

City of St. Ansgar

# Zoning Ordinance



Prepared with the Assistance of  
North Iowa Area Council  
Of Governments

## TABLE OF CONTENTS

ARTICLE 1 SHORT TITLE, JURISDICTION, PURPOSE, INTERPRETATION OF REGULATIONS, AND SEVERABILITY .....	8
1.1 SHORT TITLE.....	8
1.2 JURISDICTION.....	8
1.3 PURPOSE .....	8
1.4 INTERPRETATION OF REGULATIONS.....	8
1.5 SEVERABILITY .....	8
ARTICLE 2 DEFINITIONS.....	9
ARTICLE 3 DISTRICTS .....	40
3.1 ESTABLISHMENT OF DISTRICTS.....	40
3.2 ZONING MAP.....	40
3.3 INTERPRETATION OF DISTRICT BOUNDARIES .....	40
3.4 ROAD OR PUBLIC WAY VACATIONS .....	41
3.5 ANNEXED TERRITORY .....	41
3.6 APPLICATION OF DISTRICT REGULATIONS .....	41
ARTICLE 4 AGRICULTURAL (AG) DISTRICT .....	43
4.1 INTENT .....	43
4.2 PRINCIPAL PERMITTED USES.....	43
4.3 ACCESSORY PERMITTED USES .....	43
4.4 SPECIAL EXCEPTIONS .....	44
4.5 BULK REQUIREMENTS .....	45
ARTICLE 5 RESIDENTIAL LOW-DENSITY (R-LD) DISTRICT .....	46
5.1 INTENT .....	46
5.2 PRINCIPAL PERMITTED USES.....	46
5.3 ACCESSORY PERMITTED USES .....	46
5.4 SPECIAL EXCEPTIONS .....	47
5.5 BULK REQUIREMENTS .....	48
ARTICLE 6 RESIDENTIAL HIGH DENSITY (R-HD) DISTRICT .....	49
6.1 INTENT .....	49
6.2 PRINCIPAL PERMITTED USES.....	49
6.3 ACCESSORY PERMITTED USES .....	49
6.4 SPECIAL EXCEPTIONS .....	50

6.5	BULK REQUIREMENTS .....	51
ARTICLE 7 MOBILE HOME (MH) DISTRICT .....		52
1.1	INTENT .....	52
7.2	PRINCIPAL PERMITTED USES .....	52
7.3	ACCESSORY PERMITTED USES .....	52
7.4	SPECIAL EXCEPTIONS .....	53
7.5	SPECIAL REQUIREMENTS.....	53
7.5	BULK REQUIREMENTS .....	54
7.6	GENERAL PROVISIONS.....	54
ARTICLE 8 DOWNTOWN COMMERCIAL (DC) DISTRICT.....		57
8.1	INTENT .....	57
8.2	PRINCIPAL PERMITTED USES .....	57
8.3	ACCESSORY PERMITTED USES .....	59
8.4	SPECIAL EXCEPTIONS .....	59
8.5	BULK REQUIREMENTS .....	60
ARTICLE 9 ARTERIAL COMMERCIAL (AC) DISTRICT.....		61
8.1	INTENT .....	61
8.2	PRINCIPAL PERMITTED USES .....	61
8.3	ACCESSORY PERMITTED USES .....	62
8.4	SPECIAL EXCEPTIONS .....	63
8.5	BULK REQUIREMENTS .....	63
ARTICLE 9 LIGHT INDUSTRIAL (LI) DISTRICT .....		64
9.1	INTENT .....	64
9.2	PRINCIPAL PERMITTED USES .....	64
9.3	ACCESSORY PERMITTED USES .....	65
9.4	SPECIAL EXCEPTIONS .....	65
9.5	BULK REQUIREMENTS .....	66
ARTICLE 10 HEAVY INDUSTRIAL (HI) DISTRICT .....		67
10.1	INTENT .....	67
10.2	PRINCIPAL PERMITTED USES .....	67
10.3	ACCESSORY PERMITTED USES .....	67
10.4	SPECIAL EXCEPTIONS.....	68
10.5	BULK REQUIREMENTS .....	68
ARTICLE 11 GENERAL REQUIREMENTS .....		69

