however, that such equipment may be used for the housing of guests of occupants of the principal resident if (a) occupancy shall not exceed thirty (30) consecutive days; and (b) no charge is made for such occupancy. No recreational vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.
11. NUMBER OF VEHICLES ALLOWED. No more than three (3) major recreational vehicles or hauling trailers per lot shall be permitted.
12. STORAGE OF VEHICLES ON CITY STREETS. Parking for a period of more than forty-eight (48) hours on a public street or public ways is prohibited. The penalty for a violation of this Ordinance or other parking violations shall be a fine as assigned in **ARTICLE XXXII - SCHEDULE OF FEES** payable to the City Clerk according to 321.236 of the Code of Iowa or shall be a simple misdemeanor.
13. TRUCK PARKING. It shall be unlawful for any truck, truck trailer or vehicle having a licensed weight (GVWR) of six (6) tons or more to park on any residential street in the City for more than two (2) hours, except while such vehicle is in the actual process of loading or unloading.

**ARTICLE XXX - DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, COUNCIL & COURTS ON MATTERS OF APPEAL**

**30.1** It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in the Article and this Ordinance. Under this Ordinance, the Council shall have only the duties of:

1. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.
2. Considering applications for special permits for temporary uses as specified in Article XXVI of this Ordinance.

**ARTICLE XXXI - COMPLAINTS REGARDING VIOLATIONS**

**31.1** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by this Ordinance.

**ARTICLE XXXII - SCHEDULE OF FEES**

**32.1** Certificate of Zoning Compliance.

The building permit shall include the certificate of Zoning Compliance.

**32.2** Fees set by Council.

**ARTICLE XXXIII - ENFORCEMENT, VIOLATIONS AND PENALTIES**

**33.1** **Enforcement.**

All departments, officials and employees of the City who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Ordinance.

**33.2** **Penalties for Violation.**

Violation of the provision of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of it requirements, shall upon conviction thereof be fined not more than one hundred dollars ($100.00) or imprisoned not more than thirty (30) days or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues it shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE XXXIV – VALIDITY AND REPEAL**

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than that which is so declared to be invalid. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**ARTICLE XXXV – EFFECTIVE DATE**

This Ordinance shall be in force and effect after its passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 201\_\_, and approved this \_\_\_\_\_\_\_\_ day of

\_\_\_\_\_\_\_\_\_, 201\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk