



BUILT ON COBBLESTONES & HERITAGE

2021 *ZONING ORDINANCE*



Prepared with Planning Assistance from
Northwest Iowa Planning &
Development Commission
Spencer, Iowa

CITY OF PRIMGHAR

ZONING ORDINANCE

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PRIMGHAR ZONING ORDINANCE

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ARTICLE OF ADOPTION

ORDINANCE NO.

REPLACES APPENDIX B OF THE PRIMGHAR MUNICIPAL CODE THE 2021 PRIMGHAR ZONING ORDINANCE AND AMENDMENTS THERETO

ZONING ORDINANCE OF THE CITY OF PRIMGHAR, IOWA

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off-street parking; to regulate the location, size, and number of signs; to divide the city into districts for such purposes; to provide for the administration and enforcement of its provisions; to confirm the Board of Adjustment; and to prescribe penalties for the violation of its provisions, all in accordance with Chapter 414, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of the City of Primghar, Iowa".

WHEREAS, the City Council of the City of Primghar, Iowa deems it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, and panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the city, all in accordance with a comprehensive plan,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PRIMGHAR, IOWA:

ARTICLE I -BASIC PROVISIONS

Article 1: Basic Provisions

- Section 1.1. Short Title
- Section 1.2. Purpose
- Section 1.3. Jurisdiction
- Section 1.4. Repeal and Saving Clause
- Section 1.5. Validity and Severability Clause
- Section 1.6. Conflict with Other Laws

SECTION 1.1. SHORT TITLE.

This ordinance shall be known and may be referenced to and cited as: “The Primghar Zoning Ordinance” to the same effect as if the full title were stated.

SECTION 1.2. PURPOSE.

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

1. Carry out the comprehensive plan for the City of Primghar, Iowa;
2. Promoting the public health, safety, morals, comfort, general welfare, and preserving the natural, scenic and historically significant areas of the city;
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;
4. Encouraging classification of land use and distribution of land development within the city that will facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements;
5. Lessening or avoiding congestion in public streets and highways;
6. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare;
7. Helping to insure all residential, commercial, and manufacturing structures as well as other types of structures will be accessible to fire fighting and other emergency equipment;
8. Prohibit the formation or expression of nonconforming uses of land, buildings, and structures which adversely affect the character and value of desirable development in each district;
9. Promoting the development of residential neighborhoods; free of noise, dust, fumes and heavy traffic volumes in which each dwelling is assured of light, air, and open spaces;
10. Helping to prevent land development activities which lead to roadside blight, and to minimize the effect of nuisance producing activities;
11. Conserving the taxable value of the land and buildings throughout the city;
12. Defining the powers and duties of the zoning administrator/building inspector.

SECTION 1.3. JURISDICTION.

In accordance with the provisions of Chapter 414 of the Code of Iowa and amendatory acts thereto, this ordinance is adopted by the City Council of Primghar, Iowa governing the zoning of all lands within corporate limits of the city.

SECTION 1.4. REPEAL AND SAVINGS CLAUSE.

Effective on the effective date of this ordinance, the previously adopted 2009 City of Primghar Zoning Ordinance and any amendments thereto are hereby repealed. All existing zoning ordinances and parts of zoning regulations in conflict with this chapter are hereby repealed. The repeal of said previous zoning regulations shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

SECTION 1.5. VALIDITY AND SEVERABILITY CLAUSE.

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

SECTION 1.6. CONFLICT WITH OTHER LAWS.

Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, or by provision of any statute, the provision which is more restrictive or which imposes a higher standard or requirement shall apply.

This chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

SECTION 1.7. COMPREHENSIVE PLAN RELATIONSHIP.

These regulations are designed to implement various elements, goals and policies of the comprehensive land use plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive plan adopted by the City Council.

ARTICLE II - DEFINITIONS/USE CLASSIFICATIONS

Article 2: Definitions/Use Classifications

Section 2.1. Definitions

Section 2.2. Use Classifications

SECTION 2.1. DEFINITIONS.

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

- Words used in the present tense include the future;
- Singular number includes the plural and the plural number includes the singular;
- The word “lot” includes the words plot or parcel;
- The word “may” is discretionary and the word “shall” is always mandatory;
- The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual;
- The words “used” or “occupied” include the words intended, designed or arranged to be used or occupied;
- The word “includes” means including but is not limited to.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customary assigned to them.

1. ACCESSORY USE (OR STRUCTURE):

A structure or use which:

- 1) is subordinate to and serves a principal building or use;
- 2) is subordinate in area, extent, or purpose to the principal building or use served;
- 3) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
- 4) is located on the same lot or parcel as the principal building or use.

2. ADDITION: Any construction which increases the site coverage, height, length, width, or gross floor area of a structure.

3. ALLEY: A public or private thoroughfare, other than a street, not more than twenty feet (20') in width, for the use of vehicles, which affords only a secondary means of access to abutting properties.

4. ALTERATION, STRUCTURAL Any replacement or change beyond ordinary repairs and maintenance in the shape or size or any portion of a building or of the supporting members of a building or structure such as walls, columns, beams, arches, girders, floor joists or roof trusses.

5. APARTMENT. A room or set of rooms occupied as a dwelling unit as part of a multiple family dwelling; containing cooking and housekeeping facilities for each dwelling unit.

6. ATTACHED: Having one or more walls common with a principal building, or joined to a principal building by a common roof, or a covered porch or passageway.

7. **BASEMENT:** That portion of a building that is either partly or completely below grade. (*Building Officials and Code Administrators (BOCA) Basic/National Building Code*) Basements which are finished living space or utilized for bedroom space shall be counted for purposes of density and parking requirements for the overall property.
8. **BILLBOARD:** A billboard includes all structures, regardless of materials used in construction, that are erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure is placed on a wall or freestanding. Billboards include pictures or other pictorial reading material which advertises a business or attraction which is not carried on, manufactured, grown, or sold on the premises where the said signs or billboards are located.
9. **BLOCK:** “Block” means an area of land within a subdivision, on one side of a street, which is entirely bound by streets, railroad rights-of-way, rivers, tracts of public land, or the boundary of the subdivision.
10. **BUILDABLE AREA:** That portion of a lot or parcel remaining for allowable buildings after required yard setbacks has been provided.
11. **BUILDING:** A structure enclosed by a roof supported by columns or partitioned or solid walls and used or intended for shelter, support, or enclosure of persons, animals or property of any kind. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.
12. **BUILDING, HEIGHT OF:** The vertical distance measured from the middle (center point) of the building wall with the main entrance of the property (typically the side of the building or structure that is addressed) to the highest point of the roof, not including the chimneys, weathervanes, or other such ancillary structures not considered a structural part of the principal building.
13. **BUILDING, PRINCIPAL:** A building in which the primary uses of the lot or parcel is conducted.
14. **BUILDING LINE:** The building footprint established by the setback distance from the front property line, rear lot line, and side lot lines as provided in this ordinance.
15. **BUILDING WALL:** The wall of the principal building forming a part of the main structure. The foundation walls of decks or steps, walks and retaining walls or similar structures, shall not be considered as building walls under the provisions of this ordinance.
16. **BUSINESS (OR COMMERCIAL):** The engaging in the purchase, sale, or exchange of goods or services, or the operation for the profit of offices or recreational amusement enterprises.
17. **CARPORT:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. For the purpose of this ordinance a carport attached to a principal building shall be considered a part of the principal building and subject to all requirements therein.
18. **CITY:** The City of Primghar, Iowa.
19. **CITY ENGINEER:** A professional registered in the State of Iowa designated as city engineer by the governing body or hiring authority.

20. COMMISSION (OR PLANNING COMMISSION): The Primghar Planning and Zoning Commission.
21. COMPREHENSIVE PLAN: The general plan for the development of the community that may be titled master plan, comprehensive plan or other title, which plan has been adopted by the governing body, and of which these zoning regulations are prepared and adopted in accordance with. Such “comprehensive plan” shall include any part of such plan separately adopted, and any amendments to such plan or parts thereof.
22. CONVEYANCE: An instrument filed with a County Recorder as evidence of the transfer of title to land, including any form of deed or contract.
23. COUNCIL: The Primghar City Council.
24. CRITICAL AREA: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
25. CURB LEVEL: The level of the curb or the established curb grade in front of the lot or building.
26. DECK: An unenclosed structure adjoined to the principal building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required setbacks.
27. DETACHED: Fully separated, above or below ground, from any other structure. Not attached.
28. DISTRICT: A part, zone, or geographic area within the city within which certain zoning or development regulations apply.
29. DRIVEWAY: A private surfaced area providing vehicular access between a street and an off-street parking area or structure.
30. DWELLING: Any house or building, or portion thereof designed, used or intended to be used primarily for residential purposes, permanently, but not including a tent, trailer, travel trailer, RV, or mobile home not converted to real estate.
31. DWELLING, DETACHED: A dwelling, which is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.
32. DWELLING, EXISTING RELOCATED RESIDENTIAL: A residence which presently exists and is proposed to be relocated upon a lot or parcel within Primghar, Iowa.
33. DWELLING, MULTIPLE FAMILY: An apartment house or residential building designed for or occupied by three (3) or more families or households living independently of each other, with separate entrances, housekeeping and cooking facilities for each dwelling unit.
34. DWELLING, SINGLE FAMILY: A detached building that is arranged, designed for or intended to be occupied as the primary residence of only one (1) family, having no party wall in common with an adjacent building

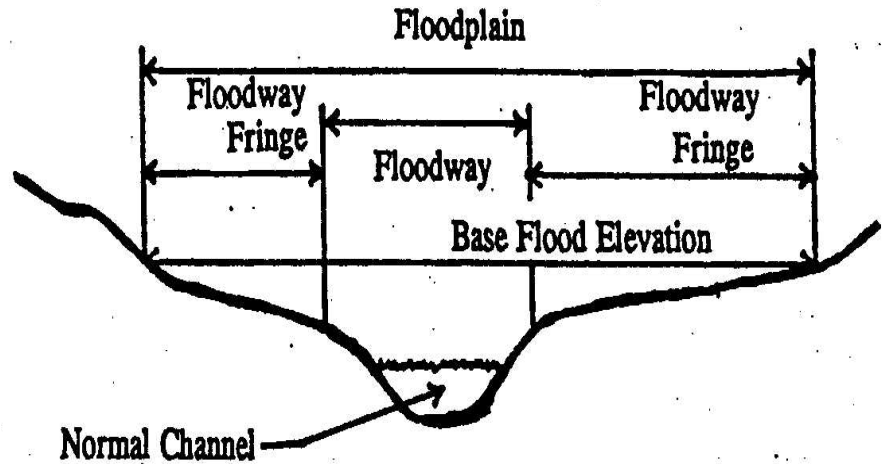
35. **DWELLING, TWO FAMILY:** A “two-family dwelling” is a detached residential building containing two (2) dwelling units, that is arranged, designed for or intended to be occupied as the residences of no more than two (2) families or households living independently of each other with separate entrances, housekeeping and cooking facilities for each.
36. **EASEMENT:** A grant of one or more of the property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.
37. **ECONOMIC BASE:** The production, distribution and consumption of goods and services within a planning area.
38. **ENCROACHMENT:** Any obstruction or illegal or unauthorized intrusion in a delineated floodway, right-of-way, or on adjacent land.
39. **EMINENT DOMAIN:** The authority of government to take, or to authorize the taking of private property for public use for just compensation.
40. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by developers, public utilities, or government agencies of underground or overhead gas, telecommunications, electrical, wastewater or water transmission or distribution systems, 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 with and necessary for furnishing of adequate service by such developers, public utilities or government agencies for the public health, safety, or general welfare, but not including buildings or above ground structures.
41. **FAÇADE:** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.
42. **FAMILY:** A person living alone or a group of two or more persons related by blood, marriage, adoption, guardianship, foster arrangement, or otherwise duly authorized custodial relationship as verified by official public records such as driver’s licenses, birth or marriage certificates living together as a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities; including not more than three (3) unrelated persons.
43. **FARM:** An area of land which is used for agricultural purposes and the growing and production of all agricultural products therein, such as vegetables, fruits, trees and grain, and their storage on the premises, as well as the raising thereon of the usual farm poultry, animals and livestock. The term "farm" includes the operating of such an area for one (1) or more of the above uses including the necessary accessory uses for treating or storing produce; provided, however, that the operation of accessory uses shall be secondary to the normal farming activities and provided further that such accessory uses do not include the commercial feeding of animals or poultry in confined lots or buildings.
44. **FARM ANIMALS:** The production, keeping or maintenance for sale, lease or personal use of animals useful to humans, including but not limited to: dairy animals, poultry, livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals: bees, fish, and fur animals but not including rabbits kept as pets.

45. **FENCE:** Any artificially constructed barrier of fencing material or combination of materials erected to enclose or screen areas of land. See Section 14.13 Fences.

46. **FLOOD:** The temporary overflowing of water onto land, usually void of surface water.

47. **FLOOD HAZARD AREA:** Any area on the edge of a natural water channel and is subject to flooding.

48. **FLOODPLAIN:** The channel and relatively flat area adjoining the channel of a natural stream or river, which has historically been or may have the potential to be covered by flood waters. (see figure at right)



49. **FLOODWAY:** The channel of a river or stream, and those portions of the floodplains adjoining the channels, which carry and discharge flood waters or flood flow so the water does not elevate beyond a designated height. (see figure at right)

50. **FLOOD FRINGE:** Those portions of the floodplain, other than the floodway, which can be filled, leveled, or otherwise obstructed without causing substantially higher flood levels or flow velocities. (see figure above)

51. **FLOOR AREA:** The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include decks, garages, or space in a basement or cellar that is not living space or used for storage or other incidental uses.

52. **FRONTAGE, STREET:** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

53. **GARAGE:** An accessory building or portion of a building used only for the parking or storage of one or more motor vehicles by the occupants of the premises or the leasing of space as provided herein, including covered parking space or carport; but in which no business services or industry connected with motor vehicles is carried on other than leasing of space.

54. **GRADE:** The lowest horizontal elevation of a finished surface of the ground, paving, or sidewalk at a point where the height is to be measured.

55. **HEIGHT OF BUILDING.** See "BUILDING HEIGHT".

56. **HISTORIC PRESERVATION:** The protection, rehabilitation, and restorations of district, sites, buildings, structures, and artifacts significant in the local, county, state or national history, architecture, archaeology, or culture.

57. HOME OCCUPATION: An accessory business or occupation conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and such use is incidental and secondary to the residential use and complies with the provisions of Section 15.4. of this chapter.
58. HOUSE TRAILER: *See* MOBILE HOME
59. HOUSEHOLD: A family living together in a dwelling with common access to all living and eating areas and all facilities within the dwelling. One or more persons living together in a single dwelling unit, with common access to, and common use of all areas and facilities within the dwelling unit.
60. HOUSING UNIT: *See* DWELLING
61. IMPERVIOUS SURFACE (OR COVERAGE): Any material that prevents absorption of stormwater into the ground.
62. IMPROVEMENTS: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, sidewalks, walkways or drainage ways.
63. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
64. INSTITUTION: A building or premises occupied for public use by a non-profit corporation or establishment.
65. JUNK (OR SALVAGE): Dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof; wagons and other kinds of vehicles and parts thereof; scrap; used building materials; old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled machinery and appliances or parts of such machinery or appliances; iron, steel, or other old scrap ferrous materials; scrap contractor's equipment; tanks; casks; 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. Neatly stacked firewood located on a side yard or a rear yard is not considered junk. *See* also "TRASH".
66. JUNK VEHICLE OR JUNK MACHINERY: *See* Primghar City Code, Title VI for definition of junk vehicles and junk machinery.
67. JUNKYARD (or SALVAGE YARD): The use of a lot or portion thereof for the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof, including scrap metals, rags or other scrap materials. The presence on any lot, parcel or tract of land, of five (5) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage or sale, shall constitute prima facie evidence of a junkyard. Junkyards include but not limited to wrecking yards, used lumber yards, auto

salvage yards and places utilized or intended for the storage of salvaged and structural steel materials and equipment; but not including those areas where such uses occur entirely within a completely enclosed building. A solid waste transfer station, recycling center or sanitary landfill is not considered a junk yard or salvage yard for purposes of this Chapter.

68. **LAND USE:** A description of how land is occupied or utilized.
69. **LANDLORD:** The owner, lessor, or sublessor of a dwelling that is used as a home or residence.
70. **LANDSCAPED:** An area devoted to or developed predominantly with plant material or natural landscape features, including lawn, ground cover, gardens, trees, shrubs, and other plant materials; and also including accessory decorative outdoor landscape elements such as pools, fountains, water features, paved or decorated surfaces or rock, stone, brick, block or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements, provided that the use of brick, stone aggregate, or other inorganic materials shall not predominate over the use of plant material.
71. **LIVESTOCK.** See Farm Animals.
72. **LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.
73. **LOT:** Means, for purposes of this ordinance, a parcel of land 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 an approved public street, or on an approved private street, and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots and portions of lots of record;
 - d. A parcel of land described by metes and bounds; provide that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
74. **LOT AREA:** The net horizontal area bounding by front, side and rear lot lines, providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.
75. **LOT FRONTAGE.** The front of a lot shall be the portion nearest the street. For purposes of determining yard requirement on corner lots and through lots, all side of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.
76. **LOT COVERAGE:** The area of a lot covered by buildings or roofed areas of buildings or ground level paving, excluding incidental projecting eaves and gutters, balconies, and similar features, and excluding landscaping, and open recreational facilities.

77. **LOT DEPTH:** The horizontal distance between the front and rear lot lines. In the case of a lot of irregular shape, the mean depth shall be the lot depth.

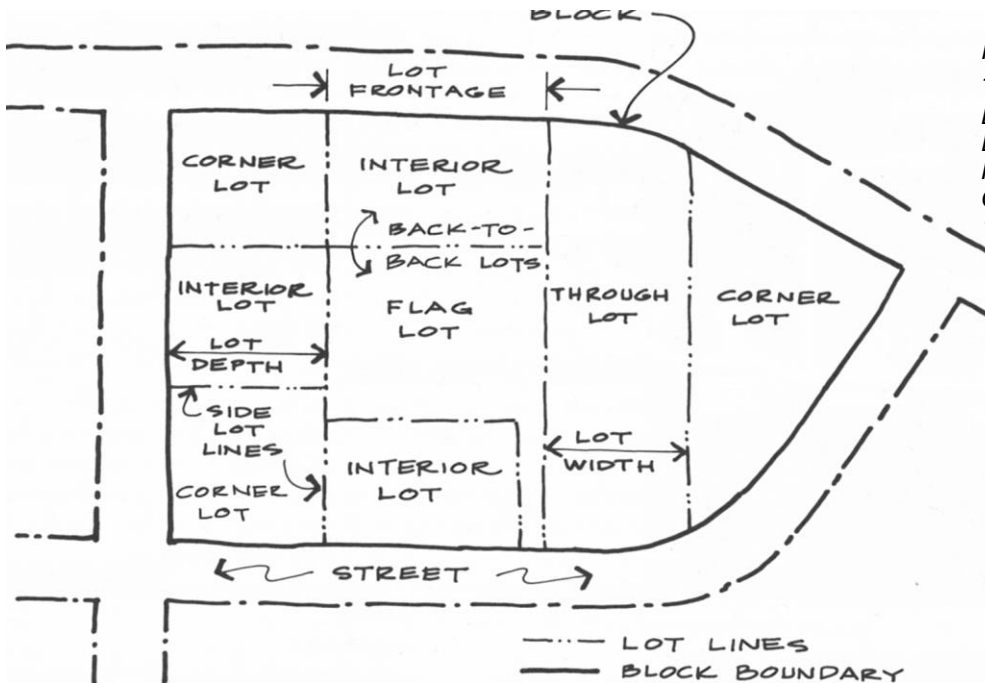


Image Source:
The New Illustrated
Book of Development
Definitions,
Harvey S. Moskowitz &
Carl G. Lindbloom,
1993

78. **LOT WIDTH:** The horizontal distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.
79. **LOT, MINIMUM AREA:** The smallest area established by this zoning ordinance on which a use or structure may be located in a particular district.
80. **LOT OF RECORD:** Means a lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
81. **LOT LINE:** A line of record bounding a lot which divides one lot from another or from a public or private street or any other public space.
82. **LOT TYPES:** The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, and "through" lots as follows:
- "Corner" lot—A lot located at the intersection of two or more streets, other than alley. On corner lots the required front yard shall be provided on both streets.
 - "Interior" lot—A lot other than a corner lot with only one frontage on a street other than an alley.
 - "Through" lot (or double frontage lot) - A lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as "through" lots. On through lots the required front yard shall be provided on both streets.

83. **MANUFACTURED HOUSING:** A factory-built structure which is manufactured or constructed under the authority of the 42 U.S.C. Code Section 5403, Federal Manufactured Homes Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. (*Code of Iowa, Sec. 435.1*) Manufactures Housing shall be used exclusively as a place for human habitation, but which is not constructed with permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or from and wheels or axles.

84. **MANUFACTURED HOUSING COMMUNITY:** Means the same as land-leased community defined in Sections 335.30A and 414.28A *Code of Iowa*. Any site, lot, field or tract of land under common ownership upon which ten (10) or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community. (*Code of Iowa, Sec. 435.1*)

A manufactured housing community or mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community must be classified as to whether it is a “residential” or “recreational” manufactured home community or both.

85. **MOBILE HOME:** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also not include any such vehicle with motive power not registered as a motor vehicle. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. (*Code of Iowa, Sec. 435.1*) Nothing in this definition shall be construed as permitting a mobile home in other than an approved mobile home park.

86. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes or manufactured homes, or a combination of both are placed on developed spaces and operated either free of charge or as a for-profit enterprise with water, sewer or septic, and electrical services available. (*Code of Iowa, Sec. 435.1*)

87. **MOBILE OR MANUFACTURED HOME CONVERTED TO REAL PROPERTY:** A mobile home or manufactured housing which is located outside a manufactured housing community or a mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases: (*Code of Iowa, Sec. 435.26 & 435.35*)

- a. **Retailer’s Stock:** Mobile homes or manufactured housing on private property as part of a retailer’s or manufacturer’s stock not used as a place of human habitation.
- b. **Existing Homes:** A taxable mobile home or manufactured housing which is located

outside of a manufactured housing community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.

88. **MODULAR HOME:** A factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 Code of Iowa, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 Code of Iowa. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate. (*Code of Iowa, Sec. 435.1*)
89. **NONCONFORMING USE:** A lawful use or activity of any land, building, or structure, other than a sign, that does not conform to currently applicable use regulations (zoning ordinance), but which complied with use regulations in effect at the time the use was established.
90. **NONCONFORMING STRUCTURE (OR BUILDING):** A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance codified in this title, but which fails to conform to present requirements of the zoning district.
91. **OCCUPANCY (or OCCUPIED):** The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
92. **OFFICIAL (ZONING) MAP:** An ordinance in map form adopted by the governing body that conclusively shows the location of zoning district boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.
93. **OPEN SPACE (GREENSPACE):** Any parcel or area of land or water essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space areas are not occupied by any structures or impervious surfaces.
94. **OWNER:** The legal entity holding title to property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
95. **PARKING AREA:** An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this ordinance. Parking areas shall include parking lots, garages, and parking structures.
96. **PARKING LOT:** An off-street, ground level open area usually improved for the temporary storage of motor vehicles. *See also:* PARKING AREA.
97. **PARKING SPACE:** An area, enclosed or unenclosed, having dimensions of not less than 180 square feet (typically 9' x 20') plus necessary maneuvering space for the parking of a motor vehicle, and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. Space required for maneuvering, incidental to parking or

unparking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces.

98. **PERMANENT FOUNDATION** (for manufactured housing or mobile homes): A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.
(*Code of Iowa, Sec. 103A.10 & 414.28*)
99. **PLANNED UNIT DEVELOPMENT (PUD)**: An area of minimum contiguous size specified in this ordinance developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.
100. **PORCH, OPEN**: A roofed structure, open or screened on two (2) or more sides, projecting from the front, side or rear wall of the building. Is considered part of the structure and shall be subject to the required setbacks.
101. **PREMISES**. A lot or tract of land and any structure located thereon. See also “PROPERTY”.
102. **PRINCIPAL PERMITTED USE**: *See* USE: 1. Principal Permitted Use.
103. **PRIVATE PARKING LOT (OR AREA)**: A parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.
104. **PROHIBITED USE**: Any use not permitted ~~by right or by special exception~~ in a zoning district.
105. **PROPERTY**: A lot, parcel, or tract of land together with buildings and structures located thereon. See also “PREMISES”.
106. **PROPRIETOR**: A person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding mortgage, easement, or lien interest.
107. **PUBLIC NOTICE**: The publication of the time and place of any public hearing not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.
108. **RECREATIONAL VEHICLE**: A vehicle or structure towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Recreational vehicles shall be customarily or ordinarily used for, but is not limited to vacationing, recreational purposes, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, ATV's, UTV's, OHV's, golf carts and snowmobiles. Recreational vehicles are not intended as a place of permanent human habitation.