11.1	INTENT .....	69
11.2	BUILDINGS TO HAVE ACCESS .....	69
11.3	MEASUREMENT METHODS .....	69
11.4	REQUIRED AREA OR SPACE CANNOT BE REDUCED .....	69
11.5	USE OF PUBLIC RIGHT OF WAY AND ESTABLISHED EASEMENTS .....	70
11.6	YARDS.....	70
11.7	HEIGHT EXCEPTIONS.....	71
11.8	PRINCIPAL BUILDINGS AND USES.....	71
11.9	ACCESSORY BUILDINGS, STRUCTURES, AND USES .....	71
11.10	DWELLINGS REQUIREMENTS.....	73
11.11	ACCESSORY DWELLING UNITS.....	73
11.12	FENCES .....	74
11.13	TEMPORARY BUILDINGS AND USES.....	74
11.14	HOME OCCUPATIONS .....	75
11.15	KEEPING CHICKENS IN RESIDENTIAL DISTRICTS.....	76
11.16	ESSENTIAL SERVICES.....	77
11.17	OUTDOOR STORAGE .....	77
11.18	REQUIRED PROCEDURES FOR SHOOTING RANGES .....	77
ARTICLE 12 SIGN REGULATIONS .....		78
12.1	INTENT .....	78
12.2	ADDITIONAL SIGN DEFINITIONS .....	78
12.3	GENERAL SIGN REQUIREMENTS .....	80
12.4	PERMITTED SIGNS NOT REQUIRING A PERMIT .....	82
12.5	DISTRICT SIGN REQUIRMENTS .....	83
ARTICLE 13 PARKING AND LOADING REGULATIONS .....		85
13.1	OFF-STREET PARKING MINIMUMS.....	85
13.2	LOCATION AND TYPE OF PARKING SPACES .....	86
13.3	OFF-STREET LOADING SPACE REQUIREMENTS .....	87
13.4	STORAGE AND PARKING REQUIREMENTS FOR RECREATIONAL VEHICLES, TRAVEL-TRAILERS, AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS .....	87
ARTICLE 14 SPECIAL EXCEPTIONS .....		89
14.1	PROCEDURES AND REQUIREMENTS.....	89
14.2	APPLICATION FOR SPECIAL EXCEPTION PERMIT .....	89

14.3	STANDARDS OF REVIEW.....	90
14.4	SUPPLEMENTAL USE STANDARDS.....	91
ARTICLE 15 NONCONFORMING USES .....		93
15.1	INTENT.....	93
15.2	NONCONFORMING LOTS OF RECORD .....	93
15.3	NONCONFORMING USES OF LAND WITH MINOR STRUCTURE ONLY .....	94
15.4	NONCONFORMING STRUCTURES .....	94
15.5	NONCONFORMING USES OF STRUCTURES OR STRUCTURES AND PREMISES IN COMBINATION.....	95
15.6	REPAIRS AND MAINTENANCE.....	96
15.7	USES UNDER SPECIAL EXCEPTION PROVISION NOT NONCONFORMING USES	96
ARTICLE 16 BOARD OF ADJUSTMENT .....		97
16.1	BOARD CREATED.....	97
16.2	PROCEEDINGS OF THE BOARD OF ADJUSTMENT .....	97
16.3	HEARINGS, APPEALS, AND NOTICE .....	97
16.4	STAY OF PROCEEDINGS .....	98
16.5	POWERS AND DUTIES .....	98
16.6	DECISION OF THE BOARD OF ADJUSTMENT .....	100
16.7	APPEALS FROM THE BOARD OF ADJUSTMENT .....	100
ARTICLE 17 ADMINISTRATION AND ENFORCEMENT.....		101
17.1	ZONING ADMINISTRATIVE OFFICER .....	101
17.2	ZONING PERMIT REQUIRED .....	102
17.3	ADMINISTRATIVE FEE FOR NONCOMPLIANCE .....	102
17.4	ZONING PERMIT APPLICATION PROCEDURE .....	102
17.5	CONSTRUCTION AND USE AS AUTHORIZED .....	103
17.6	ZONING PERMITS FOR SPECIAL EXCEPTIONS.....	103
17.7	SCHEDULE OF FEES.....	103
17.8	INSPECTIONS.....	104
17.9	TYPES OF VIOLATIONS.....	104
17.10	REMEDIES FOR VIOLATIONS .....	105
ARTICLE 18 CHANGES AND AMENDMENTS .....		107
18.1	TEXT AMENDMENTS AND REZONING.....	107
18.2	PROCEDURE .....	107

18.3 INITIATION OF AMENDMENTS AND REZONING REQUESTS..... 109

**ORDINANCE NO. 462**

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION, CONSTRUCTION, AND USE OF BUILDINGS AND STURCTURES, AND THE USE OF LAND IN THE CITY OF ST. ANSGAR, IOWA, AND FOR SAID PURPOSES, DIVIDING THE CITY INTO DISTRICTS AND CREATING A BOARD OF ADJUSTMENT, REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE REGULATIONS.

BE IT ENACTED by the City Council of the City of St. Ansgar, Iowa, Chapter 165, "Zoning Regulations" of the St. Ansgar City Code and Ordinance 318, "AN ORDINANCE ADOPTING AN OFFICIAL ZONING MAP FOR THE CITY OF ST. ANSGAR, AND ESTABLISHING DISTRICTS, AS SHOWN ON THE OFFICIAL ZONING MAP FO THE CITY," and amendments thereto are hereby repealed and the following, including the Official Zoning Map, adopted in lieu thereof:

Passed and adopted this 13th day of October, 2025, by the

CITY COUNCIL OF THE CITY OF ST. ANSGAR, IOWA.

