

---

# Chapter III

## General Provisions

---

### **1. Application of this Ordinance**

- A. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- C. Except as in this ordinance specifically provided, no structure shall be erected, converted, enlarged, reconstructed, or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with this ordinance.
- D. When land is annexed to the City of Princeton, said land shall be zoned A-1 Agricultural. The annexed area shall remain A-1 Agricultural until proper zoning is determined and adopted.

### **2. Separability**

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are separable. If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

### **3. Nonconforming Uses**

The Zoning Ordinance establishes separate and distinct districts, each of which is appropriate for certain specified uses and conditions. It is the purpose of this section to provide for the regulation of existing structures and uses that do not conform to the requirements, circumstances, and conditions under which the nonconforming structure or use may be continued. A nonconformity that is determined by the City to be detrimental to the goals and objectives of the Comprehensive Plan may be acquired by the City by purchase at fair market value. It is the intent of this section that all nonconforming uses shall eventually be eliminated or made to comply with the provisions of the Zoning Ordinance.

- A. Any structure or use lawfully existing upon the effective date of this ordinance may be continued at the size and in the same manner of operation existing upon such date except as hereinafter specified.
- B. Nothing in this ordinance, except Chapter III, Sec. 4., shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the City (rectifying to safe condition).
- C. When any lawful nonconforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any nonconforming use.
- D. Residential structures shall be considered non-conforming uses in the commercial districts. If a residential structure in the B-1 or B-2 district is destroyed by over 50% due to fire or natural causes, the dwelling may be reconstructed in the same footprint as the original structure but may not be expanded in size.
- E. Whenever a lawful, nonconforming use of a building or structure or land is discontinued for a period of 12 months, any future use of said building or structure or land shall be in conformity with the provisions of this ordinance.
- F. Normal maintenance of a building or other structure contained or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- G. Alterations may be made to a structure or building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units.
- H. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as dam-

## Chapter III – General Provisions

---

age to an extent of more than 50 percent of the replacement cost at the time of destruction.

### **4. Nonconforming Structures** (Rev. 11-18-2010; Ord. 658)

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such use shall be expanded, changed, enlarged or altered in any way even if the proposed expansion, change or alteration does not specifically increase the nonconforming dimension(s).
- B. Whenever a lawful nonconforming structure or use has been damaged by fire or peril to the extent of fifty (50) percent or more of its fair market value as estimated by the City Council and a building permit has been applied for within one hundred eighty (180) days of when the property is damaged, the Council may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property. If no building permit is applied for within one hundred eighty (180) days, any future use of the structure or land shall be in full conformity with the provisions of this title.

### **5. Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family 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, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same 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 requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Variance of yard requirements shall be obtained through action of the Planning Commission. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner

## Chapter III – General Provisions

---

which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance unless the lot split is approved by the City Council and public hearing is held by the Planning Commission.

### **6. Accessory Buildings and Uses** (Rev. 01-26-12; Ord. 678)

- A. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.
- B. Accessory buildings shall not be erected or located within any front yard.
- C. No accessory building or detached garage per single-family home shall occupy more than a total of 25 percent of a rear yard, or exceed 800 square feet of total floor area. Garages which exceed the aforementioned maximum may be allowed with a Conditional Use Permit.
- D. A permit is required for all swimming pools and tennis courts. Swimming pools shall be fenced and not located within front yards.
- E. Antennas and towers may be approved as a conditional use, subject to the standards in Chapter IV.
- F. All accessory buildings attached to the principal building on a lot, shall be made structurally a part thereof and shall comply in all respects with the requirements of this Ordinance applicable to the principal building.
- G. In business and industrial districts, accessory buildings such as buildings for parking attendants, gate houses and transformer buildings, may be located in the front or side yards.
- H. Storage longer than thirty (30) days of automobiles and other motor vehicles is permitted in the front and side yards in all Districts except Residential.
- I. Uses for employee benefits such as: day care facilities, cafeteria, training facilities, recreation facilities, etc.
- J. No accessory building, accessory structure, or garage shall at any time be used as living quarters, temporarily or permanently.