109. **ROADSIDE STAND:** A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for the sale of products.
110. **ROOMS, HABITABLE:** A room that provides required floor area and window area to provide necessary light and ventilation of occupants, and shall be sanitary at all times.
111. **SALVAGE YARD:** *See* JUNKYARD.
112. **SETBACK:** The required distance between any lot line and the supporting walls or structures of any building or deck more than twelve inches (12”) above grade.
113. **SETBACK LINE:** A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between the building and property line which buildings and structures may not be placed.
114. **SIDEWALK:** A paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
115. **SIGN:** Any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. Signs also include “billboard” but doesn’t include the flag, pennant or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.
116. **SITE DEVELOPMENT REGULATIONS:** The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.
117. **SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses, and the principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land as required by the regulations involved.
118. **SPECIAL USE PERMIT.** A permit issued in view of specified conditions, limitations or restrictions, and which is subject to review or cancellation by the Board of Adjustment.
119. **SPOT ZONING:** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.
120. **SPRAWL:** Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
121. **STORY:** That part of any building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it.

122. **STREET:** A public or private thoroughfare that affords the primary means of access to abutting property.
123. **STREET (OR ROAD) LINE:** The dividing line between a lot, tract or parcel of land and the right-of-way line of any contiguous public road, street, or alley.
124. **STREET, PUBLIC:** A thoroughfare more than twenty (20) feet in width.
125. **STRUCTURAL ALTERATION:** Any replacement or changes in the type of construction or in the supporting members of a building beyond ordinary repairs and maintenance; such as bearing walls or partitions, columns, beams or girders.
126. **STRUCTURE:** Anything built, constructed, moved, erected or located on or within a fixed location on the ground or attached to something having a permanent location on the ground. Structures include buildings, walls, fences, signs, towers, tanks and billboards. Structures shall not include a sidewalk, utility poles, street signs, street light fixtures, other public items or tombstones.
127. **SUBDIVISION:** The accumulative effect of dividing an original lot, tract, or parcel of land, into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions, and land taken by condemnation. The term includes a resubdivision or replatting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided. Any person not in compliance with the provisions of the subdivision definition at the time of its effective date, shall not be required to comply with such provisions unless or until a new division, re-subdivision or platting occurs following that effective date. If a new street is involved, any division of a parcel of land or the division into two (2) or more parts of any residential lot shall be deemed a subdivision.
128. **SUBSTANDARD LOT (OR NONCONFORMING LOT):** A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the zoning district in which it is located, but which complied or was conforming with applicable requirements when it was placed on record prior to the enactment of this zoning ordinance.
129. **TEMPORARY STRUCTURE:** A structure without any foundation or footings and that is removed when the designated time period, activity, or use has ceased.
130. **TENANT:** A person entitled under a rental agreement to occupy a dwelling or dwelling unit to the exclusion of another.
131. **TRAVEL TRAILER.** See “RECREATIONAL VEHICLE”.
132. **USE:** The conduct of an activity or the performance of a function or operation, on a site or in a building or facility.
- a. Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
 - b. Principal Use: The main use of land or structures as distinguished from an accessory use.
 - c. Permitted Use: Any use permitted as a matter of right when conducted in accord with

the regulations established by this ordinance; of which fulfills the primary function of a household, establishment, institution, or other entity.

- d. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a Special Exception Use Permit, and to all other regulations established by this ordinance and has been authorized by the Board of Adjustment.

133. **UTILITIES**: A system for distribution or collection of water, gas, electricity, wastewater, and storm water.

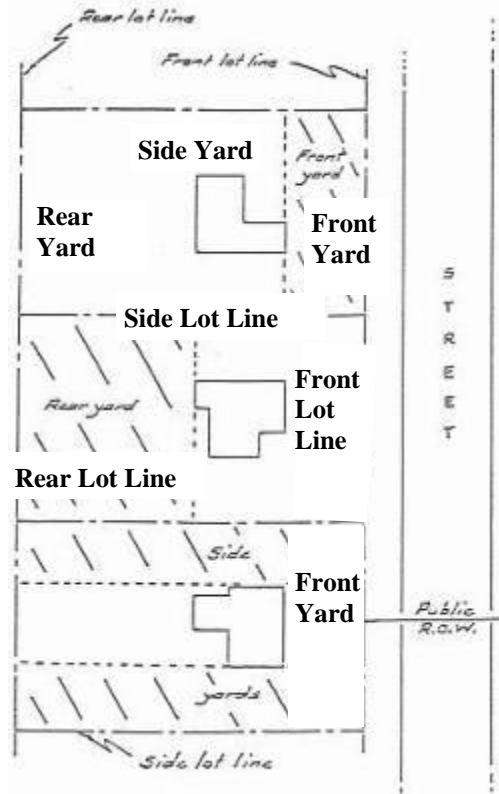
134. **VACANCY**: Any unoccupied land, structure, or part thereof available or suitable for occupancy.

134. **VARIANCE**: The relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions and peculiarity of the property and not the results of actions of the applicant, a literal enforcement of the zoning regulations would result in an unnecessary and undue hardship. A variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

135. **YARD**: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward to the sky, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building building's finished wall shall be used, excluding cornices, eaves, or chimneys projecting not more than thirty-six inches (36"), steps, bay window or similar features not extending more than one story and which do not aggregate more than one-fourth (1/4) of the width of the frontage of the building, and vestibules not more than one story in height and extending not more than three feet (3') beyond the front wall of the principal building.

- a. Front Yard: A yard extending across the width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves. Corner lots shall have two front yards and two side yards.
- b. Rear Yard: A yard extending across the width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed decks. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (Except corner lots shall have two side yards and two front yards.)
- c. Side Yard: A yard extending from the front yard to the rear yard and measured between the side lot lines and the building's finished wall.

- d. **Interior Yard:** Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.
136. **ZERO LOT LINE:** A development concept wherein a wall, typically a side wall, of the building is located directly on or immediately adjacent to the property line of the real property.
137. **ZONING:** The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
138. **ZONING ADMINISTRATOR (OR OFFICER):** The individual appointed by the City Council to administer and ensure compliance with the zoning ordinance and issue zoning permits.
139. **ZONING/BUILDING PERMIT:** A permit issued in conjunction with and as part of the building permit as overseen and enforced by the zoning administrator as required in this ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance or authorized variance.



SECTION 2.2. USE CLASSIFICATIONS.

The purpose of the use classifications shall be to provide a consistent set of terms encompassing and defining uses permitted by right or as a special exception in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification. In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the zoning administrator shall have the authority to determine the classification, subject to the right of appeal pursuant to Article XX, Zoning Enforcement. In making such determinations, the zoning administrator shall consider the characteristics of the use in question, and consider any functional, product, service, or physical requirements common with or similar to uses cited as examples of use classifications.

1. GENERAL DESCRIPTION OF AGRICULTURAL USE TYPES:

Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- a. *Agriculture*: The use of land for agricultural purposes, including animal husbandry, agriculture, 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 agricultural activities.
- b. *Agricultural Animal Husbandry*: The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted in either confined structures or open yards or pasture. Agricultural animals (not including usual domesticated pets) shall only be allowed within the city limits of Primghar under special exception of the Board of Adjustment.
- c. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.
- d. *Farm*: An area which is used for the growing of the usual farm products such as vegetables, fruits, seed crops, crops and grains and their storage on the premises, as well as necessary accessory uses for treating or storing produce; provided that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include the commercial feeding or housing of animals or poultry.
- e. *Farm Dwelling, Principal*: A dwelling located on a farm and occupied by the owner, operator of the farm or renter.
- f. *Farm Dwelling, Support Housing*: The occupancy of residential living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the performance of agricultural labor on the same property as the support housing.
- g. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.

- h. *Residential Animal Raising (Recreational)*: Limits the keeping of animals on a non-commercial, non-profit basis. It is unlawful for a person to keep livestock within the city except by written consent of the City Council. This does not limit the keeping or incidental raising of customary or ordinary domesticated pets including but not limited to dogs, cats, birds, rabbits, or other small domesticated rodents (e.g. hamsters, gerbils, guinea pigs).
- i. *Stables*: Boarding, breeding, riding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include but not limited to boarding stables, public stables or riding academies. It is unlawful for a person to keep livestock within the city unless granted a special exception of the Board of Adjustment.

2. GENERAL DESCRIPTION OF CONSERVATION USE TYPES.

- a. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.
- b. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.
- c. *Undeveloped or Unimproved Land*: Land in its natural state before development.
- d. *Wildlife/Game Refuge*: A use of land providing natural habitat for animal and plant species. Typical uses include but not limited to prairies, marshes, woodlands, and wetlands.
- e. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

3. GENERAL DESCRIPTION OF RESIDENTIAL USE TYPES:

Residential use types include the occupancy of living accommodations on primarily nontransient basis or institutional living arrangements, but excluding those providing forced residence such as asylums and prisons.

- a. *Apartment Residential*: A structure containing three or more dwelling units with private bath and kitchen facilities comprising a series of independent, self-contained dwellings units in a single building. *See also: Multiple Family Residential*
- b. *Condominium Residential*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.
- c. *Family Home (as per Chapter 414.22 Iowa Code)*: A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any

necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.

- d. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.
- e. *Kenel, Private*: Any building or land designed or arranged for the care of dogs and cats belonging to the owner of the principal structure, kept for purposes of show, hunting, or pets. Refer the Primghar's City Code for the maximum number of dogs and cats allowed to be kept and maintained on a property.
- f. *Mobile Home or Manufactured Housing*: The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks or subdivisions and manufactured housing communities.
- g. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units, within one or more buildings.
- h. *Personal Recreational Facilities*: (as an accessory use to residential uses) Recreational uses and facilities provided as an accessory use on the same lot as the principal use and intended to be used primarily by the occupants of the principal use and their guests. Such facilities may include but not limited to swimming pools, trampolines, play equipment, swings and slides.
- i. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Primghar, or an existing residential structure which has been relocated from another location from within the City of Primghar to a new residential site. A relocated residential structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure into Primghar.
- j. *Residential Convenience Service*: A use or activity of a commercial nature conducted as an accessory use to multiple family residential, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof. Typical uses may be permitted by special exception use within the above mentioned districts and include but not limited to eatery, café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board of Adjustment.
- k. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.
 - (1) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.
 - (2) *Assisted Living Facility*: Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such

as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.

(3) *Skilled Nursing Facility*: Any institution, building, or agency providing care for a period exceeding twenty-four hours for accommodation, board or nursing services, the need for which is certified by a physician to three or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness require continuous care services and related medical services, but do not require hospital care. The care services provided must be under the direction of a registered nurse on a twenty-four (24) hour per day basis.

- l. *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.
- m. *Townhouse Residential*: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.
- n. *Two Family Residential*: The use of a site for two (2) dwelling units on a single lot or parcel.

4. GENERAL DESCRIPTION OF COMMERCIAL USE TYPES:

Commercial use types include the sale, rental, service, and distribution of goods; and the provision of services other than those classified as industrial or civic uses.

- a. *Administrative and Business Offices*: Office of private firms or organizations, which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.
- b. *Agricultural Sales and Services*: Establishments or places of business engaged in the sale of feed, grain, fertilizers, pesticides and similar goods or the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include but not limited to nurseries, hay, feed and grain stores, and tree service firms.
- c. *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.
- d. *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.
- e. *Automotive Sales*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

- f. *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.
- g. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.
- h. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment supply firms, small business machine repair shops or hotel equipment and supply firms.
- i. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.
- j. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on premises, including taverns, bars, cocktail lounges, and similar uses.
- k. *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses include commercial parking lots or parking garages.
- l. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:
 - (1) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, video game arcades.
 - (2) *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, tennis courts, and racquetball courts.
 - (3) *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include but not limited to motion picture theaters, meeting halls, community or event centers, and dance halls.
 - (4) *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include but not limited to sports arena, racing facilities, go-kart track, amusement park, driving range, and miniature golf course.
- m. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but not limited to telecommunication services; radio, television, cellular and other similar antennas, towers, or structures; and fiber optic lines and transmission facilities.
- n. *Condominium Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of

the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.

- o. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.
- p. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.
- q. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.
- i. *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.
- ii. *Equipment Sales*: Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include but not limited to truck dealerships, construction equipment dealerships, and mobile home sales establishments.
- t. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.
- u. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.
- v. *Funeral Services*: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.
- w. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section inclusive. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and

maintenance products; drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories.

- x. *Hospital Services*: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.
- y. *Kennel, public*: A commercial establishment in which four (4) or more dogs, cats, or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold.
- z. *Laundry Sales or Services*: Establishments engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.
- aa. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.
- bb. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.
- cc. *Microbrewery*: A brewery that produces less than fifteen thousand (15,000) barrels (465,000 U.S. gallons) of alcoholic beverage per year with seventy five percent (75%) or more of its product sold off site. An establishment for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages for distribution, retail or wholesale, with a floor area of ten thousand (10,000) square feet or less; all operations to be conducted wholly or within a building. Microbreweries may include a tasting room and retail sales space as an accessory use. This use classification also includes a "microwinery".
- dd. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.
- dd. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair shops, and self-service laundromat or apparel cleaning services.
- ee. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.

- ff. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, insurance, and similar licensed professions.
- gg. *Restaurant (Convenience)*: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.
- hh. *Restaurant (General)*: A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than 50 percent of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, lounges, bar & grills, and other similar establishments with incidental alcoholic service.
- ii. *Retail Specialty Shop*: Various commercial establishments offering sales of goods which fall into a specific category, and any service which may be related to those goods. Typical uses include but not limited to bicycle shop, camera shop, antique shops, bookstores, etc.
- jj. *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
- kk. *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.
- ll. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.
- mm. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging on a temporary basis with or without incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
 - (1) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.
 - (2) *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
 - (3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.
 - (4) *Boarding House*: A building, other than a hotel or motel, where for compensation, meals and lodging are provided for more than three (3) persons not defined as a family.

5. **GENERAL DESCRIPTION OF INDUSTRIAL USE TYPES:**

Industrial use types include the on-site extraction or production of goods by methods not agricultural, and storage and distribution of products.

- a. *Biotechnology Production and/or Manufacturing:* Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.
- b. *Custom Manufacturing:* Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramics, candle making or custom jewelry.
- c. *Heavy Industry:* A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.
- d. *Light Industry:* A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.
- e. *Railroad Facilities:* Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.
- f. *Recycling Services:* Activities by which discarded materials are collected, sorted, processed and converted into raw materials for use in the production of new products. The following are recycling services use types:
 - (1) *Can And Bottle Redemption Center:* An Iowa department of natural resources (IDNR) approved redemption center that receives from individuals carbonated and alcoholic drink containers for the purpose of returning them to their original distributors.
 - (2) *Cathode Ray Tube (CRT) Collection Facility:* The site where ongoing CRT collection is the only CRT recycling activity performed.
 - (3) *Cathode Ray Tube (CRT) Recycling Facility:* Any process by which discarded CRTs of electronic materials that would otherwise become waste are processed and returned to use in the form of raw materials or products. CRT recycling includes, but is not limited to, CRT demanufacturing, CRT processing and CRT refurbishing.
 - (4) *Construction And Demolition Debris Recycling Facility:* A site used to sort, process and store materials generated as the result of construction activity, building demolition and the repair or renovation of structures, but excluding tree and other yard waste.
 - (5) *Discarded Appliance Demanufacturing:* The removal of components from discarded appliances, including, but not limited to, PCB containing

capacitors, ballasts, mercury containing components, fluorescent tubes and refrigerants.

- (6) **Materials Recovery Facility (MRF):** A facility that receives materials other than those described in other recycling services use types for recycling. The MRF separates, removes contamination, sorts, densifies and stores recyclable materials. Each material is prepared to meet the requirements of a specific market. MRFs are generally considered to be handlers of materials. Typical materials recycled at an MRF are paper and plastic.
- (7) **Waste Tire Storage And Processing Facility:** A site covered by a permit issued by the IDNR that is used for the processing of waste tires.
- (8) **Scrap And Salvage Facility:** A facility primarily engaged in the storage, sale, dismantling or other processing of used or waste metals that are not intended for reuse in their original forms. Typical uses include automotive wrecking yards and junkyards.
- g. *Research and Production Services:* Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.
- h. *Resource Extraction:* A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.
- i. *Sanitary Landfill:* An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.
- j. *Stockyards:* Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.
- k. *Warehousing and Distribution:* Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:
 - (1) **Limited Warehousing and Distribution:** Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.
 - (2) **General Warehousing and Distribution:** Open-air storage, distribution and handling of materials and equipment. Typical uses include but not limited to grain elevators or open storage yards.

6. GENERAL DESCRIPTION OF CIVIC USE TYPES:

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.

- a. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.
- b. *Cemetery*: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- c. *Club or Lodge*: An association of persons for the promotion of some nonprofit object who are bonafide 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 to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws. Typical uses include but not limited to meeting, recreational, or social facilities for private or non-profit associations.
- d. *College and University Facilities*: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.
- e. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in the arts and sciences.
- f. *Daycare Center*: A facility, or use of a building or portion thereof, for daytime care of seven (7) or more individuals. This term may include day care centers for children or adults, and similar uses.
- g. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.
- h. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with the citizen. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.
- i. *Local Utility Services*: Essential services which are necessary to support principal development and involve only minor structures such as lines and poles.
- j. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.
- k. *Major Utility Facilities*: Communication towers, antennas, generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public use, and firms having potentially significant impact upon surrounding uses.
- l. *Military Installations*: Military facilities of federal or state governments.

- m. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, open spaces, and swimming pools.
- n. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).
- o. *Primary/Secondary Educational Facilities*: A public, private, or parochial school offering instruction at the elementary, junior and senior high school levels.
- p. *Public Assembly*: Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.
- q. *Religious Assembly*: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, excluding primary or secondary educational facilities.
- r. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.
- s. *Transportation Terminal*: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package between modes of transportation, including bus terminals, railroad stations, airport terminals, and public transit facilities.
- t. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime basis.

ARTICLE III - ESTABLISHMENT OF ZONING DISTRICTS

Article 3: Establishment of Zoning Districts

Section 3.1.	Establishment of Zoning Districts
Section 3.2.	Zoning Map
Section 3.3.	Interpretation of Regulations
Section 3.4.	Interpretations of Districts Boundaries
Section 3.5.	Road or Public Right-of-Way Vacation
Section 3.6.	Annexed Territory

SECTION 3.1. ESTABLISHMENT OF ZONING DISTRICTS.

For the purpose and intent of this ordinance the City of Primghar, Iowa, is hereby divided into the following zoning districts:

FP	Floodplain/Conservation District
AG	Agricultural District
R-1	Single Family Residential District
R-2	Multiple Family Residential District
R-3	Mobile/Manufactured Home District
C-1	Downtown Commercial District
C-2	Highway Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District
FO	Fire Overlay District (Downtown)

SECTION 3.2. ZONING MAP.

The City Council shall cause to be prepared and approved, an official zoning map showing the various districts, which may be changed or corrected from time to time as recommended by the planning commission and enacted by the City Council.

1. *Boundaries:* The location and boundaries of the zoning districts established by this ordinance are indicated and established as shown upon maps designated as the official zoning map of Primghar, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this zoning ordinance as if fully described and set forth herein.

Amendments, supplements, or changes of the boundaries of districts as shown on the official zoning map shall be made by an ordinance amending this zoning ordinance. The amending ordinance shall refer to the official zoning map and shall set out the identification of the area affected by legal description, and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the city clerk as other ordinances and a certified copy thereof be attached to the official zoning map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The official zoning map, together with amending ordinances, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

2. *Official Map:* The official zoning map shall be on file in a convenient place in the municipal office of the City of Primghar and all references hereafter to said official map described herein above. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use or the nature of number of changes and additions, the City Council may, by resolution, adopt a new zoning map which shall supersede the prior zoning map. The new zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning ordinance or any subsequent amendments thereof.

SECTION 3.3. INTERPRETATION OF REGULATIONS.

In interpretation and application, the provisions of this ordinance shall be considered minimum requirements. Where this ordinance imposes a greater restriction than is imposed by other provisions of law, other rules, regulations, or ordinances, the provisions of this ordinance shall govern.

SECTION 3.4. INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to a district's boundaries as shown on the official zoning map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public right-of-ways shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines or other property lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsection 1-6 above, the Board of Adjustment shall interpret the district boundaries.

SECTION 3.5. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

Whenever any road, street, or other public easement or right-of-way is vacated by the official action of the City Council, the zoning district(s) adjoining each side of such road or public right-of-way shall automatically extend to the center of such vacation and all area included in such vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

SECTION 3.6. ANNEXED TERRITORY.

Any land annexed into the City of Primghar after the effective date of this ordinance shall be assigned a zoning classification of Agriculture District; until such a time the annexed land may be reviewed by the Planning and Zoning Commission, in which the commission will recommend to the City Council to approve a zoning classification that concurs with the city's zoning districts that best represents the use of the land being annexed. Said final zoning classification shall be reviewed within six (6) months of the date of annexation.

ARTICLE IV - FP – FLOODPLAIN/CONSERVATION DISTRICT

Article 4: Floodplain/Conservation District

Section 4.1.	Intent and Purpose
Section 4.2.	Legislative Authority
Section 4.3.	Finding of Fact
Section 4.4.	Applicability
Section 4.5.	Rules for Interpretation of Flood Hazard Boundaries
Section 4.6.	Principal Permitted Uses
Section 4.7.	Special Exception Uses
Section 4.8.	Permitted Accessory Uses
Section 4.9.	Site Development Regulations
Section 4.10.	Definitions
Section 4.11.	Development Requirements
Section 4.12.	Permit Required
Section 4.13.	Compliance Required
Section 4.14.	Greater Restrictions
Section 4.15.	Interpretation of Provisions
Section 4.16.	Requirements for Structures
Section 4.17.	Factory Built Homes
Section 4.18.	Requirements for Subdivisions
Section 4.19.	Material and Equipment Storage
Section 4.20.	Utility and Sanitary Systems
Section 4.21.	Water Course Alterations
Section 4.22.	Floodplain Administrator
Section 4.23.	Liability Disclaimer

SECTION 4.1. INTENT AND PURPOSE.

The intent of the Floodplain District is to protect floodways and floodplains from encroachment to protect future losses to property by prohibiting construction in floodways, and control construction in floodplains. It is the purpose of this ordinance to protect and preserve the rights, privileges and property of the city and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvements;
3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard;
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program (NFIP).

SECTION 4.2. LEGISLATIVE AUTHORITY.

The Legislature of the State of Iowa has in Chapter 364, Code of Iowa, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the city or its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

SECTION 4.3. FINDING OF FACTS.

The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community. These flood losses, and related adverse effects are caused by:

1. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and
2. The cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

SECTION 4.4. APPLICABILITY.

The provisions of this article shall apply to all areas having special flood hazards within the jurisdiction of the City of Primghar, Iowa. The property owner has the responsibility of showing documentation as to land use in a floodplain area by providing documentation to the Planning and Zoning Commission.

SECTION 4.5. RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES.

The boundaries of the special flood hazard areas shall be determined by a document from the IDNR provided by the owner. When an interpretation is needed as to the exact location of the boundary, the City Council shall make the necessary interpretation.

Section 4.6. PRINCIPAL PERMITTED USES.

Within the (FP) Floodplain District, unless otherwise provided, no building or land shall be used only for one or more of the following principal permitted uses:

Conservation Uses	Agricultural Uses	Civic Uses
Critical Area Floodplain Undeveloped/Unimproved Land Wildlife/Game Refuge Water Control Structures Irrigation or Retention Basins	Crop production Farm Horticulture	Local Utility Services

Section 4.7. SPECIAL EXCEPTION USES:

Certain uses may be permitted in the (FP) Floodplain District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture Uses	Civic Uses	Industrial Uses
Agricultural Animal Husbandry Stables	Cemetery Parks and Recreation Services Major Utility Facilities Government/Public Services	Resource Extraction
		Commercial Uses
		Communication Services Outdoor Sports and Recreation

SECTION 4.8. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Agricultural, recreational or other accessory buildings or structures, including garages that will not adversely affect the area and the value will not be impaired by being flooded, exclusive of dwelling units.
3. Barns and other agricultural related buildings
4. Parking lots
5. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
6. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures.

SECTION 4.9. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (FP) Floodplain District, and subject to modifications contained in the Supplemental District Regulations.

Lot Area -	None required
Lot Width -	None required
Height -	35 feet - maximum height on buildings and structures, except no height limitations on agricultural buildings.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Street Side Yard -	50 feet – minimum required setback
Rear Yard -	50 feet - minimum required setback
Building Coverage -	10 percent of the lot area – maximum coverage
Impervious Coverage -	25 percent of the lot area – maximum coverage
Green Open Space -	75 percent of the lot area – minimum coverage

No minimum requirements for local utility facilities and essential services.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

SECTION 4.10. DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application:

Basement. Means any enclosed area of a building which has its floor or lowest level below ground level (sub-grade) on all sides.