SIGNED:



\_\_\_\_\_  
KEITH HORGAN  
MAYOR, CITY OF ST. ANSGAR, IOWA

ATTEST:



\_\_\_\_\_  
TAMI WOODS  
CLERK, CITY OF ST. ANSGAR, IOWA

**ARTICLE 1**  
**SHORT TITLE, JURISDICTION, PURPOSE,**  
**INTERPRETATION OF REGULATIONS, AND SEVERABILITY**

**1.1 SHORT TITLE**

This Ordinance shall be known and may be cited and referred to as the "City of St. Ansgar, Iowa, Zoning Ordinance," to the same effect as if the full title were stated.

**1.2 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 of St. Ansgar, Iowa, governing the zoning of all lands within the corporate limits of the City.

**1.3 PURPOSE**

This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the City of St. Ansgar, Iowa, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, morals, and welfare of the inhabitants, and to preserve the natural, scenic, and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

**1.4 INTERPRETATION OF REGULATIONS**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes greater restrictions than is imposed or required by other provisions of law or other rules, regulations, or Ordinances, the provisions of this Ordinance shall govern.

**1.5 SEVERABILITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

## **ARTICLE 2 DEFINITIONS**

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

Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "lot" includes the word "plot" or "parcel." The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout these regulations. As such, these definitions contain enforceable standards that apply to all uses. Terms not herein defined shall have the meaning customarily assigned to them.

ABUTTING: Having property or district lines in common.

ACCESS: A way of approaching or entering a property from a public street.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use on the same lot with, and or a nature customarily incidental and subordinate to the principal use. Private garages are accessory buildings. An accessory building is detached from the main building. However, any accessory building located within six (6) feet of a principal building shall be considered attached to the principal building and all yard setbacks for a principal building must be complied with. Where a structure is attached to a main building in a manner by a wall or roof, it shall be considered a part of the main building. No converted mobile structure or vehicle shall be used as an accessory building, such as, but not limited to, a mobile office, a mobile home, a bus, a semi-trailer, a boat, or railroad cars, etc.

ACCESSORY DWELLING UNIT: An additional residential dwelling unit located on the same lot as a single-family residence that is either attached to or detached from the principal single-family residence.

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 administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices of public utilities, organizations, and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.

ADMINISTRATIVE SERVICES: Offices, administrative, clerical, or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county or municipal offices.

ADULT ORIENTED BUSINESS: An inclusive term used to describe the following collectively: adult cabaret; adult media shop; adult mini-motion picture theater; lingerie modeling studio; adult motion picture theater; video arcade; bathhouse; massage establishment; sex shop; and/or sexual activity establishment.

1. Adult: As used in this title refers to persons who have attained the age of eighteen (18) years.
2. Adult Amusement or Entertainment: An amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
3. Adult Cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specified sexual activities or specified anatomical areas for observation by patrons therein.
4. Adult Bookstore or Gift Shop: An establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are characterized by their emphasis on matters depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as defined herein.
5. Adult Hotel or Motel: A building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, for observation by the individuals therein.
6. Adult Media: Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.
7. Adult Media Shop: An establishment that rents and/or sells media, and that meets any of the following three (3) tests:
  - A. Forty percent (40%) or more of the gross public floor area is devoted to adult media.
  - B. Forty percent (40%) or more of the stock in trade consists of adult media.
  - C. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.

8. Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting motion pictures, slides or photographic reproductions which: a) are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observance by patrons therein, or b) excludes minors by reason of age.
9. Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used predominantly for presenting motion pictures, slides or photographic reproductions which: a) are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein, or b) excludes minors by reason of age.
10. Adult Photo Studio: An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “Specified Sexual Activities” or “Specified Anatomical Areas” as defined herein.
11. Adult Use: See definition of Adult Oriented Business.
12. Adult Video Store: A video store wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein.
13. Display Publicity: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.
14. Hardcore Material: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
15. Hardcore Performance: Live human performances characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
16. Lingerie Modeling Studio: An establishment or business that provides the service of live models modeling lingerie to individuals, couples, or small groups in a room smaller than six hundred (600) square feet.

17. Massage: Any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.
18. Massage Establishment: Any establishment having a fixed place of business, which excludes minors by reason of age, where massages are administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include: a) persons licensed by the state of Iowa under the provisions of chapter 148, 148A, 148B, 150, 152, 153, 157, 158, Iowa Code, when performing massage therapy or massage services as a part of the profession or trade for which licensed; b) persons performing massage therapy or massage services under the direction of a person licensed as described in item a of this definition; c) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; d) nurses' aides, technicians and attendants at any hospital or healthcare facility licensed pursuant chapter 135B, 135C or 145A, Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in item a of this definition; e) an athletic coach or trainer in any accredited public or private secondary school, junior college or university or employed by a professional or semi-professional athletic team or organization, in the course of his employment as such coach or trainer. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities for the welfare of the residents of the area.
19. Media: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes, but shall not necessarily be limited to, books, newspapers, magazines, movies videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.
20. Media Shop: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises, provided that any outlet meeting the definition of "adult media shop" shall be treated as an adult media outlet.
21. Sadomasochistic Practices: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

22. Sex Shop: An establishment offering goods for sale or rent and that meets any of the following tests:
- A. The establishment offers for sale or rent items from any two (2) of the following categories: 1) adult media, 2) lingerie, or 3) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its floor area.
  - B. More than five percent (5%) of its stock in trade consists of sexually oriented toys or novelties.
  - C. More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
23. Sexual Activity Establishment: An establishment which excludes minors by reason of age, used for the display of live presentations distinguished or characterized by an emphasis on matter depicting or describing or involving specified sexual activities or specified anatomical areas. Provided, that the provisions of this definition shall not apply to a theater, concert hall, art center, museum or similar establishment which is primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.
24. Sexual Oriented Business: See definition of adult oriented business.
25. Sexually Oriented Toys or Novelties: Instruments, devices, or paraphernalia either designed as representatives of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
26. Specified Sexual Activities: As used in this title is defined as: a) human genitals in a state of sexual stimulation or arousal; b) acts of human masturbation, sexual intercourse or sodomy; c) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
27. Video Viewing Booth or Arcade Booth: Any booth, cubicle, stall; or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting live human performances or motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disk, CD-ROM, books, magazines, or periodicals) for observation by patrons therein. A video viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than six hundred (600) square feet.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry and the necessary uses for packing, treating, or storing of produce; provided, however, that the operation of any such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. The raising or keeping of any number of horses, swine, sheep, goats, fowl, or similar animals shall constitute agriculture.

AGRICULTURAL SALES AND SERVICES: Establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries; hay, feed or grain stores, and tree service firms.

ALLEY: A public or private thoroughfare that provides a secondary means of access to abutting property.

AMATEUR RADIO ANTENNA: Any antenna that is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

APARTMENT: A room or suite of rooms used as a dwelling unit, including bath and culinary accommodations, located in a multi-family dwelling building.

APPEAL: A request for review of the Zoning Administrator's interpretation of any provision of this Ordinance as provided for in Article 16 this Ordinance.

AUTOMOTIVE AND EQUIPMENT SERVICES: Establishments or places of business primarily engaged in automotive-related or equipment sales or services. The following are automotive and equipment use types:

1. Auto Body Repair Shop: Any building, structure, or land used for automobile body repair, restoration, and painting.
2. Automotive Washing: Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes.
3. Service Station: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.
4. Commercial Off-Street Parking: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

5. Automotive Rentals: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi parking and dispatching.
6. Automotive Sales: Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new or used car dealerships, motorcycle dealerships, and; boat, trailer and recreational vehicle dealerships.
7. 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 truck dealerships, construction equipment dealerships, and mobile homes sales establishments.
8. Automotive Repair Services: Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include new and used car dealerships, motorcycle dealerships; and boat, trailer and recreational vehicle dealerships
9. Equipment Repair Services: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but excluding dismantling or salvage.
10. Vehicle Storage: Long term storage of operational or non-operational vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.

BASEMENT/CELLAR: A basement shall be a portion of a building having two (2) or more of its sides below grade. A basement or cellar is not included in computing the number of stories for the purpose of height measurement.

BATTERY ENERGY STORAGE SYSTEM (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy for later use. The energy may be used onsite or distributed into the electrical grid.

BATTERY ENERGY STORAGE SYSTEM, COMMERCIAL (C-BESS): One or more devices, assembled together, capable of storing energy in order to supply electric energy for the primary purpose of wholesale or retail sales of generated electricity, and which is proposed either as part of a commercial solar energy system or wind farm or that is proposed as a standalone project. This includes all accessory equipment necessary for energy storage, including but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities, and/or a project substation.

BATTERY ENERGY STORAGE SYSTEM, SMALL (S-BESS): One or more devices attached to or located inside or outside of the principal building footprint, assembled together, capable of storing energy in order to supply electrical energy to serve primarily the energy needs onsite.

BED AND BREAKFAST HOME: Overnight accommodations, typically located within a residential form, offering no more than six (6) sleeping rooms, that usually (but not always) offers a morning meal, is operated by the property owner or on-site resident manager, and where all of the sleeping rooms are dedicated to overnight guests except for those occupied by the owner/resident manager and his/her family. This definition includes short-term lodging in a bed and breakfast, arranged between owners and guests via a third party using a means of remote communication and transaction (e.g., via the Internet or smart phone application).

BLOCK: That property abutting on one side of a street, and lying within the two nearest intercepting or intersecting streets or lying within the nearest intercepting or intersecting streets and unsubdivided acreage or railroad right-of-way.

BILLBOARD: A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

BOARD OF ADJUSTMENT: The Zoning Board of Adjustment of the City of St. Ansgar, Iowa.

BOARDING HOUSE: A building other than a hotel where, for compensation and by arrangement, meals, lodging are capable of being provided for three (3) or more persons on a weekly or monthly basis.

BODY PIERCING: The creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

BODY PIERCING STUDIO: Facility in which body piercing is performed.

BREWERY: An establishment where beer and malt beverages are made on the premises and then sold or distributed.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: Any structure that is completely enclosed by a roof and by solid exterior walls along whose outside faces constitute a minimum of three (3) sides of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of the building or roof line for gable, hip, and gambrel roofs. The only exceptions to the building height requirements set forth in this Ordinance appear in Section 16.01.