Development. Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations.

Factory-built Home. Means any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance, factory-built homes including mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

Flood. Means a temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

Flood-proofing. Means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capacity of resisting hydrostatic and hydrodynamic loads.

Floodway. Means the channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flow to the floodway area will not result in substantially higher flood levels and flow velocities.

One-hundred-year Flood. Means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred years.

Special Flood Hazard Area. Means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as zone A-on the flood insurance rate map.

Substantial Improvement. Means any improvement to a structure which satisfies either of the following criteria: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

Any addition which increases the original floor area of a building by twenty-five percent or more. All additions constructed shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

SECTION 4.11. DEVELOPMENT REQUIREMENTS.

All development within the (FP) Floodplain District shall:

1. Be consistent with the need to minimize flood damage;
2. Use construction methods and practices that will minimize flood damage;
3. Use construction materials and utility equipment that are resistant to flood damage;
4. Obtain all other necessary permits from federal, state and local government agencies including approval when required from the Iowa Department of Natural Resources.

SECTION 4.12. PERMIT REQUIRED.

The applicant must secure a permit from the Iowa Department of Natural Resources (IDNR) and not be in a flood plain district prior to a permit being considered by the zoning administrator. No construction is allowed in the floodway.

SECTION 4.13. COMPLIANCE REQUIRED.

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.

SECTION 4.14. GREATER RESTRICTIONS.

It is not intended by this article to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provision of this article shall prevail. All other ordinances inconsistent with this article are repealed to the extent of the inconsistency only.

SECTION 4.15. INTERPRETATION OF PROVISIONS.

In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

SECTION 4.16. REQUIREMENTS FOR STRUCTURES.

1. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one foot above the one-hundred-year flood level.
2. New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When flood-proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood-proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; and that the structure below the one-hundred-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the zoning administrator.
3. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. Fully enclosed areas below the lowest floor (not including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or new and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located to prevent water from entering or accumulating within the components during flooding conditions.

SECTION 4.17. FACTORY BUILT HOMES.

Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on permanent foundation such that the lowest floor of the structure is a minimum of one foot above the one-hundred-year flood level.

SECTION 4.18. REQUIREMENTS FOR SUBDIVISIONS.

Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards.

SECTION 4.19. MATERIAL AND EQUIPMENT STORAGE.

Storage of materials and equipment that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or not be subject to major flood damage and be anchored to prevent movement due to flood waters; or be readily removable after flood warning.

SECTION 4.20. UTILITY AND SANITARY SYSTEMS.

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into the floodwaters.
2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters in the system.
4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damage or impaired systems.

SECTION 4.21. WATER COURSE ALTERATIONS.

Water course alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion.

SECTION 4.22. FLOODPLAIN ADMINISTRATOR.

1. The zoning administrator will be appointed to implement and administer the provisions Section 4.22 of this ordinance.
2. The zoning administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this section and shall advise the City Council of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require a floodplain development permit as provided in Section 4.13 for proposals greater than fifty lots, the sub-divider shall be responsible for providing flood evaluation data.
3. Duties of the zoning administrator shall include, but not necessarily be limited to the following:
 - a. Review all floodplain development permit applications to assure that the provisions of this article will be satisfied;
 - b. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state, and local government agencies, including approval when required from the Iowa Department of Natural Resources for floodplain construction;
 - c. Record and maintain a record of the elevation (in relation to Natural Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area;
 - d. Record and maintain a record of the elevation (in relation to Natural Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed;
 - e. Notify adjacent communities/counties and the Iowa Department of Natural Resources (IDNR) prior to any proposed alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of Section 4.22.

SECTION 4.23. LIABILITY DISCLAIMER.

The standards required by this article are considered reasonable for regulatory purposes. The article does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Primghar, Iowa or any officer or employee thereof for any flood damages that result from reliance on this article or any administration decision lawfully made there under.

ARTICLE V - AG – AGRICULTURE DISTRICT

Article 5: Agriculture District

Section 5.1. Intent
 Section 5.2. Principal Permitted Uses
 Section 5.3. Special Exception Uses
 Section 5.4. Permitted Accessory Uses

Section 5.5. Site Development Regulations
 Section 5.6. Off-Street Parking and Loading Space
 Section 5.7. Sign Regulations
 Section 5.8. Zoning Permits Required

SECTION 5.1. INTENT.

The intent of the Agricultural District is to preserve land best suited for agriculture (especially prime agricultural soils) from the encroachment of incompatible uses and to preserve, in agricultural use, land suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided as to ensure the orderly and beneficial conversion of these lands to nonagricultural uses. However, those uses which are deemed offensive to the surrounding area or to the community by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors are not permitted.

SECTION 5.2. PRINCIPAL PERMITTED USES.

Within the (AG) Agricultural District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Agriculture Uses	Residential Uses	Civic Uses
Crop production Critical Area Farm Farm Dwelling Farm Dwelling, Support Housing Horticulture Residential Animal Raising Undeveloped/Unimproved Land Wildlife/Game Refuge Water Control Structures	Single Family Residential - when it is only the owner or renter of a farm or associated with agricultural purposes.	Local Utility Services Government/Public Services Park and Recreation Services
	Commercial Uses	

SECTION 5.3. SPECIAL EXCEPTION USES:

Certain uses may be permitted in the (AG) Agricultural District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture Uses	Residential Uses	Industrial Uses
Agricultural Animal Husbandry	Relocated Residential When it is the owner or renter of a farm or associated with agricultural purposes.	Resource Extraction
Commercial Uses		Civic Uses
Agricultural Sales and Services Communication Services Kennel, public Outdoor Sports and Recreation Stables		Aviation Facilities Cemetery Major Utility Facilities Railroad Facilities Religious Assembly Safety Services

SECTION 5.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Greenhouses and plant nurseries operated for non-commercial purposes.
5. Private parking lots
6. Radio, television, satellite, and other similar receiving antennas (*for residential purposes*)
7. One (1) single family residence including one (1) mobile home if used by the farm owner or operator, member of the immediate family, or an employee working on the premises.
8. Personal utility sheds or garden buildings not used for commercial purposes
9. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 15.3.
10. Roadside stands for the sale of agricultural products or other products produced on the premises.
11. Kennel, private
12. Home occupations
13. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate to principal permitted and special exception uses and structures.

SECTION 5.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (AG) Agricultural District, and subject to modifications contained in the Supplemental District Regulations.

Lot Area -	1 acre - minimum lot area
Lot Width -	100 feet - minimum lot width
Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) agricultural support housing per lot.
Height -	35 feet maximum height for dwellings and non-agricultural buildings and structures No limitation for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Front Yard -	50 feet - minimum required setback
Side Yard -	25 feet - minimum required setback
Street Side Yard -	50 feet – minimum required setback
Rear Yard -	50 feet - minimum required setback
Minimum Open Space -	40% - maximum ground coverage Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 15.7.

SECTION 5.6. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article XVII of this ordinance.

SECTION 5.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (AG) Agricultural District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 5.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE VI - R-1 - SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6: Single Family Residential District

Section 6.1. Intent
 Section 6.2. Principal Permitted Uses
 Section 6.4. Special Exception Uses
 Section 6.4. Permitted Accessory Uses

Section 6.5. Site Development Regulations
 Section 6.6. Off-Street Parking and Loading Space
 Section 6.7. Sign Regulations
 Section 6.8. Zoning Permits Required

SECTION 6.1. INTENT.

The Single Family Residential District is the most restrictive residential district. The principal use of land is for single family dwellings and regulated recreational, religious and educational institutions and facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment.

SECTION 6.2. PRINCIPAL PERMITTED USES.

Within the (R-1) Single Family Residential District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

Residential Uses	Civic Uses
Single Family Residential Family Home	Local Utility Services Government/Public Services Religious Assembly Park and Recreation Services

SECTION 6.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (R-1) Single Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XXIII and XXIV of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Private Parking Lots Relocated Residential Residential Health Care Facilities Townhouse Residential Two Family Residential	College & University Facilities Cultural Facilities Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Safety Services	Outdoor Sports & Recreation Hospital Services Medical Clinic/Offices Off-Street Parking

SECTION 6.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garages or carports.
3. Personal recreational facilities for use by residents
4. Patios, cabanas, decks, gazebos, and incidental household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
7. Solar collectors
8. Home occupations
9. Kennel, private
10. The taking of boarders or the leasing of rooms by a resident family, providing total number does not exceed two (2) unrelated persons per building.
11. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 15.3.
12. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 6.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-1) Single Family Residential District, and subject to modifications contained in the Supplemental District Requirements.

Minimum Lot Area -	Single Family dwelling 7,000 sq. ft. Two Family dwelling 10,000 sq. ft. - minimum lot area + 1,000 sq. ft. per dwelling unit in excess of two (2) dwelling units.
Minimum Lot Width -	70 feet - except at entry points off cul-de-sacs.
Residential Density -	Not more than one (1) dwelling unit per lot, except for two-family or multiple family residential.
Maximum Height -	35 feet
Front Yard -	25 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
	OR
Rear Yard -	25 feet - minimum required setback
Street Side Yard (corner lot) -	25 feet – minimum required setback

Minimum Open Space - 70% - maximum ground coverage
Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 15.7.

Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 135D.26 of the Code of Iowa.

SECTION 6.6. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XVII of this ordinance.

SECTION 6.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Article XVIII of this ordinance.

SECTION 6.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE VII - R-2 - MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 7: Multiple Family Residential District

Section 7.1. Intent
 Section 7.2. Principal Permitted Uses
 Section 7.3. Special Exception Uses
 Section 7.4. Permitted Accessory Uses

Section 7.5. Site Development Regulations
 Section 7.6. Off-Street Parking and Loading Space
 Section 7.7. Sign Regulations
 Section 7.8. Zoning Permits Required

SECTION 7.1. INTENT.

The intent of the Multiple Family Residential District is to provide for a variety of residential living areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare; in addition to providing for those low intensity civic and commercial uses that compliment and are compatible in character and density with the multiple family residential environment.

SECTION 7.2. PRINCIPAL PERMITTED USES.

Within the (R-2) Multiple Family Residential District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

Residential Uses	Civic Uses	Commercial Uses
Apartment Residential Condominium Residential Family Home Group Residential Multiple Family Residential Single Family Residential Townhouse Residential Two Family Residential	Daycare Center Governmental/Public Services Local Utility Services Park and Recreation Services Religious Assembly	Visitor Habitation - Bed & Breakfast Inn - Boarding House

SECTION 7.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (R-2) Multiple Family Residential District subject to specific conditions and requirements as outlined and approved by the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. Special Exception Uses are also subject to the provision of Articles XXIII and XXIV of this ordinance.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential Residential Convenience Service Residential Health Care Facilities Private Parking Lots	Cemetery College & University Facilities Cultural Services Daycare Center Major Utility Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Safety Services	Outdoor Sports & Recreation Communication Services Funeral Services Hospital Services Medical Clinic/Offices Off-Street Parking

SECTION 7.4. PERMITTED ACCESSORY USES.

Permitted accessory uses shall not be the principal structure on any lot, and accessory uses are to remain incidental and secondary in size, use, and nature to the principal permitted use. The following accessory uses and structures shall be permitted.

1. Essential services.
2. Private garages or carports.
3. Personal recreational facilities for use by the principal occupants
4. Patios, cabanas, decks, gazebos, and incidental household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
7. Solar collectors
8. Home occupations
9. Kennel, private
10. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 15.3.
11. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 7.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-2) Multiple Family Residential District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	10,000 sq. ft. + 1,000 sq. ft. for each additional dwelling unit in excess of two dwelling units
Minimum Lot Width -	100 feet, except at entry points off cul-de-sacs. Not less than 25 feet minimum at cul-de-sacs.
Maximum Height -	35 feet
Front Yard -	25 feet - minimum required setback
Side Yard -	10 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard (corner lot) -	25 feet - minimum required setback
Minimum Open Space -	70% - maximum ground coverage Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

All residential dwelling units must be constructed in compliance with the “Minimum Requirements for Residential Structures” regulations outlined in Section 15.7. Manufactured or mobile homes placed in designated residential subdivisions must be converted to real property in conformance with section 435.26 of the Code of Iowa

SECTION 7.6. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XVII of this ordinance.

SECTION 7.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (R-2) Multiple Family Residential District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 7.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE VIII - MH - MOBILE HOME PARK/MANUFACTURED HOUSING DISTRICT

Section 8: Mobile Home Park/Manufactured Housing District

Section 8.1. Intent

Section 8.2. Principal Permitted Uses

Section 8.3. Special Exception Uses

Section 8.4. Permitted Accessory Uses

Section 8.5. Site Development Regulations

Section 8.6. Location of Mobile Homes/Manufactures
Housing

Section 8.7. Mobile Home Park Requirements

Section 8.8. Zoning Permits Required

SECTION 8.1. INTENT.

The intent of the Mobile Home Park/Manufactured Housing District is to regulate the location and placement of mobile homes, manufactured houses and mobile home parks within the City of Primghar, and to provide for certain medium density residential areas now developed as mobile or manufactured housing parks which by reason of their design and location are compatible with surrounding residential areas and areas of the city where similar development seems likely to occur.

SECTION 8.2. PRINCIPAL PERMITTED USES.

Within the Mobile Home Park/Manufactured Housing District, unless otherwise provided in this article, no building or land shall be used for other than one or more of the following principal permitted uses:

Residential Uses	Civic Uses
Mobile Home or Manufactured Housing - Located only in an approved mobile or manufactured home park.	Governmental/Public Services Local Utility Services Park and Recreation Services

SECTION 8.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the Mobile Home Park/Manufactured Housing District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses
Relocated Residential Single Family Residential	Daycare Center Religious Assembly Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities

SECTION 8.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential services.
2. Private garages or carports.
3. Personal recreational facilities for use by the principal occupants
4. Patios, cabanas, decks, gazebos, and incidental household storage buildings
5. Personal greenhouses, not operated for commercial purposes
6. Radio, television, satellite dish, and other similar receiving antennas for residential purposes
7. Solar collectors
8. Home occupations
9. Kennel, private
10. Temporary buildings for uses incidental to construction, in which the buildings shall be removed upon the completion or abandonment of construction, and in compliance with Section 15.3.
11. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 8.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MH) Mobile Home Park/Manufactured Housing District, and subject to modifications contained in the Supplemental District Regulations.

Mobile or Manufactured Home Lot Requirements:

Minimum Lot Area:	4,000 sq. ft.
Minimum Lot Width:	40 feet
Minimum Front Yard:	25 feet - unless the front yard borders the perimeter of the mobile home park in which case no front yard is required
Minimum Side Yard:	5 feet - unless the side yard borders the perimeter of the mobile home park in which case no side yard is required
Minimum Street Side Yard:	10 feet
Minimum Rear Yard:	15 feet - unless the rear yard borders the perimeter of the mobile home park in which case no rear yard is required
Maximum Height:	35 feet
Residential Density:	Not more than one (1) dwelling unit per mobile home lot
Minimum Open Space -	77% - maximum ground coverage Including ground level paving and accessory buildings

Mobile Home or Manufactured Housing Park Requirements:

Park Area:	Two (2) acres – minimum park area
Park Width:	200 feet - minimum park width
Park Boundary:	25 feet – minimum required setback for any dwelling unit
Public right-of-way:	40 feet – minimum required setback for any dwelling unit
Maximum Height:	35 feet unless otherwise provided

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

SECTION 8.6. LOCATION OF MOBILE HOMES/MANUFACTURED HOUSING.

It shall be unlawful for any person, firm, or corporation to park or place any mobile home or manufactured housing unit on the streets, alleys or highways, any public place or on any private land within the city, except as provided by state law. This section shall not apply to:

1. Mobile home/manufactured housing parked upon private property as part of a dealer's or manufacturer's stock not used as a place for human habitation.
2. Mobile homes/manufactured housing parked or placed within duly licensed mobile home parks or manufactured housing community.
3. Mobile homes/manufactured housing located outside of mobile home parks as of March 1, 1971.
4. Mobile homes/manufactured housing parked or placed outside a mobile home park subsequent to March 1, 1971 when such mobile home/manufactured house replaces or is substituted for a mobile home which existed on the land prior to March 1, 1971 and was replaced by the same owner of the original dwelling unit located on the land.

SECTION 8.7. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

Each mobile or manufactured home park shall be developed subject to the following requirements:

1. *General Regulations:* All mobile/manufactured home park owners shall be subject to the provisions of Chapter 435 of the Code of Iowa, as amended.
2. *Development Plan:* The following information shall be shown on the development plan or submitted in writing with it:
 - a. The name of the proposed mobile home park;
 - b. Names, addresses and telephone numbers of the developer or his/her representative;
 - c. Location of the mobile home park, giving the subdivision and lot numbers;
 - d. A map of the entire area scheduled for development, if the proposed development is a portion of a larger holding intended for subsequent development;
 - e. A map showing the relationship of the proposed development and the adjacent tracts;
 - f. Present land use and existing zoning of the proposed development and adjacent tracts;
 - g. Interior streets, streets, street names, right-of-way and roadway widths;

- h. All lot lines and open spaces with dimensions shown;
 - i. Delineation of all improvements required in this section.
 - j. Location, dimensions, capacity, and design for tornado/storm shelter, if so provided.
3. *Maintenance of Streets and Infrastructure:* If said mobile home park development plan contains no dedication to the city of streets or utilities, or should it be contemplated that the facilities of the city shall not be used for maintenance of streets, sidewalks, and water and sewer mains, garbage collection, or other related functions, then the owner of such mobile or manufactured home park shall be required to provide these services to residents within the park in a timely manner.
4. *Permitted accessory uses and requirements thereof:*
- a. Accessory buildings or structures under park management supervision shall only be used for park residents' use only. No accessory building or structure shall exceed twenty-five (25) feet in height; and shall meet the requirements of other applicable ordinances;
 - b. Accessory structures may be no closer than 5 feet to any lot line;
 - c. A mobile/manufactured home may be displayed and offered for sale, provided that the mobile/manufactured home is situated on a permanent pad within the mobile home park;
 - d. One (1) identification sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than five (5) feet
 - e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign
5. *Required development standards:*
- a. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached.
 - b. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths.
 - c. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.
 - d. The boundaries of each mobile home lot shall be clearly marked on the ground by permanent

steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of limits in the ground shall be the same as shown on approved plans.

- e. Each mobile home site shall be provided with a stand consisting of reinforced concrete runways not less than four (4) inches thick and not less than the length of the mobile home that will use the site. These runways will be so constructed, graded and placed to be durable and adequate for support of the maximum anticipated load during all seasons. Alternative pad and support mechanisms may be approved by the Planning Commission upon request and if accompanied by sketches or other documentation.
- f. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).
- g. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park. Sufficient screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home. Provisions shall be made for easy removal of a section large enough to permit access or inspection of the enclosed area under the mobile home, and for repair of sewer and water riser connections. Storage of goods and articles underneath any mobile home shall be strictly prohibited.
- h. Mobile homes or Manufactured Housing shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the Zoning Administrator. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.
- i. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home shall be placed underground.
- j. Any fuel storage shall be in accordance with applicable Federal, State & local regulations.
- k. All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters.
- l. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site. Alignment and gradient shall be properly adapted to topography. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of forty-one feet (41') where parking is permitted on both sides, or a minimum road pavement width of thirty-one feet (31') where parking is limited to one side. When primary entrance road is more than one hundred feet (100') long

and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four feet (24'), with parking limited to one side thirty-one feet (31'), with parking permitted on both sides forty-one feet (41').

- m. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.
- n. One (1) parking space shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces for additional storage of all recreational type vehicles and visitor parking.
- o. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.
- p. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City of Primghar.
- q. For the purposes of fire protection there shall be a six-inch (6") water main distribution system with a fire hydrant located every 300 feet along every street or drive or a hydrant within a 600-foot radius of every structure.
- r. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.
- s. A greenbelt, at least ten (10) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
- t. Adequate provisions shall be made to handle all surface drainage and storm water runoff as determined by the city's engineer.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

6. *Penalty:* Anyone violating any of the provisions of this Article shall be subject to the penalties as permitted in the Article XXI of this ordinance.

All mobile home parks shall conform to the above requirements in addition to all current city specifications and standards.

SECTION 8.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE IX - C-1 – DOWNTOWN COMMERCIAL DISTRICT

Section 9: Downtown Commercial District

Section 9.1. Intent
 Section 9.2. Principal Permitted Uses
 Section 9.3. Special Exception Uses
 Section 9.4. Permitted Accessory Uses
 Section 9.5. Site Development Regulations

Section 9.6. Additional Residential Regulations
 Section 9.7. Off-Street Parking and Loading Space
 Section 9.8. Sign Regulations
 Section 9.9. Zoning Permits Required

SECTION 9.1. INTENT.

The intent of the Downtown Commercial District is to provide for a commercial area consisting of a variety of retail stores and related activities to serve the general shopping needs of the trade area and to permit those uses that will strengthen the central business district as the center of trade, commerce, services, governmental and cultural activities.

SECTION 9.2. PRINCIPAL PERMITTED USES.

Within the (C-1) Downtown Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses		Civic Uses
Administrative/Business Offices	Funeral Services	Club or Lodge
Automotive Rentals	General Retail Sales	College/University Facilities
Automotive Repair Services	Hospital Services	Cultural Services
Automotive Washing	Hotel-Motel	Day Care Center
Bed & Breakfast Inn	Indoor Sports and Recreation	Government/Public Services
Boarding House	Indoor Entertainment	Local Utility Services
Building Maintenance Services	Laundry Sales	Maintenance/Service Facilities
Business or Trade School	Medical Clinics/Offices	Park and Recreation Services
Business Support Services	Personal Improvement Services	Public Assembly
Cocktail Lounge	Personal Services	Religious Assembly
Commercial Off-Street Parking	Pet Services	Safety Services
Construction Sales & Service	Professional Offices	
Consumer Repair Services	Restaurant (Convenience)	Residential Uses
Convenience Store	Restaurant (General)	Apartment Residential
Financial Services	Retail Specialty Shop	(only upper floors and/or
Food Sales	Service Station	above commercial uses)

SECTION 9.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (C-1) Downtown Commercial District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses
Agricultural Sales and Services Automotive Sales Communication Services Equipment Sales Equipment Repair Services Liquor Sales Microbrewery Veterinary Services	Detention Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Major Utility Facilities Transportation Terminal Treatment Services
Industrial Uses	Residential Uses
Custom Manufacturing Limited Warehousing and Distribution	Multiple Family Residential

SECTION 9.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private parking lots
3. Private garages or carports
4. Temporary buildings for uses incidental to construction; in which buildings shall be removed upon the completion or abandonment of the work and in compliance with Section 15.3.
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for the use of employees, clients, or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 15.2.
7. Solar collectors, radio/television antennas or residential satellite dishes (*for personal use*).

8. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 9.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (C-1) Downtown Commercial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	None required
Minimum Lot Width -	None required
Maximum Height -	35 feet
Front Yard -	None required
Side Yard -	None required, except 5 feet minimum setback if a side yard is provided or abutting a residential district
Street Side Yard -	None required
Rear Yard -	None required, except 15 feet minimum setback if a rear yard is provided or abutting a residential district, dedicated alley or a public street.
Minimum Open Space -	100% - maximum ground coverage Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

SECTION 9.6. ADDITIONAL RESIDENTIAL REGULATIONS.

Any residential use properties permitted or allowed in the (C-1) Downtown Commercial District shall be subject to the site development regulations identified in Section 7.5 in lieu of any corresponding regulation identified above in Section 9.5.

SECTION 9.7. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XVII of this ordinance.

SECTION 9.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 9.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE X - C-2 – HIGHWAY COMMERCIAL DISTRICT

Article 10: Highway Commercial District

Section 10.1. Intent
 Section 10.2. Principal Permitted Uses
 Section 10.3. Special Exception Uses
 Section 10.4. Permitted Accessory Uses
 Section 10.5. Site Development Regulations

Section 10.6. Open-air Sales, Display and Storage
 Section 10.7. Off-Street Parking and Loading Space
 Section 10.8. Sign Regulations
 Section 10.9. Zoning Permits Required

SECTION 10.1. INTENT.

The intent of the Highway Commercial District is predominately for service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to a major trafficway. Site development regulations are intended to ensure larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

SECTION 10.2. PRINCIPAL PERMITTED USES.