BUILDING LINE: A line on a plat between which line and a street, alley, or private place no building or structure may be erected.

BUSINESS: The word "business" or "commercial" when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.

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 office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides. A carport attached to a principal building shall be considered a part of the principal building and subject to all yard requirements therein.

CEMETERY: Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery, for which perpetual care and maintenance is provided.

CITY: The City of St. Ansgar, Iowa

CITY ENGINEER: "City Engineer" shall mean the professional engineer registered in the State of Iowa designated as City Engineer by the City Council or other hiring authority.

CLINIC: A building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, or other healing professions for outpatient care of persons requiring such professional service.

CLUB OR LODGE (PRIVATE): An association of persons for the promotion of some nonprofit object, who are bonafied 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.

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 bowling alleys, billiard parlors, ice and roller-skating rinks, and arcades.
2. Outdoor Sports and Recreation: Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and racquetball courts.
3. Indoor Entertainment: Predominately spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.
4. Outdoor Entertainment: Predominately spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities, and amusement parks.

COMPREHENSIVE PLAN: The City of Ansgar's guide to community physical, social, and economic development. The plan provides a rational basis for local land use and zoning decisions with a twenty-year vision for future planning and community decisions. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.

COMMUNICATION SERVICES: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Utility Facilities. Typical uses include television studios, telecommunication service centers, or telegraph service offices.

COMMUNICATIONS TOWERS AND ANTENNAS DEFINITIONS:

1. Antenna: A structure or device, which is part of a wireless telecommunications facility, used for collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas such as panels and dishes, and omnidirectional antennas such as whip antennas, and similar devices.
2. Collocation: The mounting or installation of wireless transmission equipment on tower or other eligible support structure that is designed to accommodate equipment from more than one (1) wireless telecommunications provider.
3. Existing Support Structure: A structure, other than a tower as defined in this chapter, that supports one or more antennas for wireless telecommunications. Examples include (but are not limited to) water towers, existing buildings, church steeples, smokestacks or cooling towers, and utility structures and poles.
4. Tower: As applied to wireless telecommunications facilities, any ground or roof-mounted pole, spire, structure, or combination thereof built for the sole or primary purpose of mounting an antenna, transmitter, or similar apparatus above grade for wireless telecommunications.

5. Wireless Telecommunication Services: Wireless telecommunication services, including those licensed or authorized by the Federal Communications Commission, such as transmission and reception of analog, digital, microwave and broadband signals and similar services.

COMMUNITY RECREATION: A recreational facility for use by residents and guests of a particular residential development, planned unit development, or limited residential neighborhood, including both indoor and outdoor facilities.

CONSIGNMENT AND AUCTION SALES OPERATIONS: A business that, on an ongoing basis, stores and sells personal property as well as others to the public either indoors or outdoors.

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 the construction of buildings or other structures other than retail sales of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Service use types. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

CONSUMER REPAIR SERVICES: Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, watch or jewelry repair, or musical instrument repair firms.

CONVALESCENT SERVICES: A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care of alcoholism, drug addiction, mental disease, or communicable disease.

CONVENIENCE STORE: A retail store that is designed and stocked to sell primarily food, beverages, and other household supplies, including gasoline fueling or electric vehicle charging services, to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.

COOP: A building where female chickens are kept, also referred to as a hen house.

COURT: An open, unobstructed, and unoccupied space other than a yard which is bounded on two (2) or more sides by a building on the same lot.

CURBLINE: The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblin shall be established by the City Engineer.

CREMATORIUM: A facility that houses a crematory. May be found in a funeral home, chapel, cemetery, or stand-alone facility.

CROP PRODUCTION: The growing of the usual farm crops for animal feed or for sale for the manufacturing of food products. Typical uses include corn, soybean, or wheat fields.

CULTURAL SERVICES: A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.

CUSTOM MANUFACTURING: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle making shops, or jewelry.

DAY CARE CENTER: An establishment, licensed by the State of Iowa, which is intended to provide for the care, supervision, and protection of children

DECK: A non-roofed structure open on two (2) or more sides projecting from the front, side, or rear wall of a building and at least twelve (12) inches in height above the ground. An attached deck or unattached deck used for ingress or egress shall be considered part of the principal building for setback measurement purposes. A deck shall not include a roof that is attached to the principal building or use.

DETACHED: Fully separated from any other structure; not attached.

DEVELOPER: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

DEVELOPMENT: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

DEVELOPMENTALLY DISABLED: For the purpose of the 'family home' provisions of this Ordinance, a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following.

1. Attributable to mental retardation, cerebral palsy, epilepsy, or autism.
2. Attributable to any other condition found to be closely related to mental retardation.
3. Attributable to dyslexia resulting from a disability.
4. Attributable to a mental or nervous disorder.

DISTRICT: A section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are uniform.

DRIVE IN RESTAURANT OR REFRESHMENT STAND: Any place or premises principally used for the sale, dispensing, or serving of food, refreshment, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

DRIVEWAY: An improved area providing vehicular access between a street and an off-street parking or loading area.

DUMP/LANDFILL: A premises used for the disposal of "clean" type of fill material or refuse, such as dirt, rocks, bricks, concrete, rubble, tree branches, and similar materials, but not including organic matter of any type, such as garbage or dead animals or portions thereof.

DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes. A dwelling does not include a tent, cabin, trailer, or mobile home.

DWELLING, ATTACHED: A dwelling that is physically attached by a common roof, wall, or floor to another dwelling.

DWELLING, CONDOMINIUM: A multi-family dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.

DWELLING, DETACHED: A dwelling which is not attached to any other dwelling or accessory building by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit or accessory building and is a minimum of six (6) feet away from other buildings or structures.

DWELLING, MULTI-FAMILY: A residential building designed for the occupancy by three (3) or more families with housekeeping and cooking facilities for each.

DWELLING, ROW: Also referred to as a TOWNHOME. Any one of three (3) or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a "townhouse."

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only. Single-family dwelling shall include a "manufactured home", as herein defined.

DWELLING, TWO FAMILY/DUPLEX: A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families with separate housekeeping and cooking facilities for each.

DWELLING UNIT: An individual dwelling which consists of one (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only.

EARTH HOME: An earth home is a structure that is built for habitation below the finished or natural grade on two (2) or more sides and is constructed with passive solar energy generation in mind. An earth home is to be considered a single-family dwelling for the purposes of this Ordinance. This definition is not to be confused with the definition of a basement or cellar.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

ECONOMIC BASE: The production, distribution, and consumption of goods and services within a planning area.

EGRESS: An exit.

ELDER HOME: A home for elderly residents that conforms to the definition of 'family home' in this Ordinance.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare, but not including buildings.

FACTORY-BUILT HOME/MOBILE HOME: A structure, transportable in one or more sections, which is at least eight (8) feet in width and thirty-two (32) feet in length, built on a permanent chassis and which is designed to be used as a dwelling unit. A factory-built home or mobile home may be used with or without a permanent foundation when connected to utilities. The term factory-built home or mobile home does not include "recreational vehicle."

FACTORY-BUILT HOME PARK/MOBILE HOME PARK: A parcel (or contiguous parcels) of land divided into two (2) or more factory-built home lots for rent or sale.

FAMILY: One (1) or more persons occupying a single dwelling unit operating as a single household unit consisting of all members that are related by blood, marriage, or adoption or consisting of persons living together whose relationship is of a permanent and distinct domestic character.

FAMILY HOME: A community based residential home which is licensed as a residential care facility licensed under Chapter 135C of the Code of Iowa (or as amended) or as a child foster care facility under Chapter 237 of the Code of Iowa (or as amended) to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. A "family home" does not mean an individual foster care family as licensed under Chapter 237 of the Code of Iowa (or as amended).

FARM: A parcel of land used for agricultural purposes and the growing and production of agricultural products thereon, and their storage on the area, or for the raising thereon of livestock. For the purposes of this Ordinance a "farm" shall consist of thirty-five (35) or more contiguous acres, exclusive of streets and roads.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FINANCIAL SERVICES: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

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 porches, garages, or space in a basement or cellar.

FLOOR, GROUND: Also referred to as FIRST FLOOR. The floor of a building nearest the ground that is not a basement that is at, slightly below, or is elevated no more than ten (10) above finished grade.

FOOD/BEVERAGE STAND: A temporary structure used for the display and sale of prepared food and beverages.

FOOD SALES: Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

FRONTAGE: That side of a lot abutting on a street; the front lot line. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

FUNERAL SERVICES: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

GAME REFUGE: A use of land providing natural habitat for animals and plant species. Typical uses include prairies, marshes, woodlands, and wetlands.

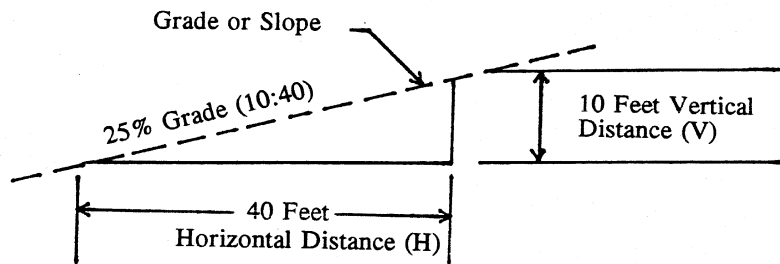
GARAGE, PRIVATE: An accessory building or portion of a building used only for the shelter or storage of vehicles or personal property by the occupants of the premises or the leasing of space as provided therein, including covered parking spaces or carports.

GARAGE, PUBLIC: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, COMMERCIAL: A building or portion thereof, other than a private or storage garage, operated for commercial purposes and/or designed, intended or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles.

GRADE: The degree of rise or descent of a sloping surface (see Figure 1).

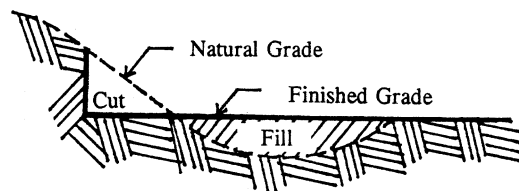
**Figure 1:** Grade or Slope



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

GRADE, FINISHED: The final elevation of the ground surface after development (see Figure 3).