Within the (C-2) Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one or more of the following principal permitted uses:

Commercial Uses		Agricultural Uses
Automotive Rentals	Hospital Services	Crop Production Horticulture
Automotive Sales	Hotel/Motel	
Automotive Repair Services	Indoor Sports & Recreation	Civic Uses
Automotive Washing	Indoor Entertainment	
Bed & Breakfast Inn	Laundry Services	Club or Lodge College & University Facilities Government/Public Services Local Utility Services Park and Recreation Services Public Assembly Religious Assembly Safety Services
Building Maintenance Services	Liquor Sales	
Business Support Services	Medical Clinics/Offices	
Business or Trade School	Microbrewery	
Cocktail Lounge	Outdoor Sports & Recreation	
Commercial Off Street Parking	Outdoor Entertainment	
Condominium Storage	Personal Improvement Services	
Construction Sales and Services	Personal Services	
Consumer Repair Services	Pet Services	
Convenience Store	Professional Offices	
Convenience Storage	Restaurant (Convenience)	
Financial Services	Restaurant (General)	
Food Sales	Retail Specialty Shop	
Funeral Services	Service Station	
General Retail Sales	Veterinary Services	

SECTION 10.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (C-2) Highway Commercial District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses
Agricultural Sales and Services Communications Services Equipment Repair Services Equipment Sales	Cemetery Cultural Services Detention Facilities Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Transportation Terminals
Industrial Uses	
Custom Manufacturing Limited Warehousing and Distribution Research and Production Services	

SECTION 10.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private parking lots
3. Private garages or carports
4. Temporary buildings for uses incidental to construction; in which buildings shall be removed upon the completion or abandonment of the work and in compliance with Section 15.3.
5. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
 - a. Operated primarily for the use of employees, clients, or customers of the principal use.
 - b. Occupies less than 10 percent of the total floor area of the principal use.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 15.2.
7. Solar collectors, radio/television antennas or residential satellite dishes (*for personal use*).
8. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate to principal permitted and special exception uses.
9. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (C-2) Highway Commercial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	7,500 square feet
Minimum Lot Width -	75 feet
Maximum Height -	35 feet - No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet – minimum required setback Unless, if adjacent to a residential district the side yard shall be 25 feet.
Street Side Yard -	35 feet – minimum required setback
Rear Yard -	20 feet – minimum required setback Unless, if adjacent to as residential district the rear yard shall be 35 feet.
Minimum Open Space -	90% - maximum ground coverage Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

SECTION 10.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

SECTION 10.7. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XVII of this ordinance.

SECTION 10.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) Highway Commercial District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 10.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE XI - L-1 - LIGHT INDUSTRIAL DISTRICT

Article 11: Light Industrial District

- Section 11.1. Intent
- Section 11.2. Principal Permitted Uses
- Section 11.3. Special Exception Uses
- Section 11.4. Permitted Accessory Uses
- Section 11.5. Site Development Bulk Regulations

- Section 11.6. Open-air Sales, Display and Storage
- Section 11.7. Off-Street Parking and Loading Space
- Section 11.8. Sign Regulations
- Section 11.9. Zoning Permits Required

SECTION 11.1. INTENT.

The intent of the Light Industrial District is to provide for a variety of industrial uses and structures that have high standards of performance and can locate near certain residential and business uses. The district regulations are designed to permit the development of certain manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

SECTION 11.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted in the (L-1) Light Industrial District, except those which by reason of odor, dust, fumes, smoke, noise or noxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Commercial Uses	Industrial Uses
<ul style="list-style-type: none"> Administrative and Business Offices Agricultural Sales and Services Automotive Rentals Automotive Repair Services Automotive Sales Automotive Washing Building Maintenance Services Business Support Services Business or Trade School Commercial Off-Street Parking Construction Sales and Service Convenience Store Equipment Sales Equipment Repair Services Laundry Services Microbrewery Service Station Veterinary Services 	<ul style="list-style-type: none"> Biotechnology Production and/or Manufacturing Custom Manufacturing Light Industry Limited Warehousing and Distribution Research and Production Services
	Civic Uses
	<ul style="list-style-type: none"> Aviation Facilities Club or Lodge Government/Public Services Local Utility Services Maintenance and Service Facilities Park and Recreation Services Safety Services

SECTION 11.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (L-1) Light Industrial District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses
General Warehousing and Distribution	Communications Services Condominium Storage Convenience Storage Indoor Sports and Recreation Indoor Entertainment Kennel, public Outdoor Sports and Recreation Outdoor Entertainment Recycling Services Vehicle Storage
Civic Uses	
Railroad Facilities Major Utility Service Public Assembly Transportation Terminals	

SECTION 11.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction; in which buildings shall be removed upon the completion or abandonment of the work and in compliance with Section 15.3.
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
 - a. Operated primarily for the use of employees, clients, or customers of the principal use.
 - b. Any accessory building may not be larger than twenty-five percent (25%) of the principal building's square feet.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 15.2.
5. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.
6. Solar collectors, radio/television antennas or satellite dishes.

SECTION 11.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (L-1) Light Industrial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	10,000 sq. ft.
Minimum Lot Width -	100 feet
Maximum Height -	35 feet No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	35 feet - minimum required setback
Side Yard -	10 feet - minimum required setback Unless, if adjacent to a residential district, the side yard shall be 25 feet.
Street Side Yard -	35 feet – minimum required setback
Rear Yard -	25 feet - minimum required setback Unless, if adjacent to as residential district, the rear yard shall be 50 feet.
Minimum Open Space -	90% - maximum ground coverage Including ground level paving and accessory buildings

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

SECTION 11.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

SECTION 11.7. OFF-STREET PARKING AND LOADING Space.

Off-street parking and loading requirements shall be required for activities in the Light Industrial District in accordance with the provisions of Article XVII of this ordinance.

SECTION 11.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Light Industrial District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 11.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

ARTICLE XII - I-2 - HEAVY INDUSTRIAL DISTRICT

Article 12: Heavy Industrial District

Section 12.1. Intent
 Section 12.2. Principal Permitted Uses
 Section 12.3. Special Exception Uses
 Section 12.4. Permitted Accessory Uses
 Section 12.5. Site Development Regulations

Section 12.6. Open-air Sales, Display and Storage
 Section 12.7. Off-Street Parking and Loading Space
 Section 12.8. Sign Regulations
 Section 12.9. Zoning Permits Required

SECTION 12.1. INTENT.

The intent of the Heavy Industrial District is to provide areas for activities and uses of an intensive industrial character and is the least restrictive of any district. In the best interest of the city, certain uses in the Heavy Industrial District shall be subject to conditional approval to insure that proper safeguards are taken. No residential uses are permitted.

SECTION 12.2. PRINCIPAL PERMITTED USES.

Only the following principal uses and structures shall be permitted in the (I-2) Heavy Industrial District, except those uses which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety, and general welfare of the community.

Industrial Uses	Commercial Uses	Civic Uses
Biotechnology Production and/or Manufacturing Custom Manufacturing Heavy Industry Light Industry Limited Warehousing and Distribution Railroad Facilities Research and Production Services General Warehousing and Distribution Warehousing and Distribution	Administrative and Business Offices Agricultural Sales and Services Automotive Washing Building Maintenance Services Business Support Services Condominium Storage Convenience Storage Construction Sales and Services Equipment Sales Equipment Repair Services Laundry Services Microbrewery Vehicle Storage	Aviation Facilities Local Utility Services Major Utility Services Maintenance and Service Facilities Park and Recreation Services Safety Services Transportation Terminal

SECTION 12.3. SPECIAL EXCEPTION USES.

The following uses and structures may be permitted in the (I-2) Heavy Industrial District subject to provisions of Articles XXIII and XXIV of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses
Recycling Services Resource Extraction Sanitary Landfill Stockyards	Kennel, public Communications Services Adult Entertainment Establishments <i>(See Section 15.6 for regulations)</i>

Limited commercial/retail uses may be permitted by special exception use within the (I-2) Heavy Industrial District when intended to serve the needs of a business' tenants/employees only. Such special exception commercial/retail uses would include: eatery, café, health club, convenience store, bakery shop, gift shop, post office substation, photo studio, barbershop/stylist, or other appropriate use as determined by the Board of Adjustment.

SECTION 12.4. PERMITTED ACCESSORY USES.

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Temporary buildings for uses incidental to construction; in which buildings shall be removed upon the completion or abandonment of the work and in compliance with Section 15.3.
3. Any commercial use type or any other industrial use type that is not a permitted use in the same district, and complies with all the following criteria:
 - a. Operated primarily for the use of employees, clients, or customers of the principal use.
 - b. Any accessory building may not be larger than twenty-five percent (25%) of the principal building's square feet.
 - c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
4. Accessory buildings, structures and uses normally incidental and subordinate to the permitted uses or special exceptions, as permitted in Section 15.2.
5. Other necessary and customary uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use, and nature.
6. Solar collectors, radio/television antennas or residential satellite dishes.
7. Other customary accessory uses and structures determined by the zoning administrator to be appropriate, incidental, and subordinate in size, use and nature to principal permitted and special exception uses and structures.

SECTION 12.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses and structures in the (I-2) Heavy Industrial District, and subject to modifications contained in the Supplemental District Regulations.

Minimum Lot Area -	43,560 square feet (1 acre)
Minimum Lot Width -	150 feet
Maximum Height -	None, except 35 feet if property abuts a residential district. No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	50 feet - minimum required setback
Side Yard -	10 feet – minimum required setback
Street Side Yard -	50 feet – minimum required setback
Rear Yard -	25 feet – minimum required setback
Minimum Open Space -	90% - maximum ground coverage Including ground level paving and accessory buildings

All principal buildings and all accessory buildings or structures shall be located at least one hundred (100) feet from any residential district boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial district boundary.

No minimum requirements for local utility facilities and essential services, except that buildings or other above ground structures or devices constructed in support of utilities or essential services must comply with minimum yard setback requirements.

SECTION 12.6. OPEN-AIR SALES, DISPLAY AND STORAGE.

All open-air sales, display, and storage for automotive sales and equipment sales shall comply with the following minimum requirements:

1. The side and rear lot lines, when abutting residential properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line;
2. All lighting or lighted facilities shall be arranged so that they do not focus or glare directly on adjacent residential properties, or public streets, thereby creating a traffic hazard;
3. No lighted flashing signs, or revolving beacon lights shall be permitted;
4. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

SECTION 12.7. OFF-STREET PARKING AND LOADING SPACE.

Off-street parking and loading requirements shall be required for activities in the Heavy Industrial District in accordance with the provisions of Article XVII of this ordinance.

SECTION 12.8. SIGN REGULATIONS.

Sign regulations shall be required for activities in the Heavy Industrial District in accordance with the provisions of Article XVIII of the ordinance.

SECTION 12.9. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 20.6 of this ordinance.

PRIMGHAR, IOWA “QUICK REFERENCE GUIDE” ZONING DISTRICT SITE DEVELOPMENT REGULATIONS

Zoning District	Maximum Height	Minimum Lot Area	Minimum Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Required Street Side Yard
FP Floodplain/ Conservation	35 ft.	None	None	50 ft.	25 ft.	50 ft.	50 ft.
AG Agriculture	35 ft. (residential & non-ag)	1 acre 43,560 sq.ft.	100 ft.	50 ft.	25 ft.	50 ft.	50 ft.
R-1 Single Family Residential	35 ft.	7,000 SF 10,000 TF +1,000 MF	70 ft.	25 ft.	10 ft.	25 ft.	25 ft.
R-2 Multiple Family Residential	35 ft.	10,000 sq.ft. + 2,000 for add. units	100 ft.	25 ft.	10 ft.	25 ft.	25 ft.
R-3 Mobile/Manufactured Residential	35 ft.	4,000 sq.ft Mobile home site	40 ft.	25 ft.	5 ft.	15 ft.	10 ft.
C-1 Downtown Commercial	35 ft.	None	25 ft.	None	None	None	None
C-2 Highway Commercial	35 ft.	7,500 sq.ft.	75 ft.	35 ft.	10 ft.	20 ft.	35 ft.
I-1 Light Industrial	35 ft.	10,000 sq.ft.	100 ft.	35 ft.	10 ft.	25 ft.	35 ft.
I-2 Heavy Industrial	None	1 acre 43,560 sq.ft.	150 ft.	50 ft.	10 ft.	25 ft.	50 ft.

Note: SF = Single Family Residential; TF = Two Family Residential; MF = Multiple Family

ARTICLE XIII - DOWNTOWN FIRE PROTECTION OVERLAY DISTRICT

Article 13: Downtown Fire Protection Overlay District

- Section 13.1. Purpose
- Section 13.2. Zone Established
- Section 13.3. Building Requirements
- Section 13.4. Abatement of Nuisance
- Section 13.5. Violation & Penalty

SECTION 13.1. PURPOSE.

The purpose of this section is to create and establish a Downtown Fire Protection Overlay District for the protection of life, limb, property, health, safety and welfare and to prescribe the character of buildings to be erected within the fire overlay district along with remedies for violations.

SECTION 13.2. OVERLAY DISTRICT ESTABLISHED.

A zone, known as the Downtown Fire Protection Overlay District of the city, is established to comprise and include all of the following areas:

- The Courthouse Square
- All of Blocks Four, Five Six, Seven, Eight, Nine, Ten and Eleven of the Original Town of Primghar, Iowa.

SECTION 13.3. BUILDING REQUIREMENTS.

It is unlawful for any person or persons, company or corporation to erect, construct, build, place, or to be engaged with as owner, agent, employee, or contractor in erecting, constructing, building or placing within said fire protection overlay district any building, construction or addition to any such building or construction that is not made or built with the outer walls thereof comprised of brick, stone, cement block, poured cement, metal or any other noncombustible material, and with the roof and cornices thereof covered with metal or other noncombustible material. All persons, companies or corporations are forbidden within said fire protection overlay district from erecting, construction, building, placing or causing the same to be done to any building or edifice the outer walls, cornices and roofs of which are not composed and built of noncombustible materials as set forth in this section.

SECTION 13.4. ABATEMENT OF NUISANCE.

Any building, edifice, or construction erected, constructed, built or placed in violation of the provisions of section is a nuisance and may be abated by destruction thereof or the same from the fire protection overlay district. The cost and expenses of the abatement or removal may be collected from the parties causing the nuisance by civil action or an action may be begun in the name of the city to prevent the contemplated violation of provisions of this section; not less than 24 hours notice shall be given to the owner, the owner's agent, or contractor in charge of such property warning of such injunction will be sought if such contemplated violation of this section is not relinquished and abandoned.

SECTION 13.5 VIOLATION & PENALTY.

The penalty violation of this section shall be the same as prescribed in Article XXI.

ARTICLE XIV - SUPPLEMENTAL DISTRICT REGULATIONS

Article 14: Supplemental District Regulations

- Section 14.1. Intent
- Section 14.2. Conversion of Dwelling
- Section 14.3. Minimum Street Frontage
- Section 14.4. Lot of Record
- Section 14.5. Lots Not Served by Sewer and/or Water
- Section 14.6. More than One Principal Structure per Lot
- Section 14.7. Uses of Land
- Section 14.8. Front Yard Exceptions and Modifications
- Section 14.9. Side Yard Exceptions and Modifications
- Section 14.10. Rear Yard Exceptions and Modifications
- Section 14.11. Yard Regulations
- Section 14.12. Steps, Decks & Patios
- Section 14.13. Fences and Hedges
- Section 14.14. Buildings to Have Access
- Section 14.15. Use of Public Right-of-Way
- Section 14.16. Height Requirements
- Section 14.17. Airport Height Limitations

SECTION 14.1. INTENT.

The regulations set forth in this article qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this ordinance. Except as hereinafter provided, no building, structure or land shall be erected, constructed, reconstructed, occupied, moved, altered, or repaired, except in conformity with the regulations herein specified for the zoning district in which it is located.

SECTION 14.2. CONVERSION OF DWELLING.

The conversion of any dwelling or structure into a dwelling, or the conversion of any dwelling to accommodate additional dwelling units or households, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and open spaces, and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter within the article applying to such district.

SECTION 14.3. MINIMUM STREET FRONTAGE.

No lot shall be created after the adoption of this ordinance unless it abuts at least twenty-five (25) feet on a public street.

SECTION 14.4. LOT OF RECORD.

In any residential zoning district on a lot of record at the time of enactment of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this ordinance are met. A lot of record at the time of passage of this ordinance having a lot width of less than sixty (60) feet shall maintain the required side yard on each side of the dwelling but such yard may be reduced ten (10) percent of the lot width, provided, however, that no side yard shall be less than five (5) feet. A lot of record at the time of passage of this ordinance having a lot depth of less than one hundred (100) feet may have the required rear yard reduced to twenty (20) percent of the depth of the lot, provided, however that no rear yard shall be

less than twenty (20) feet.

However, where two (2) or more vacant and contiguous substandard recorded lots are held in common ownership, they shall be combined into zoning lots and shall thereafter be maintained in common ownership and shall be so joined and developed for the purpose of forming an effective and conforming zoning lot. For the purpose of this section, the razing of a building on a substandard lot shall constitute the formation of a vacant lot.

SECTION 14.5. LOTS NOT SERVED BY SEWER AND/OR WATER.

In any residential district where neither public water supply or public sanitary sewer are reasonably available, one (1) single family dwelling may be constructed, provided the specified lot shall follow the site development regulations for the zoning district it is located in and the minimum lot shall be a minimum of one (1) acre

SECTION 14.6. MORE THAN ONE PRINCIPAL STRUCTURES PER LOT.

Except in the R-1 and R-3 residential districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a single lot provided that the area, yard and other site development requirements shall be met for each structure as though it were on an individual lot, and subject to the following conditions.

1. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;
2. All principal buildings on the lot shall be served by an access way, not less than 25 feet in width, suitable for police, fire, and emergency vehicles.

SECTION 14.7. USES OF LAND.

1. *Proposed Uses Not Covered by Title.* Any proposed use not covered in this title as a permitted use or special exception shall be referred to the Planning and Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the title amended before a permit is issued for such proposed use.
2. *Application of Regulations.* The regulations set by this title within each district shall apply uniformly to each use of structure or use of land, except as hereinafter provided.
3. *Permitted Uses.* Uses are permitted in all zoning districts for the purposes of the distribution of essential services. However design and placement of said equipment and devices may be reviewed and recommended by the Board of Adjustment. All other uses are permitted only as listed under each specific zoning district.
3. *Bulk Requirements.* All new buildings, structures and uses of land shall conform to the building regulations established herein for the district in which each building or structure shall be located. Further, no existing building or structure shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this ordinance for the district in which such building shall be located.

SECTION 14.8. FRONT YARD EXCEPTIONS AND MODIFICATIONS.

1. Front yard requirements do not apply to bay windows or balconies that do not project more than four (4) feet into the front yard.
2. For the purpose of determining lot width, that portion of a flag lot used for ingress and egress shall not be included as a part of the required front yard.
3. Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, eaves and gutters and the like shall not encroach into or over a required side yard not more three feet (3').

SECTION 14.9. SIDE YARD EXCEPTIONS AND MODIFICATIONS.

1. Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have a minimum width equal to that required in the more restricted districts. For example, when a building is proposed for a lot in an industrial district, and a line of such lot abuts a residential district, the side yard in the industrial district shall be increased by five feet for each foot that the proposed building will exceed the height limit of said residential district.
2. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
3. Fire escapes are permitted within side yards, but no closer than three feet (3') from side lot line. Bay windows and balconies shall not project ~~be~~ more than four feet (4') from the building, provided these projections are entirely within planes drawn from either main corner of the sidewall. The sum of the lengths of such projection shall not exceed one third (1/3) of the length of the wall of the main building.
4. Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, eaves and gutters and the like shall not encroach into or over a required side yard not more three feet (3').
5. Terraces, steps, stoops, or similar features, not higher than the elevation of the first story of the building shall not encroach closer than 3 feet from the side lot line.

SECTION 14.10. REAR YARD EXCEPTIONS AND MODIFICATIONS.

The following projections or structures may be permitted in rear yards.

1. Fire escapes are permitted within rear yards, but no closer than six feet (6') from side lot line. Bay windows and balconies shall project not more than four feet (4') from the building.
2. Chimneys, flues, belt courses, leaders, sills, pilasters, and lintels, ornamental features, cornices, eaves, gutters and the like shall not encroach into or over a required rear yard not more than three feet (3')
3. Terraces, steps, uncovered decks, stoops or similar features, not shall not encroach more than ten feet (10') into a required yard, nor closer than fifteen feet (15') of an alley or within ten feet (10') of a rear lot line.

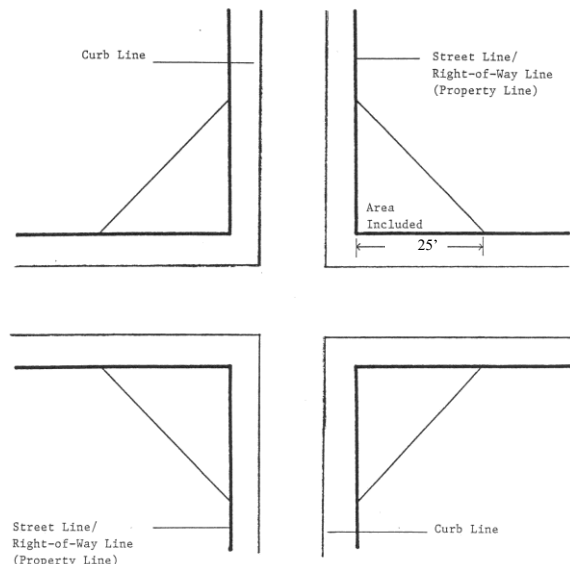
4. Swimming pools are permitted in the rear yard.

SECTION 14.11. YARD REGULATIONS.

1. *Yard and Parking Space Restrictions.* No part of yard, open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of yard, open space, off-street parking, or loading space similarly required for any other building.
2. *Required Yard Cannot be Reduced or Used by Another Building.* 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 required by this ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.
3. *Through Lots.* Buildings located on through lots, extending from street to street, shall provide the required front yard on both streets.
4. *Corner Lots.* Buildings located on corner lots with frontage on two (2) or more public streets must maintain the required front yard setback on each abutting public street, and no accessory buildings shall project beyond the required front yard on either street.
5. *Line of Site Visibility (at Intersections).* In all zoning districts, except for the C-1 Downtown Commercial District, on any corner lot, no fence, wall, hedge, or other plantings or structures that will obstruct vision between a height of two feet (2') and ten feet (10') above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area formed at a point that is twenty-five (25) feet distant from the point of intersection of the right-of-way lines.

DIAGRAM

Corner Lots – Yards and Visibility



SECTION 14.12. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of a dwelling may encroach no more than three (3) feet into any required side yard. Steps may encroach no more than six (6) feet into any required front or rear yard.

Deck floors higher than twelve inches (12") above the average grade of the ground shall conform to required yard setbacks. An open unenclosed deck may project into the required front yard or rear yard for a distance not exceeding ten feet (10').

Uncovered patios and other concrete slab structures constructed on the ground, or less than twelve inches (12") above the average grade of the ground, shall be allowed to be constructed within the required front, side, and rear yards. However, no patio, concrete slab or other impervious material

surface built on the ground may be permitted to extend not more than ten feet (10') beyond either side of a driveway, to serve as an auxiliary parking area.

SECTION 14.13. FENCES, HEDGES AND RETAINING WALLS.

1. No fence constructed more than thirty (30) percent solid or more than four (4) feet in height may be located in any front yard or yard having street access. Fences four (4) feet or less in height may be located on any part of a lot. Please reference Section 14.11(5) when considering fences in front or side yards on corner lots.
2. Except as provided above, fences six (6) feet in height or less may be erected in any required side or rear yards not having street access. Fences in excess of six (6) feet will be allowed in the cases of tennis courts and swimming pools, by a special exception granted from the Board of Adjustment.
3. Fences shall not be closer than six inches (6") to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that fences and perennial plantings may be placed up to the property line by written mutual agreement of both adjacent property owners.
4. Fences shall not be constructed of non-treated wood products; natural sticks or branches, corrugated tin, metal, or fiberglass; or sheet metal. Fences may be constructed from chain link, non-decomposing wood products (including but not limited to pressure treated, cedar, redwood and other naturally weather resistant woods), molded plastic, vinyl, or wrought iron. The Planning and Zoning Commission may approve other materials. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property.
5. If there is one side of the fence that is the decorative or "finished" side of the fencing material, such finished side of the fence shall be placed facing outward from the property it is installed.
6. Swimming Pool Fences. The lawful use of a swimming pool existing at the effective date of this ordinance may be continued, provided that twelve (12) months after the effective date of this ordinance all nonconforming swimming pools shall conform to the height requirements for fences identified in this section, or the height specified by the property owner's insurance company.
7. Determining the maximum height for fences and walls shall be made by measuring from the existing natural grade of the yard adjacent to the fence prior to construction of such fence to the top of the finished fence structure.
8. It is the responsibility of the property owner to locate all easements prior to constructing or placing a fence. Said fence construction over any easement requires written permission of the City or easement holder. The City or any easement holder may remove such fence at any time for necessary access to the easement, or for repairs of utilities in the easement. Replacement of any removed fence shall be at the expense of the property owner.
9. Disputes between property owners concerning fences and/or plantings, trees, bushes, hedges or other natural or manufactured structures obstructing views, sunlight or air shall be

considered a civil matter between private parties and shall be resolved in a court of law.