**Figure 2:** Grade or Slope; Cut and Fill Cross Section



GRADE, NATURAL: The elevation of the ground surface in its natural state before human made alterations (See Figure 2).

GREENHOUSE: Also referred to as a NURSERY. A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants

GROUP CARE FACILITY: A facility which provides resident services to nine (9) or more individuals of whom one or more are unrelated. These individuals are aged, disabled, or are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, state, or county health/welfare agencies, such as group homes, halfway houses, resident schools, resident facilities, and foster or boarding homes.

HEN: A female chicken.

HOME OCCUPATION: An occupation or profession conducted for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of a residential property on which a business operates.

HOME OCCUPATION, NO IMPACT: A home occupation for which all of the following applies:

1. The total number of on-site employees and clients does not create a need for additional parking spaces needed beyond the needs of the residents of the dwelling.
2. The activities are limited to the sale of lawful goods and services.
3. The activities do not generate on-street parking or a substantial increase in traffic through the residential area.
4. The activities occur inside the dwelling, accessory building, or in the yard of the residential property.
5. The activities are not visible from an adjacent property or street.

HOTEL/MOTEL: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.

HOUSEHOLD: A group of persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

IMPROVEMENTS: Changes to land necessary to prepare it for building sites including but not limited to grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.

INGRESS: Access or entry.

INSTITUTION: A nonprofit or quasi-public use or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

JUNK OR SALVAGE: Scrap or used copper, brass, rope, rags, batteries, paper trash, tires and rubber debris, waste, appliances, furniture, equipment, building demolitions materials, structural steel materials, or similar materials. This definition shall also include junked, dismantled, or wrecked used motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.

JUNK YARD OR SALVAGE YARD: Any open area of any lot or parcel where discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled, including scrap metals or scrap materials, or the abandonment or dismantling of machinery, motor vehicles, or parts thereof. A solid waste transfer station is not considered a junk yard or salvage yard for the purposes of this Ordinance. This definition shall also include auto or other vehicle or machinery wrecking or the processing of used, discarded, or salvaged materials as part of a manufacturing operation located on the same property, and contractor's storage yards. The presence on any lot, parcel, or tract of land of two (2) or more unlicensed, wrecked, scrapped, ruined, dismantled, or inoperative vehicles, including implements of husbandry, shall constitute prima facie evidence of a junk or salvage yard. This shall not include motor vehicles licensed for the current year as provided by law, or motor vehicles legally placed in storage, if kept completely enclosed within a building.

JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Mitchell County Treasurer, or any vehicle or machinery, which because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to public health or safety.

KENNEL, DOG: Any parcel of land on which four (4) or more dogs, six (6) months old or older are kept for the purposes of breeding, grooming, boarding, or other activities associated with the care of dogs.

LAUNDROMAT: An establishment providing washing, drying, and/or dry-cleaning machines on the premises for rental use to the general public for family laundering and/or dry-cleaning purposes.

LIGHT MANUFACTURING: A use engaged in the manufacture, predominately 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.

LIVESTOCK: Domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor.

LIQUOR SALES: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales for off-site consumption.

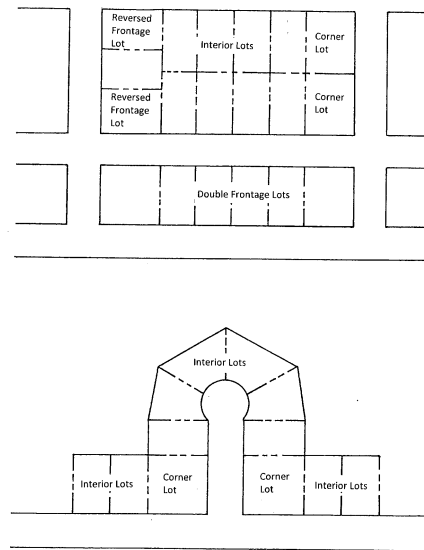
**LOADING SPACE:** An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

**LOCAL UTILITY SERVICES:** Services which are necessary to support principal development and involve only minor structures such as lines, poles, transformers, control devices, and junction boxes which are necessary to support principal development.

**LODGING HOUSE:** A building other than a hotel or motel where, for compensation, lodging is provided for six (6) or more people.

**LOT:** A parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having its frontage upon one (1) or more dedicated streets.

**Figure 3: Examples of Lot Definitions**



**LOT AREA:** The total area within the lot lines of a lot, excluding any street rights-of way.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersections (See Figure 3). For the purposes of this Ordinance, 'corner lots' shall have two (2) front yards.

**LOT DEPTH:** The mean horizontal distance between the front and rear lot lines.

**LOT, DOUBLE-FRONTAGE:** Also referred to as a **THROUGH LOT**. A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot (See Figure 3).

**LOT, FLAG:** A lot not fronting on or abutting a public road and where access to the public road is by a narrow, private or public right-of-way.

**LOT FRONTAGE:** The length of the front line measured at the street right-of-way line.

LOT, INTERIOR: A lot other than a corner lot (See Figure 3).