10. Fences in side and rear yards shall have at least one (1) access point, to allow for access for public safety and utility purposes.
11. All fences shall be subject to a completed and approved building permit.
12. Garden fences are exempt from zoning regulations, except that no garden fence in excess of three feet (3') in height shall be located within the front yard, lakeshore yard, or street side yard. No garden fence shall create a traffic or pedestrian hazard; or be located on any public right-of-way.
13. Retaining walls are not subject to yard setback requirements if used for terracing land, holding back failing natural slopes, or changing the contour of land for development purposes. With that stated, all retaining walls and any subsurface structural components to support such retaining walls must be located entirely on the property of the owner of such retaining wall.

SECTION 14.14. BUILDINGS TO HAVE ACCESS.

Every building or principal use hereafter erected or structurally altered shall be on a lot or parcel having frontage on a public street or on a lot or parcel having deeded access to a public street.

SECTION 14.15. USE OF PUBLIC RIGHT-OF-WAYS.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by the ordinance, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

SECTION 14.16. HEIGHT EXCEPTIONS.

Height regulations shall not apply to barns, silos, or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; television and radio towers, wind energy devices, wind energy towers, meteorological towers, cellular or other communications towers, ham radio or other communication towers for personal entertainment, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses which may be erected to any height not in conflict with any other applicable regulations of the city. These additional structures or accessories may be erected to a height approved by the Board of Adjustment, provided however, all towers or structures exceeding height requirements shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

Public buildings, hospitals or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot in addition to the minimum yard requirements, for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

ARTICLE XV - ADDITIONAL USE REGULATIONS

Article 15: Additional Use Regulations

- Section 15.1. Intent
- Section 15.2. Accessory Buildings
- Section 15.3. Temporary Uses
- Section 15.4. Home Occupations
- Section 15.5. Recreational Vehicles
- Section 15.6. Adult-Oriented Establishment Regulations
- Section 15.7. Minimum Requirements for Residential Structures
- Section 15.8. Rental Housing Maintenance Standards (Inspections)
- Section 15.9. Planned Unit Development – Special Exception
- Section 15.10. Wind Energy Regulations
- Section 15.11. Communication Tower Regulations

SECTION 15.1. INTENT.

The requirements and regulations specified elsewhere in this ordinance shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this section. These additional use regulations are applicable in all zoning districts in addition to those guidelines set forth in the zoning district regulations.

SECTION 15.2. ACCESSORY BUILDINGS, STRUCTURE AND USES.

The purpose of these provisions is to establish the relationship among principal and accessory uses and to establish provisions governing the conduct of accessory uses.

Principal uses specified as permitted uses or special exception uses for a district shall be deemed to include accessory buildings and uses identified by these regulations and such other accessory uses that are necessary and customarily associated with and are appropriate, incidental, and subordinate to such principal or special exception uses. Accessory buildings and uses shall be subject to the same regulations as apply to principal uses in each district, except as provided in these regulations.

Accessory buildings and uses customarily incidental to that of the principal building may be erected or established as permitted, provided they comply with the following limitations:

1. A zoning permit is required for all detached accessory buildings or structures.
2. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building.
3. No accessory building or structure shall be erected, placed, constructed or located in any front yard.
4. Accessory buildings or structures shall be no closer than five feet (5') from any principal building(s), required lot line, other utility or permanent easement.
5. Accessory buildings located in the commercial and industrial zoning districts may be allowed as the only principal structure on a separate platted lot so long as the accessory building is located no more than 300 feet from the lot of the principal structure it is associated with.

6. Accessory buildings and structures in all residential zoning districts shall be limited to a maximum of three (3) total buildings, including a garage; of which all total accessory buildings shall not occupy more than thirty percent (30%) of the rear yard. However, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.
7. If a garage door directly faces an alley, there must be a fifteen (15) foot minimum setback.
8. No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles.
9. No accessory building or structure shall exceed twenty feet (20') in height in residential districts and thirty-five feet in all other districts.
10. No accessory building or structure shall be constructed upon any lot prior to the time of construction of the principal building to which it is accessory. No accessory building shall be used unless the principal building on the same lot is also being used.
11. Accessory buildings shall not be used for dwelling purposes.
12. For the purposes of this ordinance, a gasoline dispensing pump shall not be classified as an accessory structure.

SECTION 15.3. TEMPORARY USES AND STRUCTURES.

Provisions authorizing temporary uses are intended to permit occasional, temporary uses when consistent with the purposes of this ordinance and when compatible with other nearby uses.

1. *Temporary Use Types:* The following types of temporary uses may be authorized by the zoning administrator, valid for ten (10) days or less to the applicant, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.
 - a. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.
 - b. Religious, patriotic, or historic assemblies, displays, or exhibits.
 - c. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, limited to locations in commercial or industrial districts, and when operated not more than 3 days in the same week or more than 5 days in the same month.
 - d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.
 - e. Outdoor festival, auctions, art and craft shows and exhibits.
 - f. Temporary signs relating to temporary uses.
 - g. Temporary use of portable on-site storage devices such as moving pods or trailers for nonresidential uses, of which are limited to no more than 6 months per calendar year.

- h. Additional similar uses determined to be temporary by the zoning administrator.
- 2. *Required Conditions of Temporary Use:*

Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.
- 3. *Determination:* The zoning administrator may authorize a temporary use only when, in his judgement, the following determination can be made:
 - a. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
 - b. The temporary use will be compatible with nearby uses in the general vicinity.
 - c. The temporary use will not negatively impact the health, safety, or convenience; or create traffic hazards or otherwise interrupt or interfere with the normal conduct of uses in the vicinity.
 - d. The temporary use will not create an adverse impact on land uses, promote the erosion of adjacent properties, or create a threat to any source of water supply
- 4. *Application and Authorization:*
 - a. Application to conduct a temporary use shall be made and include a description of the use and such additional information as the zoning administrator may require to evaluate the use and to make the determination.
 - b. Authorization of a temporary use shall be made by approval of the zoning administrator.
 - c. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

SECTION 15.4. HOME OCCUPATIONS.

Home occupations as an accessory to residential uses shall be subject to the following limitations.

- 1. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).
- 2. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.
- 3. The residential character of the lot and dwelling shall be maintained. The exterior of the

dwelling shall not be structurally altered to accommodate the home occupation.

4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.
5. No equipment or materials associated with the home occupation shall be displayed or stored where visible from off the premises.
6. Home occupations may have only one flush mounted, non-illuminated sign not exceeding four (4) square feet and four feet (4') in height.
7. In addition to one flush mounted sign allowed in item 6 above, home occupations shall be permitted to have one yard sign, of the same size and height above, but not illuminated.
8. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. This requirement shall not apply to daycare services.
9. The use shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, or waste run off outside the dwelling unit or on the property surrounding the dwelling unit.
10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.
11. Daycare services, for purposes of a home occupation, are permitted according to state regulations.
12. Nothing herein shall be construed to allow the following businesses or occupations as home occupations:
 - a. Animal hospitals.
 - b. Animal breeding.
 - c. Automotive repair.
 - d. Clinics.
 - e. Contractor's yards.
 - f. Health Salons, gyms, dance studio, aerobic exercise studios.
 - g. Hospitals.
 - h. Junk yards.
 - i. Kennel (public)
 - j. Rental outlets.
 - k. Restaurants.
 - l. Welding Shops.

SECTION 15.5. RECREATIONAL VEHICLES.

Recreational vehicles may be parked for seasonal use (short term use) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles may be parked or stored (long term use) within the side yard or rear yard of a residential lot, or within an enclosed garage. For purposes of long term storage, all year long, or a period of time exceeding 30 consecutive days, recreational vehicles parked within side yards of a property shall not be located

in front of a line parallel to the front of the principal structure on the lot. Recreational vehicles shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than fourteen (14) consecutive days in any three (3) month period. Recreational vehicles shall not be used for business purposes in any zoning district.

SECTION 15.6. ADULT ENTERTAINMENT ESTABLISHMENTS.

1. *Purpose.* The City of Primghar finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Primghar and adult entertainment establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that the City of Primghar finds:
 - a. The concern over sexually-transmitted diseases is a legitimate health concern of Primghar citizens that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;
 - b. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas;
 - c. Primghar wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight;

It is not the intent of these regulations to suppress any free speech activities protected by the First Amendment, but to enact content neutral regulations that address the secondary effects of adult entertainment establishments as well as the problems associated with such establishments.

2. *Definitions.* Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.
 - a. **ADULT BOOKSTORE:** An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.
 - b. **ADULT ENTERTAINMENT:** Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
 - c. **ADULT MOTION PICTURE THEATER:** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters

depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

- d. *ADULT ENTERTAINMENT ESTABLISHMENT*: Any establishment offering adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.
 - f. *OPERATORS*: Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.
 - g. *SPECIFIED ANATOMICAL AREAS*: Less than completely and opaquely covered female genitals, buttocks, and female breasts below the areola; or less than completely or opaquely covered male genitalia.
 - h. *SPECIFIED SEXUAL ACTIVITIES*: Simulated or actual acts of:
 - (i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
 - (ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
 - (iii) fondling or erotic touching of specified anatomical areas.
3. *Locational Requirements and Restrictions.*
- An adult entertainment establishment shall be permitted within the City of Primghar only in the I-2 Heavy Industrial zoning district upon receipt of a site plan in accordance with Article XXIII and a special exception use permit in accordance with the procedures set forth in Article XXIV; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district from which the proposed adult entertainment business is to be separated.
- a. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
 - b. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
 - c. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade.
 - d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
 - e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.

- f. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.
 - g. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.
4. *Development Design Standards.*

It shall be unlawful for an owner of an adult entertainment establishment to allow merchandise or activities of the establishment to be visible from a point outside the establishment. Furthermore, adult entertainment establishments shall not allow the exterior portion to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities. In addition to the sign regulations identified elsewhere in these zoning regulations, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.
 5. *Responsibilities of the Operator.*

Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
 6. *Minors.*

It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time that the establishment is open for business. The operator is responsible for monitoring public entrances at all times during regular business hours.

SECTION 15.7. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

All structures intended for residential occupancy placed, erected, assembled or constructed in the city after the effective date of this section shall meet and comply with the following minimum requirements:

1. *Structure Size:* Each such structure shall have a main body with a minimum exterior dimension of at least twenty-four feet (24') measured from outside of the exterior walls, exclusive of attached garages, decks, or other attached accessory structures. A structure may include decks, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.
2. *Minimum Floor Area:* A minimum floor area of not less than eight hundred (800) square feet.
3. *Foundation:* All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and

the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. The structure must be permanently attached to the foundation.

4. *Emergency Escape and Rescue:* Basements with habitable space and each sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement.
5. *Exterior Wall and Roof Material:*
 - a. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, metal siding, wood shingles, or another approved material of similar appearance.
 - b. Roofing material shall be shingles (asphalt, fiberglass, metal or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as “standing seam” or embossed or textured metal.
 - c. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used as the primary material for exterior wall or roof covering.
 - d. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.
 - e. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.
6. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.
7. *Exemption:* The provisions of this article shall not apply to mobile homes or manufactured housing placed in a mobile home park or manufactured housing community in compliance with the remaining regulations in this zoning ordinance.

SECTION 15.8. RENTAL HOUSING MAINTENANCE STANDARDS (INSPECTIONS).

These standards apply to all dwellings and dwelling units within the corporate limits of the City of Primghar. All residential rental properties within the city limits shall be registered with the city. Residential rental inspections may be initiated by one of four methods.

- 1) Rental inspections shall occur upon review of a complaint form from a tenant and upon determination by the Rental Housing Board.
- 2) Rental inspections shall occur upon request or recommendation of the Rental Housing Board or City Council.

The rental inspection standards are administrated and enforced by a housing inspector appointed by the City Council. The housing inspector reports to the City Council. The inspector shall keep complete records of all permits issued, inspections made and other official work performed.

1. Overview of the rental inspection process:

- a. A letter is sent to all owners of rental property in Primghar notifying them of the rental inspection program and process.
- b. All rental property owners are required to complete and submit a “Rental Property Registration” form to be kept on file at Primghar City Hall.
- c. When a rental property comes due for an inspection in the rotation, a letter to the rental property owner is mailed two weeks prior to the inspection. In the letter, it sets the date and time of the inspection for the property owner.
- d. The property owner is responsible for notifying the tenants of the inspection and ensuring the unit is open for the inspectors.
- e. A “Rental Inspection Report” will be used to document findings of the inspection (see Appendix 2 in this ordinance).
- f. After the inspection of the property, if the rental unit passes, a notice is mailed to the property owner indicating compliance.
- g. If repairs or maintenance is required from the inspection, a notice is mailed to the property owner citing needed repairs.
- h. The property owner will be responsible for returning a notice indicating compliance with noted repairs.
- i. A reinspection of the property will occur to document the made repairs and compliance with the city’s rental property standards.
- j. If the property owners or rental tenants object to the findings of an inspection or the process, there is a “complaint form” that may be obtained from city hall. This form may also be used by rental tenants that feel a rental property owner is failing to maintain a safe rental property and would like to request an inspection from the city.

2. Responsibilities of landlords.

- No owner or landlord shall let another person occupy any dwelling or dwelling unit unless it meets all minimum safety and sanitation requirements.
- Every landowner with property containing two (2) or more dwelling units must maintain the shared or public area of the dwelling and the premises in a clean and sanitary condition.
- Every landlord must supply and maintain facilities or waste containers of adequate size for the sanitary and safe storage and/or disposal of garbage from each dwelling unit.
- Every landlord must supply a container to hold recyclable material.
- The landlord is responsible to provide and install all screens and storm doors and storm windows whenever they are required by any code adopted by reference.
- Every landlord is responsible to provide heating equipment with the capacity of providing heat to every dwelling unit such that a temperature of 68 degrees Fahrenheit can be maintained in all habitable rooms and bathrooms throughout the heating season.
- Every landlord must maintain all dwelling units reasonably free from health hazards due to the presence of toxic substances such as mold or lead-based paint.
- Every landlord with property containing exterior buildings must keep them in a safe condition.

- In the event that infestation is caused by failure of the landlord of a multifamily dwelling unit to maintain the dwelling unit in a reasonable condition, extermination shall be the responsibility of the landlord. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination there shall be the responsibility of the landlord.

3. Responsibilities of tenants.

- Every tenant must maintain the dwelling unit, exterior buildings and premises that he or she occupies and controls in a clean and sanitary condition.
- Every tenant must store and dispose of all his or her garbage, refuse, and any other household waste in a clean, sanitary, and safe manner. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse.
- Tenants are responsible to maintain their units in a safe condition by cleaning, protecting painted areas from damage, and by promptly reporting all damaged areas to the landlord.
- Each tenant of a single family dwelling unit is responsible for the extermination of cockroaches and other insects which are known to cause or aid in the spread of disease. Tenants of such dwellings are also responsible for the extermination of mice and other rodents, which are known to cause or aid in the spread of disease. Each tenant of a dwelling unit in a duplex or multi family dwelling is responsible for such extermination whenever his or her dwelling unit is the only one infested, and such infestation is due to the tenant's failure to maintain the unit in a sanitary condition.
- A tenant of a dwelling unit shall not accumulate rubbish, boxes, lumber, scrap metal or any other materials in a manner that may provide rodent harborage in any dwelling unit.
- Every tenant of a dwelling unit must keep all fixtures and facilities which are provided by the landlord in a clean, sanitary, and operable condition. Every such tenant is responsible to notify the landlord of any such fixtures or facilities, which are damaged, broken, inoperable or is leaking as soon as such conditions are discovered.
- No dwelling unit or premises may be used as a place of storage, keeping or handling of any dangerous articles, substances or chemicals, except for reasonable amounts of normal household cleaning and maintenance substances which are safely and securely stored.
- It is the duty of the tenant of every dwelling unit to inform the landlord immediately of the failure or malfunction of any smoke detector or carbon monoxide detector. The landlord may require the tenant to be responsible for replacing batteries in smoke detectors and carbon monoxide detectors.
- The tenant shall not exceed the maximum occupancy of a dwelling unit. The maximum occupancy of any dwelling unit must not exceed the less or value of the following requirements:
 - For the first tenant there must be at least one hundred fifty (150) square feet of floor space and there must be at least one hundred (100) square feet of floor space for each additional tenant of the dwelling unit. The floor space is the total habitable room area.
 - The total number of tenants must be no more than two times the number of bedrooms, plus one person, within the dwelling unit. Example: a two bedroom dwelling unit may have $2 (\# \text{ of people}) \times 2 (\# \text{ of bedrooms}) = 4 + 1 (\text{additional person}) = 5$ total tenants.

4. Minimum Requirements of a Rental Unit. At a minimum, all rental housing units shall be

inspected for and compliant with Section 8 HUD Housing Standards.

- a. Every dwelling unit must have a kitchen or kitchenette ventilated by a window or fan.
- b. Every dwelling unit must contain a bathroom which affords privacy.
- c. Every dwelling unit in a multi-family dwelling must have at least one doorway which opens directly into open space or into a corridor leading to an exit.
- d. All bedrooms must be provided with an exterior door or window of such dimensions as to be used as a means of emergency egress and rescue.
- e. All existing stairways of four or more risers shall have at least one handrail
- f. Porches, decks patios, and balconies located more than 30" above the adjacent area must have protective guardrail, which are no more than 30" above the floor deck.
- g. Every dwelling unit shall have two independent ways of egress, each of which shall be equipped with functioning locking devices. One egress must be a door. The second egress may be a window, which complies with minimum opening of 5.7 square feet and sill height of 44" above the floor.
- h. Access to or egress from each dwelling unit must be provided without passing through any adjacent dwelling unit.
- i. All dwelling units must be provided with a smoke detector at each floor level, including basement.
- j. The ceiling height of any habitable room must be at least seven feet.
- k. Every habitable room must have at least one operating window facing outdoors.
- l. Every bathroom and rooms used for food preparation shall comply with the light and ventilation requirements for habitable rooms, except that no window shall be required in such rooms if they are equipped with a ventilation system in working condition.
- m. Every public hall and stairway in every multiple dwelling must be adequately lighted by natural or artificial light at all times. Adequate light is enough light for an average person to see their feet and the floor while walking up or down the stairs and through hallways.
- n. All heating devices must be constructed, installed, and operated in compliance with minimum safe standards and in accord with manufacturer specifications.
- o. The dwelling unit and yard may not contain such defects, natural or manmade, as dangerous walks or steps, instability, flooding, poor drainage, sewage back-ups and other sewer hazards, mudslides, excessive accumulation of trash, garbage, junk, junk motor vehicles, or debris, insect or rodent infestation, or fire hazards.
- p. The dwelling unit and its equipment, facilities, and fixtures must be in sanitary condition.
- q. The dwelling unit must be free of vermin and rodent infestation.

5. The following is an overview of the items that may be inspected at each rental premises:

- | | |
|-----------------------------------------|----------------------------------------------|
| - Thermal Environment (heating/cooling) | - Air Quality (pollutants, mold, lead) |
| - Sanitation | - Structural hazards |
| - Electrical wiring | - Hazardous or lack of plumbing |
| - Hazardous mechanical equipment | - Faulty or deteriorating weather protection |
| - Fire safety (smoke detectors) | - Hazardous or unsanitary premises |
| - Carbon Monoxide (CO) detectors | |

In regards to the last bulleted item, "Hazardous or Unsanitary Premises," occupants and rental owners are responsible for and shall abate accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials

and similar materials or conditions on a premises that constitutes a fire, health or safety hazard. If no occupants are living or residing at the premises, then the property or rental owner is responsible for maintenance and care of the property.

The provisions of the residential rental inspection program shall apply to all rental units, including single family homes with more than two (2) dwelling units, duplexes, apartments or condominiums which are leased for consideration to a person or persons other than the owner.

6. Rental permit fee schedule.

All landlords must pay a permit fee in accordance with the following schedule. \$50 for the first rental unit and \$15 for each additional rental unit thereafter with a maximum of \$150 per property.

1 rental unit	\$50 inspection fee
2 units	\$65
3 units	\$80
4 units	\$95
5 units	\$110
6 units	\$125
7 units	\$140
8 or more	\$150 maximum fee

If a rental property does not pass inspection, the rental inspector and the City of Primghar will address the property deficiencies in a letter to the landlord. The landlord or property owner shall then have thirty (30) days to correct the deficiencies or an amount of time that is agreeable by the city and the property owner. Upon the deficiencies being corrected, the rental property must be reinspected. Fees for reinspections are as follows:

1 st reinspection	\$10,
2 nd reinspection	\$20,
3 rd reinspection	\$35
4 th reinspection	shall constitute a municipal infraction subject to penalty identified in Section 8 below.

A rental inspection will be required for the landlord to be issued a new rental permit. If rental permits are not renewed within 30 days of expiration of the permit, the landlord will be required to re-register the property as a new rental dwelling and pay a penalty fee equal to the annual fee; that is a double permit fee.

7. Rental Housing Board.

The City of Primghar shall establish a Rental Housing Board to oversee the permitting, inspection and appeals processes in regards to the city's rental housing standards. The board shall hear any citizen who is aggrieved by any rule of these standards, and interpret any decisions or conclusions disagreed upon between the landlords and housing inspector. The board shall consist of five (5) persons appointed by the City Council. The members of the Rental Housing Board shall receive staggered five (5) year terms. The composition of the Rental Housing Board shall be comprised of:

- One member shall be a landlord (and resident of the City of Primghar).
- One member shall be a Council person of the City of Primghar.
- One member shall be a member of the Planning and Zoning Commission.
- Two members shall be citizens of the City of Primghar at large.

8. A violation of the provisions of this section, or violation of not complying with the city's rental inspection program shall constitute a municipal infraction subject to the penalties authorized under Article XXI of this ordinance and by Section 364.22 of the Code of Iowa.

SECTION 15.9. PLANNED UNIT DEVELOPMENT (PUD) – SPECIAL EXCEPTION.

Planned Unit Developments (PUD's) are intended to accommodate a wide variety of use types in accordance with the city's comprehensive plan. The purpose of the PUD is to provide flexibility in the design and development of land in order to promote its most appropriate use. PUDs are intended to encourage innovative, well-designed projects that achieve a high level of low impact development, environmental sensitivity, energy efficiency, safety, and aesthetics. Each PUD will be applied for and reviewed as a special exception within the zoning district in which it is located. The PUD application shall contain a general statement by the applicant describing how the proposed development departs from the city's zoning regulations and how the proposed development is an improvement over the requirements under the city's zoning regulations.

1. To be eligible for PUD consideration, the proposed development must:
 - a. be in accordance with the city's comprehensive plan and with this ordinance;
 - b. be an effective and unified means of treating possible development providing for preservation of scenic features and amenities of the site and the surrounding area;
 - c. encourage a more creative and efficient development of land and its improvements;
 - d. allow for a mixture of uses in an integrated and well-planned area;
 - e. ensure concentration of open space into more usable areas and preservation of the natural resources of the site including wetlands, woodlands, steep slopes, and scenic areas;
 - f. facilitates economic provisions of streets and public utilities;
 - g. encourages low impact developments.

The overall land use of PUDs shall be consistent with the underlying land uses and the following standards:

2. **Residential PUDs:** PUDs to be established on land zoned (R) residential on the city's zoning map shall be considered a residential PUD. The following standards shall apply:
 - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.
 - b. Commercial Uses: In addition to residential and public/civic uses, the Board of Adjustment may approve commercial uses within residential PUDs; provided that:
 - i. A sufficient population within the PUD supports such uses;
 - ii. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
 - iii. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.

3. **Commercial PUDs:** PUDs to be established on land zoned (C) commercial on the city's zoning map shall be considered a commercial PUD. The following standards shall apply:
 - a. Residential and Public/Civic Uses: The Board of Adjustment may approve any residential and public/civic uses within commercial PUDs; provided that the overall density of residential uses shall not exceed 16 units per acre.
 - b. Commercial Uses: The Board of Adjustment may approve any commercial uses within commercial PUDs.
 - c. Industrial Uses: The Board of Adjustment may approve any industrial uses within commercial PUDs.
4. **Mixed-Use PUDs:** PUDs to be established on land designated as either residential or nonresidential (commercial or industrial) on the city's zoning map shall be considered a mixed-use PUD. Those portions of a mixed-use PUD that have an underlying residential zoning designation shall be regulated in accordance with the residential PUD standards. Those portions of a mixed-use PUD that have an underlying commercial or industrial zoning designation shall be regulated in accordance with the commercial PUD standards.
5. **General Regulations.** In order for PUD's to be considered for a special exception use permit, certain regulations need to be satisfied to preserve the integrity of the planned development and minimize any potential impact to adjacent properties.
 - a. *Conformance with the Comprehensive Plan:* At a minimum, the Board of Adjustment shall find that the planned unit development does not conflict with the comprehensive plan.
 - b. *Minimum Site Area:* A planned unit development shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.
 - c. *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward;
 - i. Protecting the natural environment;
 - ii. Providing buffering between new developments and surrounding properties;
 - iii. Handling of storm water flows in natural channels;
 - iv. Maintaining existing vegetation along stream corridors as water quality filters; and
 - v. Developing and sustaining low impact developments.
 - d. *Common Open Space:* A minimum of twenty-five (25) percent of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A minimum of fifteen (15) percent of the gross area of every commercial PUD shall be devoted to common open space. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply. Parking areas and vehicle access facilities are not considered open space. The following areas qualify as common open space; including:
 - i. *Recreation Areas*
 - ii. *Recreational Building*

- iii. *Pedestrian Open Space System* (permanently maintained walks and trails)
 - iv. *Environmental Features* (natural habitats or environmentally sensitive areas)
 - e. *Maintenance of Common Open Space*: In the event that the owner or organization established to own and maintain common open space shall fail to maintain the land in reasonable condition, the zoning administrator shall serve written notice defining the maintenance deficiencies. If such deficiencies are not corrected after 30 days, the zoning administrator shall call upon any public or private agency to maintain the common open space. In such cases, the tax assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.
 - f. *Screening*: Additional buffering beyond minimum requirements of this ordinance, both around the parameter and interior of the planned unit development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.
 - g. *Lighting*: All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.
 - h. *Streets*: Principal vehicular access to PUDs shall be from primary arterial or collector streets. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.
 - i. *Other Conditions*: The zoning administrator and the Board of Adjustment shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.
6. **Application and Approval.** PUD's shall be subject to the approval of a special exception use permit approved by the Board of Adjustment.
- a. *Development Plan Documentation.*

The following information shall be submitted for application of the special exception use permit.

 - i. A statement describing the general character of the intended development and the manner in which it has been designed to take advantage of the PUD regulations.
 - ii. An accurate site plan of the proposed project, along with additional information requested by the city to make possible the evaluation of the criteria for approval.
 - iii. A statement of proposed financing of the planned unit development (PUD)
 - iv. Intended organizational structure related to ownership, covenants, and provision of services
 - v. A list of property owners and addresses within two hundred (200) feet of property
 - vi. An indication of the expected development schedule including time schedules
 - vii. A description of how city services will be provided (sewer, water, streets, other utilities)
 - viii. Any additional information requested by the Board of Adjustment that may be required for clarification of the proposed project in review of the special exception application
 - b. *Preliminary Plat.*

The applicant shall also submit a preliminary plat and all the necessary documentation as required under the subdivision regulations of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the special exception use permit and preliminary plat may be combined or held concurrently.

c. *Development Plan Procedures.*

The applicant shall file a completed application for a special exception use with the zoning administrator. The zoning administrator shall transmit the application to the Board of Adjustment and notify all property owners within the affected zone and within two hundred (200) feet of the property; however, failure of any property owner to receive such notification shall not invalidate the proceedings. The zoning administrator shall set a date for a public hearing and shall have notices of such hearing published in the legal newspaper at least once, not less than seven (7) days and not more than twenty (20) days prior to said hearing. The Board of Adjustment shall hold the public hearing and make a determination on one of three actions - approval, denial, or conditional approval.

Within sixty (60) days of Board of Adjustment decision of the PUD development plan and the preliminary plat, the applicant shall file with the Zoning Administrator a final plat for that portion to be platted. The final plat shall contain those changes as recommended by the Board of Adjustment during the preliminary review. The final plat shall be submitted to the O'Brien County Recorder's Office by the developer within ninety (90) days. Once the development plan and final plat are approved, the city may issue the zoning compliance permit and designate the area on the official zoning map.

d. *Review and Amendments.*

The Board of Adjustment may make modifications, revisions or amendments to the PUD special exception permit including the location, placement, and heights of buildings or structures if necessitated by circumstances not foreseen at the time of approval. The Board of Adjustment may also revoke the special exception permit for a PUD if substantial development has not occurred within one (1) year after the original approval of the permit.

SECTION 15.10 WIND ENERGY REGULATIONS

- 1. Purpose.** The purpose of this section is to provide for the regulation of owners/developers engaged in the construction, erection, placement, location and maintenance of wind energy devices within the City of Primghar; and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of these structures and associated wind energy systems.
- 2. Jurisdiction.** This section is adopted by the City Council governing all lands within the incorporated City of Primghar, Iowa.
- 3. Definitions.**
 - a. *Administrator* – The Primghar City Administrator or any person or firm appointed by the Primghar City Council to oversee the permitting and compliance of wind energy regulations.
 - b. *Commercial Wind Energy Device* – Any wind energy device with a nameplate capacity of more than 100kw of which its primary intent is to generate electrical power to be sold to utility or power companies.
 - c. *Meteorological Tower (or Met Tower)* - Any meteorological, measuring or surveying equipment erected on or attached to any tower, monopole, or guyed structure to verify the

wind and weather resources found within a certain area. Meteorological towers are excluded from permitting on both temporary and permanent structures.

- d. *Owner/Developer* - The individual, firm, business or entity that intends to own and operate a wind energy device in accordance with this section.
- e. *Rotor Diameter* - The cross-sectional dimension of the circle swept by the rotating blades.
- f. *Small Wind Energy Device* - A wind energy system that is used to generate electricity and has a nameplate capacity of 100kw or less. Wind energy devices with a generating capacity of 20kw or less may be used for residential or personal use. A wind energy device with a generating capacity between 20kw and 100kw is considered small wind energy for commercial/industrial applications. A wind energy device is considered “small” only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supply by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11 (5) of the Iowa Administrative Code.
- g. *Total Height* - The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
- h. *Tower* - Any monopole, freestanding, or guyed structure supporting a wind energy device.
- i. *Wind Energy Device* - Equipment that converts and stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, wire, inverter, batteries or other component used in the system. The term wind energy device often refers to and includes wind towers, wind turbines, wind generators, windmills or other wind energy conversion systems.

4. Wind Energy Requirements.

- a. Location and Height. Wind energy devices, wind energy towers or meteorological towers with a generating capacity of greater than 100kw and higher than 100 feet in total height shall only be allowed in the Agriculture (AG) zoning district. Wind energy devices, wind energy tower or meteorological tower with a generating capacity of less than 100kw and lower than 100 feet in total height shall be permitted in any zoning district except for the Downtown Commercial (C-1) district. No wind energy devices shall be permitted within the C-1 downtown commercial zoning district.
- b. Special Exception. All wind energy devices, wind energy towers or meteorological towers erected in any zoning district shall be granted as a special exception use and approved by the Board of Adjustment after a public hearing and with special conditions as necessary on a case by case basis.
- c. Lot Size. All wind energy devices, whether commercial or small wind energy, shall be located on a lot, parcel or tract of land no less than 10 acres in size.
- d. Setbacks. Any wind energy device, wind energy tower or meteorological tower located within any zoning district shall be set back a distance equal to one hundred ten percent (110%) of its total height from any street, right of way, overhead utility lines or adjoining property lines. The measurement from the wind energy device is to be taken from the nearest point to be measured to the center of the structure’s base. A greater setback may be required

to minimize shadow flicker, nuisance noise, and other possible documented effects to humans living adjacent to the property containing such wind energy device.

- e. Public Lands or Waterways. It is required that the owner/developer have a preliminary review with the Iowa Department of Natural Resources (IDNR) and the O'Brien County Conservation Board early in the planning stages of all wind energy projects located in Primghar. This review will allow the IDNR and/or County Conservation Board to comment and offer suggestions regarding the siting of wind energy devices near wildlife habitats. The review will also allow IDNR staff or the County Conservation Board to identify sensitive environmental concerns near public lands or waters, and to work with the owners/developer(s) to voluntarily identify alternative siting options that minimize negative impacts to environmentally sensitive areas.
- f. Density or Spacing. No more than one (1) wind energy device shall be permitted per lot, parcel or tract of land under the same ownership within the City of Primghar.
- g. Access. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- h. Electrical Wires. All electrical wires associated with operation of an individual wind energy device shall be located underground.
- i. Lighting. Wind energy devices shall not be artificially lighted from the ground. The only lighting permitted is that which is required by the Federal Aviation Administration.
- j. Appearance, Color, and Finish. Wind energy devices shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved otherwise by the Primghar Board of Adjustment.
- k. Signs. All signs visible from any public roadway, street or highway other than the manufacturer's identification and appropriate warning signs shall be prohibited.
- l. Utility notification and interconnection. Wind energy devices that connect to an electric utility shall comply with all local, State of Iowa and Federal regulations regarding the connection of energy generation facilities.
- m. The Board of Adjustment may require additional information as requested and necessary to review applications on a case by case basis.

5. Application and Permit.

An application for a wind energy device shall be initiated by a property owner or authorized agent by filing a zoning permit application with the City of Primghar. An abstractor's certificate is required; at the time the application is made, showing the names and last known addresses of the owners of all properties within 200 feet of the property where the proposed wind energy device is to be located. An application for wind energy device shall also be accompanied by a detailed site plan showing at a minimum the dimensions, arrangements, descriptive data, site layout and other information essential to an understanding of the use and construction of the proposed wind energy device.

6. Review and Approval.

A permit shall not be granted by the city for a wind energy device unless and until the following procedures have been fulfilled:

- a. Within 30 days after receiving the permit application for a wind energy device, the City Administrator shall schedule a public hearing regarding the permit request. Notice shall be given to the public no less than 4 days and no more than 20 days prior to the public hearing by publication in the official newspaper of Primghar.
- b. Prior to the public hearing, notice shall be given by ordinary mail to all property owners located within 200 feet of the wind energy device for which the permit is requested.
- c. All wind energy device permits shall follow the city's special exception use process and shall receive approval from the Board of Adjustment. Approval of the permit for a wind energy device shall be valid for a period no longer than six months from the date of such approval, unless construction has commenced or the Board of Adjustment specifically grants a longer period of time for the permit.
- d. The approval and issuance of a permit for the construction or installation of a wind energy device under this section shall not relieve any permittee, applicant or owner from compliance with all legal requirements, nor relieve the permittee, applicant or owner of any liability for damage or loss resulting from the placement, construction or maintenance of such wind energy device. Primghar assumes no liability whatsoever by virtue of the issuance of a wind energy permit.

7. Mitigation of Damages.

In the event there are any damages that occur during construction or maintenance of a wind energy device, the owner/developer(s) shall be fully responsible to mitigate and correct any damages to public or private property or infrastructure. Any electronic devices that exist in the vicinity of wind energy devices prior to the permit application of which are experiencing substantiated interference shall be remedied by the owner/developer(s) of such wind energy device creating such interference.

8. Discontinuance or Abandonment.

A wind energy device that is documented to be out-of-service for a continuous 1 year period will be deemed to have been abandoned and discontinued for use. At such time the wind energy device is determined to be abandoned the developer, lessee or owner shall remove the wind turbine at their own expense within 6 months of receipt of notice from the city. If such wind energy device fails to be removed, the Zoning Administrator may pursue legal action to have the wind turbine removed at the developers, lessees or owners expense and, if appropriate, such costs may be assessed against the property.

9. Penalty.

It shall be unlawful for any person to construct, install, or operate a wind energy device or tower that is not in compliance with this section. Any such wind energy device or tower installed prior to the adoption of this section is exempt from these regulations. The Zoning Administrator or other representative of Primghar may enter any property for which such permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met. Any person who fails to comply with any provision of this section shall be deemed a municipal infraction and punishable by civil penalty identified in Article XXI of the Primghar Zoning Ordinance. Each day that a violation occurs or continues to exist constitutes a separate offense.

SECTION 15.11 COMMUNICATION TOWER REGULATIONS.

The purpose of this section is to provide for the regulation of the construction, erection, placement, or location of communications towers in the City of Primghar. These regulations do not apply to television, satellite dish, or other antennas primarily used for personal or residential enjoyment.

1. **Definition:** “Communication Tower” shall be defined as a structure, tower, antenna, or other facility primarily engaged in the provision of meteorological, broadcasting, or information relay services accomplished through using electronic, cellular, met towers, or other mechanisms; but excluding those uses classified as major utility facilities. Typical uses include but not limited to telecommunication towers; radio, cellular and other receiving towers; antennas or related structures; meteorological towers; or amateur radio communications including voluntary and noncommercial communication services.

2. **Where Permitted:** Communication towers shall be permitted as a special exception use permit in the AC – Agriculture/Conservation District, C-1 Downtown Commercial District, C-2 Highway Commercial District, I-1 Light Industrial District and I-2 Heavy Industrial District. The conditional use application shall include drawings, plans and specifications, and other necessary documents describing the intent, layout, and manufacture’s construction or installation specifications. Additionally, all communication towers shall be located on property owned or leased by the owner/operator, or on an easement controlled by the owner/operator or developer of such communication tower. The property, lease agreement, or easement under ownership of the owner/operator or developer shall be large enough to maintain the required setbacks and fall distance established for such tower(s).

3. **Permit Issued:** The construction and maintenance of a communication tower shall be permitted by a special exception use permit to the owner of the tower only upon compliance with all applicable ordinances of the City. The special exception use permit for a communication tower shall be of indefinite duration and remain in effect so long as the tower remains in compliance with applicable City ordinances. A special exception use permit for communication towers may be revoked upon notice to the owner and following opportunity for a public hearing before the Board of Adjustment, for a violation of any applicable City ordinance, state or federal statute or regulation.

4. **Liability:** The issuance of a special exception use permit for construction or installation of communication towers shall not relieve any permittee, applicant, or owner from compliance with all legal requirements or from liability for damage or loss resulting from the placement, construction, or maintenance of the tower. The City of Primghar assumes no liability whatsoever by issuance of a special exception use permit for a communications tower.

5. **Tower Setback:** All towers up to fifty feet (50’) in height shall maintain a setback distance equal to the total height of the tower. Communication towers more than fifty feet (50’) in height shall maintain a setback distance equal to the specified manufacturer’s designed fall radius. Documentation of said fall radius shall be submitted by the tower manufacturer or a licensed engineer in the state of Iowa with the required special exception use permit application. Any communication tower shall be located no closer than the greater of the tower’s approved setback distance or a minimum of fifty feet (50’) from adjoining property lines, public right-of-way lines, or any occupied buildings. Setback requirements shall be measured from the base of the tower to the nearest lot or property line of the tract of land or parcel upon which it is located. If no documentation for the manufacturer’s designed fall distance is provided, the minimum required

setback distance shall be equal to the total height of the tower, including antennas. Communication towers are exempt from the standard 35' or 55' height limitations in this zoning ordinance.

6. Additional Tower Conditions: Any applicant must show all following applicable conditions are met.

- a. Applicant must show that all applicable health, nuisance, noise, fire, building, and safety requirements are met.
- b. For towers constructed on City owned property, the applicant must file with the City Administrator a written indemnification of the City and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the communication tower during its life, in form approved by the City Attorney.
- c. Land use regulations including visibility, fencing, landscaping, parking, lot size, exterior illumination, signage, storage, accessory buildings, and all other general zoning regulations, except for setback and total height, shall apply to communication towers.
- d. To limit climbing access to any communication tower, a fence six feet (6') in height with a locking gate or an anti-climbing device may be required by the Board of Adjustment at the tower base. At a minimum, all communication tower bases shall be designed or constructed to provide a secure environment and unauthorized access to the tower.
- e. All equipment used for installation of a communication tower shall follow an approved route to the site; as approved by the City's engineer or City Council.
- f. The applicant shall provide the City all covenants, easements, or similar documentation from the abutting property owners providing access to such communication tower for its adequate operation, unless adequate accessibility is already provided on site.

7. FCC Regulations: All communication towers shall be maintained and operated in compliance with the standards adopted by the Federal Communications Commission concerning electromagnetic field emissions.

8. FAA Regulations: All communication towers shall be constructed and operated in compliance with the standards adopted by the Federal Aviation Commission concerning height and lighting of such tower in regard to location and proximity to a public airport.

9. Communication Antennas or Boosters: Any antenna, signal booster, or other related communication or signal device connected to or attached to an existing structure other than a communication tower shall be permitted in any zoning district, provided the total height of such antenna, booster or other communication device does not exceed the maximum height allowed in the zoning district such device is located in.

10. Amateur Tower Regulations: The City shall not restrict or deny the use of amateur radio antennas or towers for the personal enjoyment and use of the owner(s) and shall comply with Title 47 of the Code of Federal Regulations, Part 97 (FCC rules for amateur radio).

11. Co-location and Communication Antennas: To avoid unnecessary duplication of services or additional communication towers, any communication services planning to co-locate on an existing tower or place an antenna, booster, or other wireless communication device attached to or

located on an existing building, utility pole, or other pre-existing structure in the community shall be exempt from the regulations of this section. Any antenna, booster or other wireless communication device in excess of fifteen feet (15') above the height of the building or structure it is attached to or placed on top of shall constitute a separate communication tower and be required to follow the regulations of this section.

12. **Abandonment:** In the event the use of any tower has been discontinued for a period of twelve (12) months, such communication tower is deemed to be abandoned. Determination of the date of abandonment shall be made by the City's Zoning Administrator. Upon such abandonment or decommissioning of such communication tower, the owner shall have an additional six (6) months within which to (1) reactivate the use of the communication tower, or (2) dismantle and remove the tower, structure, antennas, and base. It shall be the responsibility of the property owner to have such tower properly removed or dismantled. If the tower is not dismantled or removed as required, the City may do so and assess the costs of such removal against the property for collection in the same manner as a property tax assessment, pursuant to Iowa Code, Sec. 331.384.1.

ARTICLE XVI - SITE PLANS

Article 16: Site Plans

- Section 16.1. Scale
- Section 16.2. Legal Information
- Section 16.3. Site Plan

Site plans are required for review and approval for construction of permitted or special exception uses and structures in any district, and shall comply with and illustrate the following. Accessory uses and structures, as well as interior remodeling projects are exempt from site plan requirements.

SECTION 16.1. SCALE.

All site plans shall be drawn at a scale not smaller than 1" = 100' and one (1) copy of the site plan shall be submitted with zoning permit application.

SECTION 16.2. LEGAL INFORMATION.

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 owners' authority to appeal shall be submitted in a certified legal form.

SECTION 16.3. SITE PLAN.

The final site plan shall clearly illustrate the following information:

1. Property boundary lines, dimensions and total area.
2. Contour lines at intervals of not more than five (5) feet, if requested by city staff.
3. The availability and location of existing utilities, if requested by city staff.
4. The proposed location, size, shape and type of all buildings or structures.
5. The total square feet of building floor area, both individually and collectively.
6. The number of proposed dwelling units, bedrooms, offices, etc.
7. Existing right-of-ways, streets, utilities, easements, or drainage ways, if requested by the city.
8. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance and type of surfacing to be used.
9. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
10. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan, if required by city staff.
11. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan view with proposed height and structural material to be used, if required.
12. Traffic considerations, architectural themes, and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

ARTICLE XVII - OFF STREET PARKING AND LOADING

Article 17: Off Street Parking and Loading

Section 17.1.	Intent
Section 17.2.	General Parking Area and Surface Requirements
Section 17.3.	Off Street Parking Requirements
Section 17.4.	Computation of Parking Spaces
Section 17.5.	Location and Type of Parking
Section 17.6.	Off Street Loading Requirements

SECTION 17.1. INTENT.

It is the intent of this article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic.

After the effective date of this ordinance, in all districts, except the (C-1) Downtown Commercial District there shall be provided at the time any new building or structure is erected, off street parking spaces in accordance with the requirements set forth herein. The requirements of this Article are minimum standards, and in certain uses these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking may be required to preserve the intent of this ordinance.

SECTION 17.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

All off-street parking areas shall comply with the following minimum area and surface requirements.

1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued and construction is begun at least two (2) months prior to the effective date of this ordinance;
2. The provisions of this section shall not apply to areas in the (C-1) Downtown Commercial District;
3. A "parking space" shall be not less than one hundred eighty square feet (180 sq.ft.) or typically 9' x 20';
4. Parking spaces shall be surfaced with Portland cement, concrete, asphaltic concrete, or equivalent hard surface approved by the planning commission;
5. All off street parking spaces required by this ordinance shall be located on the same lot of the use it serves or on land adjacent to or within three hundred feet (300') of the principal use lot;
6. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section;
7. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking

spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint area of use;

8. All yard area except the required front yard for residential districts may be used for off street parking, except that portion of the driveway lying within the front yard may be used to satisfy the off street parking requirements of this ordinance;
9. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this ordinance and subject to the penalty listed in Article XXI, Violation and Penalty.

SECTION 17.3. OFF STREET PARKING REQUIREMENTS.

At the time of construction, alteration, or enlargement of a structure or building, or change in the use of the land; off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

A. Single Family Residential:	2 spaces
B. Multi-Family Residential:	1.5 spaces per dwelling unit
C. Mobile Home Residential:	1 spaces per mobile/manufactured home
D. Hotel / Motel:	1 space per room
E. Hospital/Healthcare facilities:	1 space for each four (4) beds
F. Public Assembly/Religious Assembly: - Churches, Auditoriums, Stadiums, Community Center, etc.	1 space for each six (6) seats of seating capacity provided
G. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
H. Restaurants/ Lounges/Bars:	1 space for each four (4) seats, plus 1 space for each two (2) employees
I. Educational Facilities:	1 space per regular employee and 1 space for every ten (10) seats in the largest facility for public assembly.
J. Industry/Manufacturing/Research:	1 Space for every two (2) employees on the largest shift.
K. Salvage yards/scrap yards/junk yards:	One (1) space per one hundred (100) sq. ft. of display or floor area
L. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space on the same lot as the principal building.

SECTION 17.4. COMPUTATION OF PARKING SPACES.

1. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the zoning administrator.
2. Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.
3. Whenever a building or use constructed or established after the effective date of this ordinance is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

SECTION 17.5. LOCATION AND TYPE OF PARKING.

All parking spaces required herein shall be located on the same lot as the building or use served. Except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained no more than three hundred feet (300') from an institutional or other non-residential building being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.
2. Off-street parking spaces may be located within the required front yard of any commercial, industrial, or multiple family residential (R-2) districts. However, no off-street parking shall be permitted in the required front yard except upon a driveway providing access to a garage, carport or parking area within the Agriculture (AG) and remaining residential (SR, R-1, MH) districts.
3. All required off-street parking areas of more than five (5) spaces shall be surfaced with concrete, or other such surface as approved by the zoning administrator so as to provide a durable surface. Parking areas shall be graded and drained to dispose of all surface water within the lot, and shall be arranged and marked to provide for orderly and safe loading or unloading.
4. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.
5. In cases when commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet from the property line and effectively screened by the use of a fence, hedge, or other similar methods.

6. Parking in any district is not permitted on right-of-ways.

SECTION 17.6. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of every building hereafter erected, every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have one permanently maintained loading space for buildings in excess of ten thousand (10,000) square feet.

1. Each loading space shall be no less than ten feet (10') in width and forty feet (40') in length.
2. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way.
3. Such space may occupy all or any part of any required side or rear yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10') from said district and be effectively screened from view.

ARTICLE XVIII - SIGN REGULATIONS

Article 18: Sign Regulations

Section 18.1	Intent
Section 18.2	Definitions
Section 18.3	Sign Requirements
Section 18.4	Off Premise Signs and Billboard Regulations
Section 18.5	Special Exceptions
Section 18.6	Additional Regulations
Section 18.7	General Sign Provisions
Section 18.8	Permits Required
Section 18.9	Exempt Signs
Section 18.10	Unsafe Signs and Removal of Signs
Section 18.11	Nonconforming Signs

SECTION 18.1. INTENT.

This article is established to protect and promote health, safety, general welfare and order within the City of Primghar through the establishment of uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media to persons situated within or upon public rights-of-way or private properties. The provisions of this article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of sign devices. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this article.

SECTION 18.2. DEFINITIONS.

For use in this article, the following terms are defined.

- 18.2.1 **AWNING:** A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use.
- 18.2.2 **ERECT:** To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
- 18.2.3 **FACING (or SURFACE):** The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
- 18.2.4 **INCOMBUSTIBLE MATERIAL:** Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.
- 18.2.5 **PERSON:** Any one being, firm, partnership, association, corporation, company or organization of any kind.
- 18.2.6 **SIGN:** The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.
- a. **ABANDONED SIGN:** A sign which no longer correctly directs any person, advertises

a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.

b. **ADDRESS SIGN:** A sign identifying street address only, whether written or numerical form.

c. **AWNING SIGN:** A sign consisting of either an operating or permanently affixed awning containing letters, graphics, pictures, or other images which portray the business or other advertising of the establishment in which it is attached to. Awning signs shall not encroach more than four (4) feet out in front of a building, but shall meet all other size requirements addressed in this article. Permanent awnings may be lighted (from the backside); however, awning signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the awning sign.

d. **CAMPAIGN SIGN:** A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.

e. **CONSTRUCTION SIGN:** A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.

f. **DIRECTIONAL SIGN:** A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.

g. **FLASHING SIGN:** Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing sign.

h. **FREE STANDING SIGN:** Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section

i. **GOVERNMENTAL SIGN:** A sign which is erected by a governmental unit.

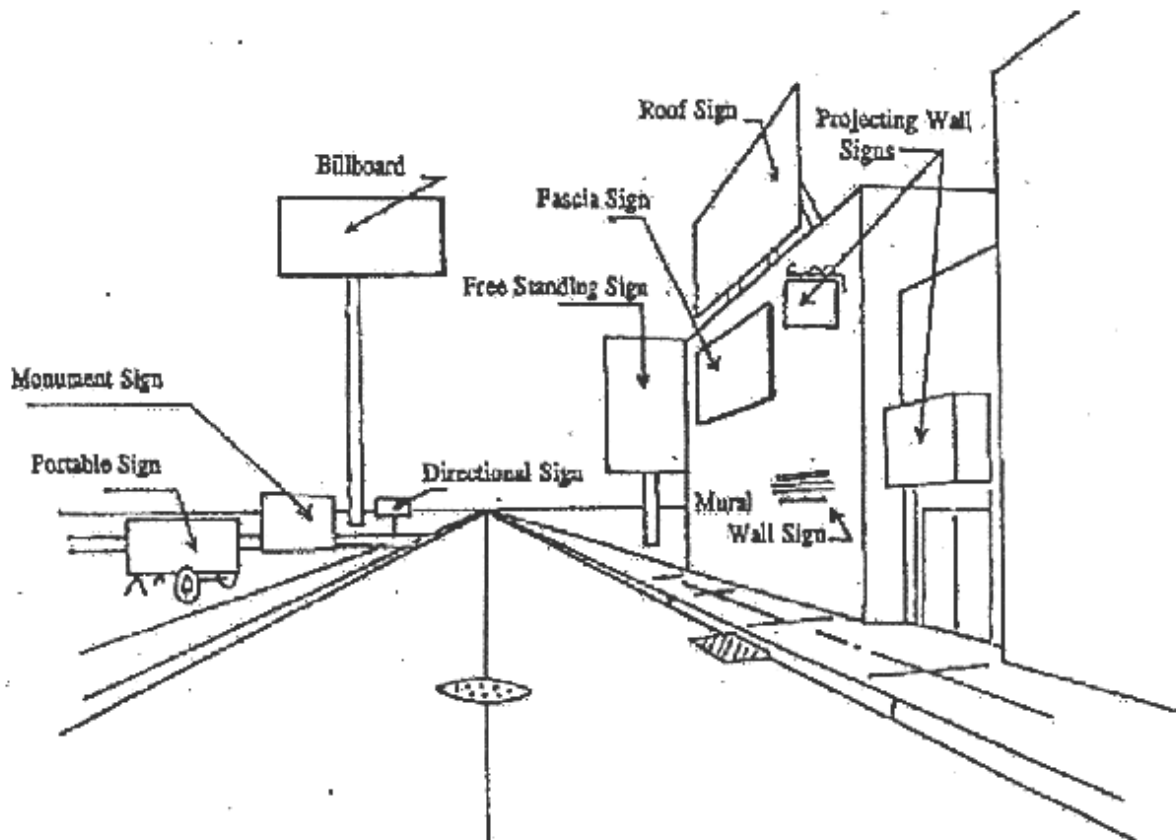
j. **ILLUMINATED SIGN:** Any sign which has character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

k. **INFORMATION SIGN:** Any sign giving information to employees, visitors or delivery vehicles, but containing no advertising or identification.

l. **JOINT IDENTIFICATION SIGN:** A free-standing sign which identifies a subdivision, a multiple residential complex consisting of three (3) or more structures, a shopping center consisting of three (3) or more separate business concerns, an industrial area, an office complex consisting of three (3) or more structures or any combination of the above.

n. **NON-CONFORMING SIGN:** A sign which lawfully existed at the time of the passage of this Ordinance or amendments thereto but which does not conform to the regulation of this ordinance.

- n. **POLE SIGN:** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- o. **PORTABLE SIGN:** Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.
- p. **PROJECTING SIGN:** A sign, other than a wall sign, which projects perpendicular to the wall surface of a building or structure, and is supported by a wall of the building or structure.
- q. **REAL ESTATE SIGN:** A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
- r. **ROOF SIGN:** A sign erected upon or above a roof or parapet of a building or structure.
- s. **SWINGING SIGN:** A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
- t. **TRAILER SIGN:** Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.
- u. **WALL SIGN:** All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush



mounted signs".

18.2.7 **SIGN AREA:** That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building; that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.

18.2.8 **SIGN STRUCTURE:** The supports, uprights, bracing and framework for a sign including the sign area.

18.2.9 **STREET LINE (or PROPERTY LINE):** The place where the street right of way line begins and the private property line ends.

18.2.10 **STRUCTURAL TRIM:** The molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

18.2.11 **TEMPORARY SIGN:** Any sign which is erected or displayed for a specified period of time.

SECTION 18.3. SIGN REQUIREMENTS.

1) *Agricultural (AG) and Floodplain/Conservation (FP) Districts.*

Signs and billboards pertaining to principal permitted uses are allowed subject to the following regulations.

- a. Signs shall be limited to:
 - ii. identifying uses conducted within the principal permitted use
 - iii. necessary for directional purposes
 - iv. advertising the sale or lease of property
 - v. identifying any use on the property by name or symbol
- b. Home occupation signs are permitted pursuant to Section 15.4 of this ordinance.
- c. The total aggregate area of an independent structure sign shall not exceed 200 sq. ft.
- d. For the purposes of this section, the sign area allowed for the signs described above shall:
 - i. For freestanding letters be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
 - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
- e. All signs shall be fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.
- f. Billboard type signs will be permitted in accordance to the size and placement requirements of the Iowa Department of Transportation, and must not impair sight distance or create a traffic hazard;
- g. Name plates not to exceed nine (9) square feet in area.
- h. Temporary signs advertising the lease of the premises, not to exceed thirty-two (32) square feet in area or typically 4' x 8'.

- i. Church or public bulletin board type signs are permitted. Bulletin boards and signs pertaining to lease, hire, or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.
 - j. Permitted signs:
 1. Construction signs
 2. Directional signs
 3. Informational signs
 4. Free standing signs
 5. Swinging signs
 6. Trailer signs
 7. Portable signs
 8. Pole signs
 9. Roof signs
 10. Wall signs
 11. Awning signs
- 2) *All Residential Districts (R-1, R-2, R-3).*
Signs pertaining to principal permitted uses are allowed subject to the following regulations.
- a. Home occupation signs are permitted pursuant to Section 15.4 of this ordinance.
 - b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of five (5) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.
 - c. One (1) on-site sign pertaining to the sale, lease or rent of the land or building shall be allowed per residential property.
 - d. Name plates not to exceed six (6) square feet in area.
 - f. Church or public bulletin board type signs are permitted.
 - g. Prohibited Signs:
 1. Flashing type signs are prohibited.
 - h. Permitted Signs:
 1. Construction signs
 2. Directional signs
 3. Informational signs
 4. Free standing signs
 5. Wall signs
 6. Ground signs
- 3) *Downtown Commercial District (C-1).*
Signs pertaining to principal permitted uses are allowed subject to the following regulations.
- a. Signs shall be limited to:
 - i. identifying uses conducted within the principal permitted use
 - ii. necessary for directional purposes
 - iii. advertising the sale or lease of property
 - iv. identifying any use on the property by name or symbol

- c. The total aggregate area of all signs shall not exceed 100 sq. ft.
- d. For the purposes of this section, the sign area allowed for the signs described above shall:
 - i. For freestanding letters be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign.
 - ii. For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existent border of the sign.
- e. All signs shall be fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.
- f. Wall-mounted signs shall not project more than four (4) feet above the roofline.
- g. Service stations located in the (C-1) Downtown Commercial District shall be limited to two hundred fifty (150) square feet of sign area.
- h. One (1) “post sign” or business identification sign provided, however, that said “post sign” shall not have a surface area of greater than forty (40) square feet on any one (1) side thereof and more than two (2) sides of “post sign” shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall not be less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical dimension of twelve (12) feet or horizontal dimension of said sign shall not be greater than seven (7) feet. Total maximum height of said sign shall not be over twenty-four (24) feet. The term “post sign” as herein defined shall not be deemed to include any sign advertising the trade name, merchandise or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said “post sign” shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.
- i. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line, and the total area of all signs pertaining to the business conducted in a building shall not exceed two (2) square feet in area for every lineal foot occupied by the front of the building displaying such sign, but not to exceed lot frontage. Where the lot adjoins an “R” District, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the “R” district, however, this does not apply to the side of the building which is opposite that side adjoining the “R” District;
- j. Permitted signs:

<ul style="list-style-type: none"> 1. Construction signs 2. Informational signs 3. Directional signs 4. Joint Identification signs 5. Temporary or Portable signs 6. Roof signs 	<ul style="list-style-type: none"> 7. Free standing signs 8. Awning signs 9. Ground signs 10. Pole signs 11. Wall signs 12. Swinging signs (located behind the R.O.W.)
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- 4) *Highway Commercial, Light Industrial, and Heavy Industrial Districts (C-2, I-1, I-2).*
Signs and billboards pertaining to principal permitted uses are allowed subject to the following regulations.

All signs allowed within the Downtown Commercial District are allowed with the Highway Commercial, Light and Heavy Industrial Districts, along with the following identified regulations.

- a. Billboard type signs will be limited to one hundred fifty (150) square feet, and must not impair sight distance or create a traffic hazard;
- b. Multiple signs are permitted and may include only one wall sign to be placed on the principal use structure, and one independent structure located not more than 150 feet from the principal building and having a sign area of not more than 200 square feet;

SECTION 18.4. OFF-PREMISE SIGNS AND BILLBOARD REGULATIONS.

1. All off-premise signs and billboards are permitted provided:
 - a. no sign shall be permitted which faces the front or side lot line of any lot in any residential district within one hundred (100) feet of such lot lines, or which faces any public parkway, public square or entrance to any public park, public or parochial school, church, cemetery or similar institution, within three hundred (300) feet thereof, unless said sign is a single-faced wall (fascia) sign which is parallel to its supporting wall and not extending more than twelve (12) inches from the wall.
 - b. are limited to one (1) structure per lot and must be a minimum of one thousand (1,000) feet from any other billboard sign, regardless of which side of the road the sign is located;
 - c. do not exceed 35 feet in height
2. Size Requirements:
 - a. Billboards or other outdoor advertising structures shall have a maximum of 200 square feet per sign face for single faced signs and a maximum of 300 square feet for back-to-back or "V" style signs.
3. All off-premise signs and billboards shall be maintained in neat and presentable condition. In the event they become illegible or cease to be used, they shall be removed within thirty (30) days and the area occupied restored to a condition free from refuse and debris.
4. Off-premise signs and billboards must have an approved permit form the zoning administrator prior to being erected.
5. Off-premise signs or billboards located along highways are governed by state and federal regulations and must be approved by the Iowa Department of Transportation (IDOT) along with compliance with the Primghar Zoning Ordinance.
6. In all districts where permitted, signs shall be set back from the proposed right-of-way line of any state or federal highway, any major city thoroughfare so designated by the major street plan, and from the right-of-way line of any other street or highway.

SECTION 18.5. SPECIAL EXCEPTIONS.

Any sign type may be granted special exception status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

SECTION 18.6. ADDITIONAL REGULATIONS.

In all zoning districts, signs and billboards shall adhere to pertinent state regulations and local ordinances.

SECTION 18.7. GENERAL SIGN PROVISIONS.

1. *Ground Signs and/or Pole Signs.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
2. *Wall Signs.* No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends of the wall to which it is attached.
3. *Bulletin Boards and Announcement Signs.* These shall be permitted on the premises of charitable, religious and public institutions but may not exceed thirty-two square feet (32 sq. ft.) in size, and must be a minimum of fifteen feet (15 ft.) from all right-of-way lines. The height of such signs shall not exceed five feet (5 ft.).
4. *Free Standing Signs.* Free standing signs will be permitted if they do not block the view of oncoming traffic, conform to the Iowa Department of Transportation regulations, and are not located within any public right-of-way.
5. *Premises to be kept free of weeds, etc.* All signs and billboards, and the premises surrounding the same, shall be maintained by the occupant or owner thereof in a clean, presentable and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.
6. *Safety*
 - a. *Obstructions to doors, windows or fire escapes.* No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
 - b. *Face of sign shall be smooth.* All signs or other advertising structures which are constructed on street lines, or within five feet (5') thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend on top of or in front of the advertising structure.
 - c. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this ordinance shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe movement of traffic. No signs shall be erected in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP", "WARNING", "CAUTION", "DANGER", or any other word, phrase, symbol or character in such manner as to mislead or confuse traffic.

7. *Interference.* No sign, nor any guys, stay or attachment thereto shall be erected, placed, or maintained within any street or alley, or on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of firefighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.
8. *Signs in Right-of-Way.* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.
9. *Temporary Signs.* The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this ordinance. All temporary, illuminating, flashing, portable signs must secure a sign placement permit from the city clerk, allowable only in commercial and industrial/manufacturing districts and valid for a maximum time limit of seventy-two (72) hours. Such permit will not be renewed to the same person or business for fourteen (14) days. The fourteen day period is calculated from the first day on the sign placement permit.
10. *Clearance.* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of fourteen feet (14') above grade.
11. *Signs Required by Law.* All signs required by law shall be permitted in all districts.
12. *Back to Back Signs:* If a free-standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.
13. *Roof Signs:* Roof signs shall not be permitted except for a business sign that is attached to the parapet wall and extending above the building height except where no alternative is available as determined by the Board of Adjustment.
14. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.
15. *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.
16. *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

SECTION 18.8. PERMITS REQUIRED.

It shall be unlawful for any person to erect, alter, or relocate within the city any sign or other advertising structure as defined in this ordinance, without first obtaining a sign permit and making payment of the fee required by this section.

1. *Application for Sign Permit.* Application for sign permits shall be made available by the zoning administrator and contain information depicting the position of the sign in relation to nearby buildings or structures, a sketch of the sign, method of construction, and inscription of what the sign will say. For signs located along a state primary highway, a state sign permit will also need to be included with the application.
2. *Permit Issued.* It shall be the duty of the zoning administrator, upon the filing of an application for a sign permit to examine such plans and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear the proposed structure is in compliance with all the requirements of this ordinance and all other ordinances of city, the sign permit shall then be issued. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.
3. *Permit Fees.* Every applicant, before being granted a sign permit, and to defray administrative costs of processing requests for sign permits, shall pay to the city clerk, a fee in the amount established by the City Council.
4. *Permit Revocation.* Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have the permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

SECTION 18.9. EXEMPT SIGNS.

The following signs are allowed without a permit but shall comply with all other applicable provisions of this ordinance.

- 1) **Real estate signs (on-site)** advertising for sale, rental, or lease the premises, lots or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed four (4) square feet in area shall be permitted in any case. Illuminated real estate signs are not permitted. At the date of closing, signs shall be removed within forty-eight (48) hours.
- 2) **Integral signs, Memorial signs or Professional name plates** not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.
- 3) **Address Signs** identifying street address only, whether in written or numerical form.
- 4) **Construction Signs** as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within one (1) year of the date of issuance of the first building permit or when the particular project is

completed, whichever is later. One sign, not to exceed 32 sq. ft. shall be permitted on the project site.

- 5) **Political signs** as allowed by Section 306C.22, Code of Iowa.
- 6) **Government signs** of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by order of a public officer or employee in the performance of official duty.
- 7) **Directory signs** which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per lot not to exceed two (2) square feet of area per business or resident occupant.
- 8) **On-site Directional and Parking Signs** intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

SECTION 18.10. UNSAFE SIGNS AND REMOVAL OF SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is legible and can be easily read. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, within thirty (30) days after written notice by the City of Primghar. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the zoning administrator at the expense of the permit holder, or owner of the property on which it is located.

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within thirty (30) days from date of notice provided by the city. The owner of the property on which the sign is located shall have thirty (30) days from date of notice to remove any such sign. If after the expiration of the thirty (30) day period, the sign has not been removed, the city may cause the sign to be removed and any expenses may be charged back to the property owner. If the sign is not removed after thirty (30) days, the property owner will be assessed \$100.00 per day.

SECTION 18.11. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises.

ARTICLE XIX - NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

Article 19: Nonconforming Uses

- Section 19.1. Intent
- Section 19.2. Nonconforming Lot of Record
- Section 19.3. Nonconforming Uses of Land
- Section 19.4. Nonconforming Structures
- Section 19.5. Nonconforming Uses of Structures and Land
- Section 19.6. Repairs and Maintenance
- Section 19.7. Uses Under Exception Provisions Not Nonconforming Uses
- Section 19.8. Change of Tenancy or Ownership

SECTION 19.1. INTENT.

It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land which were lawful before this ordinance was passed which would be prohibited or restricted under the terms of this ordinance. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Nonconforming uses of a structure, land or both shall not be extended or enlarged after passage of this ordinance.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except where demolition or removal of an existing building has been substantially begun prior to rebuilding.

SECTION 19.2. NONCONFORMING LOT OF RECORD.

In any district in which residential dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, even though such lot fails to meet the requirements for area or width, or both. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall apply to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

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

SECTION 19.3. NONCONFORMING USES OF LAND.

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy more area than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If said nonconforming use of land or any portion thereof ceases for any reason for a period of more than six (6) months, any future or subsequent use of such land shall conform to the provisions of the zoning district in which said use is located.

SECTION 19.4. NONCONFORMING BUILDINGS AND STRUCTURES.

Pre-existing Conditions. The lawful use of land or a building existing at the time of the passage of the ordinance, although such use does not conform to the provisions of this ordinance, may be continued but if such nonconforming use is discontinued, any future use of said premises shall be in conformity with the provisions of this ordinance.

Structural Alterations. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be altered in a way which does not increase its nonconformity.

Destroyed. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this ordinance.

Moved. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Discontinuance or non-occupancy. If any building or premises ceases to be used either temporarily or permanently for the purpose of conduction or carrying on said nonconforming use or business, or should there be non-occupancy of the building or premises, or an interruption or suspension of nonconforming use within such building or premises for a period of six (6) months or longer, the right to continue to use said premises and building as a nonconforming use shall immediately terminate conform thereafter to the uses permitted in the district in which it is located.

SECTION 19.5. NONCONFORMING USES OF STRUCTURES AND LAND.

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be permitted in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed

for such use at the time of adoption or amendment of the ordinance, but no such use shall be extended to occupy any land outside such building.

2. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restrictive district classification it therefore shall not be changed to a use of a less restricted district classification; provided, however, that a building or structure that is nonconforming at the time of adoption of this ordinance is not in violation.
3. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for a period of more than six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 19.6. REPAIRS AND MAINTENANCE.

Any nonconforming building or structure damaged more than fifty (50) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening. If less than fifty (50) percent of the assessed value of the building is damaged it may be restored, reconstructed, or used as before, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance shall not be increased and reconstruction is started within one (1) year of such happening. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

SECTION 19.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.

Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action, be deemed a conforming use in such district. Any expansion shall be with approval of the Board of Adjustment.

SECTION 19.8. CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

ARTICLE XX - ZONING ENFORCEMENT

Article 20: Zoning Enforcement

Section 20.1.	Organization
Section 20.2.	Basis of Regulations
Section 20.3.	Mayor and City Council
Section 20.4.	Zoning Administrator
Section 20.5.	Zoning Compliance
Section 20.6.	Zoning/Building Permits Required
Section 20.7.	Application for Zoning/Building Permit
Section 20.8.	Construction and Use to be provided in Application, Plans, and Permit
Section 20.9.	Fees
Section 20.10.	Special Exceptions
Section 20.11.	Administrative Appeals

SECTION 20.1. ORGANIZATION.

The administration of this ordinance is vested in the following four (4) offices of the Primghar city government; City Council, Zoning Administrator, Planning and Zoning Commission, and the Board of Adjustment.

SECTION 20.2. BASIS OF REGULATIONS.

Regulations are made in accordance with the Primghar Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.

SECTION 20.3. MAYOR AND CITY COUNCIL.

The Mayor and City Council of the City of Primghar, Iowa, shall discharge the following duties under this ordinance:

1. Appoint a zoning administrator whose responsibilities it will be to enforce the provisions of this ordinance.
2. Appoint members of the Board of Adjustment as provided for in this ordinance.
3. Appoint members to the Planning and Zoning Commission as provided for in this ordinance.
4. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.
5. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this ordinance.
6. To decide all matters upon which it is required to pass under this ordinance.

SECTION 20.4. ZONING ADMINISTRATOR.

The purpose of this section is for the City of Primghar, Iowa to appoint or confirm the existing zoning administrator, and it shall be the duty of said officer to enforce this ordinance. Such officer may be a person holding other appointive office in the city, or another governmental agency. The term of appointment for the zoning administrator shall be set by and at the pleasure of the City Council. Once the zoning administrator is appointed by City Council that appointment becomes perpetual until such further decision and notification is made by City Council. Additionally, termination of the zoning administrator and/or certain duties or responsibilities shall also be upon consideration and discretion of the City Council.

The zoning administrator shall enforce this ordinance and in addition thereto and in furtherance of said authority, shall:

1. Issue all zoning permits and collect any fees. The fees can also be collected by the city clerk.
2. Process all applications for variances, special exceptions for referral to the Board of Adjustment and rezoning for referral to the Planning and Zoning Commission and/or City Council.
3. Respond to complaints of alleged violations to the ordinance.
4. Provide and maintain a public information service relative to all matters arising out of this ordinance.
5. Provide proper forms to the public for the zoning process.
6. Review site plans for conformance with the ordinance.
7. Carry out administrative duties for both the Planning and Zoning Commission and the Board of Adjustment.

SECTION 20.5. ZONING COMPLIANCE.

If the zoning administrator shall find that any of the provisions of this ordinance are being violated, they 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 zoning 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 insure compliance with or to prevent violation of its provisions.

SECTION 20.6. ZONING/BUILDING PERMITS REQUIRED.

Buildings or other structures shall not be erected, moved, placed, added to, or structurally altered without a permit issued by the zoning administrator. Zoning/building permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within one (1) year from date of issuance.

SECTION 20.7. APPLICATION FOR ZONING/BUILDING PERMIT.

Application for zoning/building permits shall be obtained from city hall prior to starting or proceeding with a project, including erection of billboards. Approved permits shall be kept on file and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Each application for a zoning/building permit involving construction, erection, or structural alteration to any building or structure shall be accompanied by a site plan prepared in accordance with Article XVI. In the case of moving an existing building, the application shall be accompanied by photos of the structure to be moved.

SECTION 20.8. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION & PLANS.

Zoning/building permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized by permit shall be deemed a violation of this ordinance and punishable as provided by Article XXI, Violation and Penalty.

SECTION 20.9. FEES.

Before receiving a zoning/building permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the Council. Fees for permits issued after the construction or moving, in the case of house moving, has begun shall double. The city, county, state and federal governments shall be exempt from paying any scheduled fees.

SECTION 20.10. SPECIAL EXCEPTIONS.

The zoning administrator may issue a zoning/building permit for a special exception upon order of the Board of Adjustment.

SECTION 20.11. ADMINISTRATIVE APPEALS.

This procedure is intended to afford review of administrative actions taken pursuant to the zoning ordinance where such actions may be in error.

- 1) *Appeals:* Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the city affected by any administrative decision of the zoning administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the zoning administrator or the chairperson with the Board of Adjustment a notice of appeal, which shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- 2) *Stay of Proceedings:* An appeal from the action of the zoning administrator shall stay all proceedings in furtherance of such action, unless by reason of facts stated a stay would cause imminent peril to life or property. Any appeal shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court of record upon application of the party aggrieved by the action of the zoning administrator.
- 3) *Action:* The Board of Adjustment shall act on an appeal within 30 days following the closing of the public hearing. The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order,

requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken.

ARTICLE XXI - VIOLATION AND PENALTY

Article 21: Violation and Penalty

Section 21.1.	Notice to Violators
Section 21.2.	City Remedies
Section 21.3	Violation and Penalty

SECTION 21.1. NOTICE TO VIOLATORS.

If the zoning administrator finds any provisions of this ordinance is 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 zoning administrator shall order discontinuance of illegal buildings or structures, or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; shall take any other action authorized by this ordinance to insure compliance with or to prevent violation or provisions.

SECTION 21.2. CITY REMEDIES.

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the City of Primghar may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversions, maintenance, conduct, business or use in or about said premises, or abate such violation.

SECTION 21.3. VIOLATION AND PENALTY.

Unless provided elsewhere in this ordinance or the City's municipal code, anyone whom violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance, or amendment thereof; or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, a serious misdemeanor, or a simple misdemeanor under Chapter 687 through 747 of the *Code of Iowa*, is a municipal infraction and punishable by a civil penalty as provided herein.

A municipal infraction for a zoning violation in the City of Primghar, Iowa is punishable under the following civil penalties:

(Code of Iowa, Sec. 364.22 and Sec. 123.49)

First offense – shall be no less than \$750.00 per offense, plus court costs

Second and each repeat offense – shall be \$1,000.00 per offense, plus court costs

The criminal penalty surcharge imposed by Iowa Code, Section 911.2 shall be added to the fine and is not a part of any fine imposed by the city (Code of Iowa, Sec. 364.3(2)). Each day that a violation is permitted to exist constitutes 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.

Each day that a violation occurs or is permitted to continue or exist by the violator shall constitute a separate offense. Seeking a civil penalty as authorized in this section does not preclude the City from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief. Special civil penalties are punishable under separate fines and penalties. Refer to Title III, Chapter 5, Article 15 of the Primghar Municipal Code for fines applied for special civil penalties.

The Zoning Administrator or any officer authorized by the City of Primghar to enforce this zoning ordinance may issue a civil citation to a person who commits a municipal infraction.

ARTICLE XXII - PLANNING AND ZONING COMMISSION

Article 22: Planning and Zoning Commission

- Section 22.1. Creation Confirmation of the Planning Commission
- Section 22.2. Membership
- Section 22.3. Term of Office
- Section 22.4. Vacancies
- Section 22.5. Proceedings of the Planning and Zoning Commission
- Section 22.6. Compensation
- Section 22.7. Powers and Duties
- Section 22.8. Decisions of the Planning and Zoning Commission
- Section 22.9. Secretary of the Planning and Zoning Commission

SECTION 22.1. CREATION AND CONFIRMATION OF THE PLANNING COMMISSION.

The Planning and Zoning Commission of the City of Primghar, as established under the applicable provision of the Iowa state statutes, is the Planning and Zoning Commission referred to in this ordinance. The five (5) members of the Planning and Zoning Commission, hereinafter referred to as the commission, are hereby confirmed to continue their appointed terms of office.

(Code of Iowa, Sec.414.6, 414.23)

SECTION 22.2. MEMBERSHIP.

Said commission shall consist of five (5) members of whom are residents of the City of Primghar, Iowa, and qualified by knowledge or experience to act in matters pertaining to the development of the city plan and who shall not hold any elective office in the municipal government. The five (5) members shall be appointed by the mayor, subject to the approval of the City Council by a majority vote. *(Code of Iowa, Sec.414.6, 414.23)*

SECTION 22.3. TERM OF OFFICE.

The term of office of the members of the commission shall be five (5) years. Members of the commission may be removed from office by the City Council for cause upon written charges and after a public hearing.

SECTION 22.4. VACANCIES.

If any vacancy exists on the commission caused by resignation, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee. Vacancies shall be filled by appointment for the unexpired term of the resigning or removed member.

SECTION 22.5. PROCEEDINGS OF THE PLANNING AND ZONING COMMISSION.

Immediately following their appointment the members of the commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations and procedure consistent with city ordinances and the state laws. Meetings shall be held at the call of the chairperson and at such other times as the commission may determine. The chairperson, or in the chairperson's absence the acting chairperson, may direct the meetings. All meetings shall be open to the public. The commission shall keep minutes of its proceedings which shall be open at all times to public inspection. The presence of three (3) voting members shall

constitute a quorum. The commission shall also file an annual report, if requested, to the mayor and the City Council setting forth its transactions and recommendations.

SECTION 22.6. COMPENSATION.

All members of the commission shall serve without compensation, except for actual expenses, which shall be subject to the approval of the City Council.

SECTION 22.7. POWERS AND DUTIES.

The commission shall have and exercise the following powers and discharge the following duties under this ordinance.

1. **SELECTION OF OFFICERS.** The commission shall choose annually at its first regular meeting one of its members to act as chairperson and another as vice chairperson, who shall perform all the duties of the chairperson during the chairperson's absence or disability.
2. **ADOPT RULES AND REGULATIONS.** The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.
3. **ZONING ORDINANCE.** The commission shall have and exercise all the powers and duties and privileges in establishing the city zoning regulations and other related matters and may from time to time recommend to the Council amendments supplements, changes or modifications, all as provided by Chapter 414 of the Code of Iowa. To this end the commission shall prepare preliminary reports and hold public meetings thereon and after such hearings have been held, to submit its final reports and recommendations to the City Council for approval. The commission shall file recommendations, within thirty (30) days, in connection with any proposed zoning regulations or districts made by the City Council.
4. **RECOMMENDATIONS OF IMPROVEMENTS.** Review all public improvement plans. No improvements shall be made, site obtained, nor permit issued until the design and proposed location of any such improvement has been submitted to the Planning and Zoning Commission and its recommendations obtained. Should the commission fail to make recommendations within thirty (30) days written notice, these requirements shall not act as a stay upon action for any improvements.
5. **PLANS (COMPREHENSIVE PLAN).** To make such surveys, studies, maps, plans, or charts of the whole of the municipality or any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring such plan to the City Council with its studies and recommendations and it may publish the same. Furthermore, the commission shall consider and recommend to the Council, from time to time, as conditions require, any proposed amendments or modifications of the adopted comprehensive plan. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the Council members. Prior to adoption of the comprehensive plan, the commission shall hold at least one (1) public hearing of which a notice shall be given by local newspaper not less than seven (7) nor more than twenty (20) days before the date of the hearing. The recommendation to adopt the plan shall be by resolution of the commission carried by affirmative vote of a simple majority of the members.
6. **REVIEW OF SUBDIVISION PLATS.** All plans, plats, or re-plats or subdivision or

resubdivision or land embraced in the municipality or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions intended for public dedication to the municipality shall first be submitted to the commission and its recommendations obtained before approval by City Council.

7. **REVIEW AND COMMENT ON STREET AND PARK IMPROVEMENTS.** No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the city shall be finally approved; or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.
8. **TRENDS.** Make careful and comprehensive studies of present conditions and future growth of the municipality with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated adjusted and harmonious development of the municipality and its environment which will promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
9. **FISCAL RESPONSIBILITIES.** The commission shall have the full, complete and exclusive authority to expend all sums of money appropriated, and expend all gifts, donations or payments received by the city for planning and zoning purposes.
10. **LIMITATIONS ON ENTERING CONTRACTS.** The commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the City Council for the present year.

SECTION 22.8. DECISIONS OF THE PLANNING AND ZONING COMMISSION.

In exercising the above mentioned powers and duties, the commission is granted the responsibility to provide informed and educated recommendations to the City Council or Board of Adjustment on matters under review. The commission may recommend wholly, partly or may modify or request alterations of the original proposal. A concurring vote of the majority of the entire commission shall be necessary in order to further a recommendation to the City Council or Board of Adjustment for consideration.

SECTION 22.9. SECRETARY OF THE PLANNING AND ZONING COMMISSION.

The Secretary of the commission and the secretary of the Board of Adjustment shall be the city clerk, or other representative of the city, as determined by City Council. The secretary shall attend all meetings of the commission, take full and accurate minutes of the proceedings, prepare all necessary reports and documents for and on behalf of the commission, and perform such duties and functions as may be necessary for the orderly recording of the business of the commission.

ARTICLE XXIII- BOARD OF ADJUSTMENT

Article 23: Board of Adjustment

Section 23.1.	Creation and Confirmation of Board of Adjustment
Section 23.2.	Appointment, Term of Office and Removal
Section 23.3.	Proceedings of the Board of Adjustment
Section 23.4.	Powers and Duties
Section 23.5.	Variances
Section 23.6.	Decisions of the Board of Adjustment
Section 23.7.	Appeals from the Board of Adjustment
Section 23.8.	Other Powers of the Board of Adjustment

SECTION 23.1. CREATION AND CONFIRMATION OF BOARD OF ADJUSTMENT.

The Board of Adjustment, as established under applicable provisions of the Iowa state statutes, is the official Board of Adjustment referred to in this ordinance. The members of the Board of Adjustment are hereby confirmed to continue their appointed terms of office.

SECTION 23.2. APPOINTMENT, TERM OF OFFICE AND REMOVAL.

The board shall consist of five (5) members to be appointed by the Mayor, subject to City Council approval by majority vote for a term of five (5) years. 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 of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearings. Vacancies shall be filled by the City Council for the un-expired term of the member resigning or removed.

SECTION 23.3. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the zoning administrator. The presence of a majority of the whole Board, or three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest. 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 the applicant on any matter upon which it is required to pass or to effect any variation in application of this ordinance.

SECTION 23.4. POWERS AND DUTIES.

The Board of Adjustment shall have the following powers and duties:

- 1) Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.
- 2) Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is

specifically authorized to pass on in the manner prescribed in this ordinance, and as provided for in Article XXIV, Special Exceptions.

- 3) Variances: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

SECTION 23.5. VARIANCES.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. An application for the variance shall be filed in writing with the Zoning Administrator. Said application shall include the following:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
 - d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.
 - e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance, and to those properties within 200 feet of the subject property.
 - f. Site plans, as prepared in accordance with Article XVI, Site Plans.
2. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
3. Prior to the review or approval of any variance, the Board of Adjustment shall schedule a public hearing. Notice of such public hearing shall be given as required by state statute by publication in a newspaper of general circulation in the City at least seven (7) days prior to the public hearing. Notice of a public hearing shall also be given in writing to all adjacent property owners and residents of the property within two hundred feet (200') requesting such variance.
4. Under no circumstances shall the Board of Adjustment grant a variance to allow for the use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district.
5. Any party may appear in person or by agent or attorney. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

6. The Board of Adjustment shall not vary the regulations of this ordinance, as authorized by this section unless there is evidence presented to it in each specific case that:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
7. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
8. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
9. A fee to be determined by resolution of City Council shall accompany the application for a variance.

Additional Variance Conditions: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article XXI.

Lapse of Variance: Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void one (1) year following the date on which the variance became effective, unless prior to the expiration of one year a zoning/building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the site or structure which was the subject of the variance application, or the site is occupied if no zoning/building permit or certificate of occupancy is required.

Revocation of Variance: Upon violation of any applicable provision of this ordinance, or if granted subject to the conditions, upon failure to comply with conditions, a variance shall be revoked upon notification to the owner of the; use or property subject to the variance.

Variance to Run with Land or Structure: Unless otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

SECTION 23.6. DECISIONS OF THE BOARD OF ADJUSTMENT.

1. In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the terms of this ordinance and Iowa Code, Chapter 414, reverse or affirm, wholly or partly, or may modify, order requirements, decision, or determination as ought to be made and to that end shall have powers of the zoning administrator from whom the appeal is taken. The concurring vote of three (3) members of the whole board, even upon instances of absentee members or during conflicts of interest, shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to affect any variation in application of this ordinance.

The action of the board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this article. Decisions shall be filed promptly following the board's action and shall be open to public inspection.

2. Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board. All decisions and findings of the Board of Adjustment on appeals, application for a variance, or application for a special exception, shall in all instances, be final administrative decisions upon holding a public hearing and shall be subject in judicial review as by law may be provided. However, upon petition from the applicant, a decision granting or denying a variance may be referred to the City Council for review pursuant to Chapter 414.7, Code of Iowa.

SECTION 23.7. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by the laws of the State of Iowa and particularly by Iowa Code, Chapter 414.

Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the city affected by a decision of the zoning administrator. Such appeals should file with the zoning administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all papers constituting the record from which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. An appeal stays all proceedings in furtherance of the action which was appealed; unless by reason of facts stated in the certificate, a stay would cause imminent threat to life or property. In such case, proceedings

shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record.

A fee to be determined by resolution of the City Council shall be paid to the zoning administrator at the time the notice of appeal is filed.

SECTION 23.8. OTHER POWERS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. *Interpretation of Zoning Map:* Where the application of the rules for interpretation of the district boundaries leaves a reasonable doubt to the boundary between two zoning districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of this ordinance.
2. *Temporary uses and Permit:* The Board of Adjustment may issue a permit for the temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this ordinance, provided that such use is of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit subject to such conditions as will safeguard the public health, safety, convenience, and general welfare

ARTICLE XXIV - SPECIAL EXCEPTIONS

Article 24: Special Exceptions

Section 24.1.	Requirements
Section 24.2.	Jurisdiction
Section 24.3.	Application for Special Exception Permit
Section 24.4.	Procedures
Section 24.5.	Standards
Section 24.6.	Revocation
Section 24.7.	Supplemental Standards

SECTION 24.1. REQUIREMENTS.

Special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The board shall grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this ordinance. In granting a special exception use permit, the Board of Adjustment will authorize the special exception use and may prescribe and impose appropriate conditions, safeguards, or a specified time limit for performance of the special exception use.

SECTION 24.2. JURISDICTION.

The zoning administrator shall be responsible for administration of the special exception procedure and the Board of Adjustment shall be responsible for the review, evaluation, and action on all applications for a special exception use permit.

SECTION 24.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

Any person having a freehold interest in land, a possessory interest to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this ordinance in the zoning district in which the land is located.

An application for a special exception shall be filed with the zoning administrator. The application shall be accompanied by a site plan and other materials providing an understanding of the proposed use or modification prescribed by the Board of Adjustment and shall include a statement indicating the section of this ordinance under which the special exception is sought and stating the grounds on which it is requested.

Application and Fee: The application shall include the following:

- a. Name and address of the owner and applicant.
- b. Address and legal description of the property.
- c. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
- d. Site plans as prepared in accordance with Article XVI.
- e. The application shall also be accompanied by a fee as determined by resolution of the City Council.

SECTION 24.4. PROCEDURES.

The Board of Adjustment shall not grant a special exception unless and until the following procedures have been fulfilled:

1. The Board of Adjustment shall conduct at least one (1) public hearing on the proposed special exception request. Notice of time and place of such hearing shall be published not less than seven (7) days or more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of Primghar. Notice shall be given in writing to a complete list of persons provided by the applicant who are all of the owners of property and residents within two hundred feet (200') of the property in question.
2. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Article XXI, Violation and Penalty. In all cases in which special exceptions are granted, the Board of Adjustment 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.
3. The concurring vote of three (3) members of the whole Board of Adjustment grants a special exception use permit, even in the event of absentee members or conflicts of interest.
4. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

SECTION 24.5. STANDARDS.

The Board of Adjustment shall grant no special exception permit unless such board shall find:

1. The establishment, maintenance, or operation of the special exception use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
3. That in the case of existing relocated single family dwellings, that the proposed use aesthetically blends in with the neighboring existing permitted uses and special attention is given to the architectural style, size and quality of construction of the proposed use.
4. That the establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.
6. That adequate measures have been or will be taken to provide ingress and egress so designed

as to minimize traffic congestion in the public streets.

7. The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
8. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
9. The use shall not include vibration which is discernable without instruments on any adjoining lot or property.
10. The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.
11. The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.
12. The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.
14. That such proposed use shall be analyzed in relation to the city's comprehensive plan and the future goals of the community.
15. The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.
16. The ground coverage shall be such that no additional dust or storm water run-off is generated by the special exception use.
17. The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.
18. The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit. The special exception shall, in all other respects, conform to the applicable regulations of the zoning district in which it is located, except as such regulations may be modified by the Board of Adjustment.

SECTION 24.6. REVOCATION

In any case where special exception has not been established within one (1) year after the date of granting thereof, then, without further action by the Board of Adjustment the use on review or authorization shall be null and void, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the one year period and construction has

commenced.

The issuance of a special exception use permit by the Board of Adjustment shall entitle the owner to continue to operate the use so long as the owner remains in compliance with the terms and conditions of this ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the special exception use permit. If such permit is granted, it does expressly grant to the city the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of the special exception use permit. In the event the owner or occupant of the property shall violate any term, condition, limitation, regulation or safeguards contained in the special exception permit, the permit shall become null and void and the owner or occupant shall be deemed to be in violation of this ordinance and the city may proceed to enforce the provisions of this ordinance and the terms, conditions, limitations, and safeguards of the special exception permit. In addition to all other remedies provided herein, in the event that such special exception shall become null and void, any bonds given by the owner under the provisions of this ordinance shall be forfeited.

SECTION 24.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 24.5 above, specified uses shall adhere to certain additional standards as follows:

1) *Salvage Yards:* All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or wrecking of automobiles or machinery or other vehicles, shall be located in the Agricultural (A) or Heavy Industrial (HI) districts under special exception use permit. The application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- a. The yards shall be at least five hundred (500) feet distant in all directions from any residential building, with the exception of the residence of the salvage yard owner or operator.
- b. Salvage or junk yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with coniferous trees and/or large shrubs to provide a solid landscape screen at least ten (10) feet high;
- c. Off-street parking or service areas may be located outside of the screened-in area.

2) *Open-Air Sales Display and Storage:* All open-air display and storage, including used auto sales and storage, new auto sales and storage, new and used farm implement and equipment sales and storage, new and used truck, machinery, or equipment sales and storage shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements:

- a. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent properties, or public streets, thereby creating a traffic hazard.
- b. No lighted flashing signs, or revolving beacon lights shall be permitted.

- c. The open-air area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.
- d. The front and street sides of any open-air storage or display area intended for storage, salvage or repair services shall be opaquely screened with a wall or fence at least seven (7) feet in height. Those uses intended to exclusively display products or equipment for sale or lease are exempt from screening the front of their property.
- e. The side and rear lot lines, when abutting developed properties, will be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven (7) feet in height. The fence shall not be required to extend beyond the front yard setback line.

ARTICLE XXV - CHANGES AND AMENDMENTS

Article 25: Changes and Amendments

Section 25.1.	Procedures
Section 25.2.	Initiation
Section 25.3.	Rezoning Application
Section 25.4.	Objections and Protest Provisions
Section 25.5.	New Application

SECTION 25.1. PROCEDURES.

This chapter and the district map created by said chapter may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by or shall have been first submitted to the Planning and Zoning Commission for review and recommendation.

The Planning and Zoning Commission shall have forty-five (45) days from receipt of the requested zoning change or text amendment in which to submit its recommendations to the City Council. If the requested change is for a rezoning of property, at least once during the public hearing process, property owners within two hundred feet (200') of the property or properties intended to be rezoned shall be notified by regular mail. In the event there is more than one property owner, it shall be sufficient on behalf of the city to notify one property owner per property. In the event of a zoning text amendment, notification to property owners within two hundred feet (200') is not required since a text amendment affects all properties within the community.

Not more than thirty (30) days following the recommendation of the Planning and Zoning Commission, the City Council shall hold at least one (1) public hearing on the property rezoning or text amendment. Within 30 days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the City Council finds that the proposed rezoning request or text amendment is consistent with the intent of the ordinance, it shall introduce an ordinance amending the change in the zoning map or text amendment, whichever is appropriate. If the City Council finds that the rezoning request or text amendment is not consistent, it shall deny the application.

The City Council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning request or text amendment until it has considered a review and additional recommendation on such modifications from the Planning and Zoning Commission. Failure of the Planning Commission to report back to the City Council within 30 days after receipt of the council's request shall be deemed concurrence.

SECTION 25.2. INITIATION.

Requests for rezoning of property or text amendments may be initiated by one of three ways.

1. The Planning and Zoning commission or the City Council may initiate a text amendment.
2. The Planning and Zoning Commission or the City Council may initiate a rezoning request
3. The owner or the authorized agent of the owner of property may initiate a rezoning request by filing an application for a change in district boundaries (rezoning) as prescribed in this article. If the property for which rezoning is proposed is in more than one ownership, all the

owners or their authorized agents shall join in filing the application.

SECTION 25.3. REZONING APPLICATION.

Applications for rezoning requests shall be filed with the zoning administrator on a form provided by the city, and shall include the following information and maps:

1. Each application shall be filed and accompanied by a fee as determined by resolution by the City Council.
 - a. The name and address of the property owner and applicant.
 - b. The legal description and local address of the property.
 - c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
 - d. The present zoning classification and the zoning classification requested for the property.
 - e. The existing use and proposed use of the property.
 - f. The names and addresses of the owners of all property within two hundred feet (200') of the property for which the change is requested.
 - g. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
 - h. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet (200') thereof, including streets, alleys, railroads, and other physical features.
2. Before any action is taken upon an application as provided in this section, the applicant shall pay the zoning administrator all necessary fees to cover approximate cost of the procedure and the applicant shall forthwith pay over in this amount to the credit of the general revenue fund of the city. The failure to approve the request will not be construed as any reason for refunding the fee to the applicant.
3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
 - a. Whether or not the current district classification of the property to be rezoned is valid.
 - b. Whether there is a need for additional land zoned for the purpose requested.
 - c. Whether the proposed change is consistent with the current land use plan, considering such factors as whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area; or whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
 - d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable timeframe.
 - e. The Planning and Zoning Commission may require additional information or maps if they are necessary to determine whether the change is consistent with the objectives of this

ordinance.

SECTION 25.4. PUBLIC HEARING.

A public hearing shall be held by each the Planning Commission and City Council before adoption of any proposed amendment to this ordinance. Notices of such public hearings shall be published not less than seven (7) and no more than 20 days prior to the date established for such hearing. Furthermore, prior to one of the public hearings, notification of such proposed amendment(s) shall be sent to the owners and residents of all property within two hundred feet (200') of the property for which the change is requested. In no case shall the public hearing be held earlier than the next regularly scheduled city council meeting following the published notice. Such notice shall include the time and place for the public hearing.

SECTION 25.5. OBJECTIONS AND PROTEST PROVISIONS.

Amendment may be passed by the favorable vote of a simple majority of all members of the City Council. However, such amendment must pass by a three-fourth (3/4) vote of all members of the City Council, if any of the following occurs:

1. In case the Planning and Zoning Commission has not approved the change;
2. A protest is filed with the City Council against such change, signed by the owners of at least twenty percent (20%) of the area to be rezoned;
3. A protest is filed with the City Council against the change, signed by the owners at least twenty percent (20%) of all lots abutting, adjoining or lying directly across any streets from the perimeter of the area to be rezoned (such immediately adjacent lots extending the depth of one (1) lot or a maximum of two hundred feet (200'), whichever is less.

As part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if additional conditions have been agreed to in writing by the property owners before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the request change in zoning district.

SECTION 25.5. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the City Council such petition cannot be renewed for one year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time provided in this section.

ARTICLE XXVI - EFFECTIVE DATE

26.1. EFFECTIVE DATE.

This ordinance shall be in full effect from and after its adoption and publication as required by law.

ARTICLE XXVII - ADOPTION

ORDINANCE NO. _____

ZONING ORDINANCE OF THE CITY OF PRIMGHAR, IOWA

NOW THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF PRIMGHAR:

Passed and approved this ____ day of _____, 2021.

Mayor, City of Primghar

Primghar City Clerk

I hereby certify that the foregoing was published as ordinance # _____ in the City of Primghar,
Iowa on the _____ day of _____, 2021.

EDITOR'S NOTE

The following ordinances have been adopted amending the official Primghar Zoning Ordinance or zoning map and have not been included as a part of this ordinance, but have been specifically saved from repeal and are in full force and effect.

[illegible]

APPENDIX I

To promote a systematic review, every processed zoning amendment or appeal shall be analyzed by answering the following questions in relationship to the facts presented. The individual must also ask himself/herself the reasons for his/her conclusions and express them for the record.

1. Will the reasoning fulfill a public need for the type of land use?
_____YES _____NO
2. Have procedural requirements been met?
_____YES _____NO
3. Would the public interest be better served by rezoning another area of the community?
_____YES _____NO
4. Is the requested change contrary to the established land use patterns?
_____YES _____NO
5. Does the change conform to the future land use in the comprehensive plan?
_____YES _____NO
6. Will the change contribute to dangerous traffic patterns or congestion?
_____YES _____NO
7. Will the new use complement the present and future traffic flows?
_____YES _____NO
8. Can adequate off-street parking be provided if the rezoning request is granted?
_____YES _____NO
9. Can the owner of the property realize an economic benefit from uses with existing zoning?
_____YES _____NO
10. Have the adjacent landowners been fully informed of the rezoning request?
_____YES _____NO
11. Are the adjacent landowners in favor of the change?
_____YES _____NO
12. Have potential hardships and nuisances of the rezoning request been adequately considered?
_____YES _____NO
13. Will the property values in the vicinity be inflated by the change?
_____YES _____NO
14. Will property values in the vicinity be adversely affected by the change?
_____YES _____NO
15. Can you assure yourself that this is not spot zoning; a violation of precedent or arbitrary?
_____YES _____NO
16. Is the change needed, or is it merely for convenience of the applicant?
_____NEEDED _____CONVENIENCE