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT. The lot line abutting a street or road right-of-way. A lot line abutting upon a public alley is not a front lot line, unless the lot abuts no other public way. If the lot abuts two (2) or more streets, the front lot line is that line abutting the street that provides the lot's City-assigned address.

LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT, MINIMUM AREA OF: The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district.

LOT OF RECORD: A lot which is part of a legal subdivision of the City of St. Ansgar, Iowa, the plat of which has been recorded in the office of the County Recorder of Mitchell County, Iowa, or a lot or parcel of land, the deed or valid contract of sale which was recorded in the office of the County Recorder of Mitchell County, Iowa, prior to the effective date of this Ordinance.

LOT, WIDTH: The distance between the side lot lines. In the case of a lot of irregular shape, the mean width shall be the lot width.

LUMBER YARD: A premises on which primarily new lumber and related building materials are sold.

MAINTENANCE AND SERVICE FACILITIES: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including corporation yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

MAJOR UTILITY FACILITIES: Generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants, and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses.

MASSAGE ESTABLISHMENT: Any place of business wherein massage (as the practice of a profession, scientifically applied to the patient by massage therapist's hands) is administered or used.

MANUFACTURED HOME: “Manufactured home” means a factory built, single family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of these regulations, a manufactured home shall be subject to the same standards as a site-built dwelling. If located outside a mobile home park, a manufactured home shall be constructed with a permanent foundation system that is visually compatible with surrounding residential structures. For purposes of this section, foundation systems constructed and with the appearance of concrete, concrete block, or mortared stone that encompass the entire perimeter foundation area shall be deemed to be visually compatible with surrounding residential structures. Metal, plastic, or other sheeting skirting systems shall not be visually compatible for the purposes of this section. The home shall also be converted to real estate as required by Iowa Code 435.26.

MANUFACTURED OR MOBILE HOME CONVERTED TO REAL ESTATE: An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner and entered on the tax rolls of the county.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MEDICAL 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 for humans, licensed for such practice by the State of Iowa.

MINERAL EXTRACTION: The extraction of coal, gypsum, clay, stone, sand, gravel, or other ores or mineral solids for sale, borrow or for processing or consumption in the regular operation of a business by removing any earth overburden lying above natural deposits thereof and mining directly from the natural deposits thereby exposed, or by mining directly from deposits lying exposed in their natural state. Removal of overburden and mining of limited amounts of any ores or mineral solids shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity, or quality of any natural deposit, so long as no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business or agency.

MINOR: Any person under the age of 18.

MOBILE HOME: See "Factory-Built/Mobile Home."

MODULAR HOME: A Modular Home as defined in Section 435.1(3) of the Code of Iowa is defined as a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to the body or frame any wheels or axles.

MUSEUM: Institution that cares for a collection of artifacts and other objects of artistic, cultural, historical, or scientific importance and makes them available for public viewing through exhibits that may be permanent or temporary

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is situated.

NURSING OR CONVALESCENT HOME: A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food, shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured.

OVERHANG: The part of a roof or wall which extends beyond the facade of a lower wall.

OVERLAY DISTRICT: A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

OWNER: The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

PARCEL: A piece of real estate as kept on record with the Mitchell County Auditor's Office.

PARK AND RECREATION SERVICES: Publicly owned and operated parks, playgrounds, recreation areas, or open spaces.

PARKING FACILITY: 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. The term "parking facility" shall include parking lots, garages, and parking structures.

PARKING LOT: A parcel of land devoted to unenclosed parking spaces.

PARKING SPACE: A surfaced area, enclosed or unenclosed, having space for parking and maneuvering a motor vehicle, and connected to a surfaced driveway or aisle which affords satisfactory ingress and egress for automobiles.

PATIO: A non-roofed, hard surfaced area projecting from the front, side, or rear wall of a building which is at ground level or twelve (12) inches or less in height above the ground.

PATIO, RAISED: A non-roofed, hard surfaced area projecting from the front, side, or rear wall of a building which is greater than twelve (12) inches in height above the ground, often supported by a retaining wall or other structure, distinct from a deck.

PERSONAL IMPROVEMENT SERVICES: Establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a non-professional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

PERSONAL SERVICES: Establishments primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops, and self-service laundry or apparel cleaning services.

PET SERVICES: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons, or pet grooming shops.

PLANNING AND ZONING COMMISSION: "Planning and Zoning Commission" shall mean the Planning and Zoning Commission of the City of St. Ansgar, Iowa.

PORCH: An attached structure extending from a dwelling that is at the main level of the house. A porch may be covered or have a roof. An attached porch, covered or not, shall be considered part of the principal building for setback measurement purposes.

POSTAL FACILITIES: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

PRESCHOOL: A facility licensed by the State of Iowa which is intended to provide for the education, care, supervision, and protection of children.

PRIMARY EDUCATIONAL FACILITIES: A public, private, or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools in the State of Iowa.

PRINCIPAL USE: The main use of land or structures as distinguished from an accessory use.

PRODUCE STANDS: A temporary structure used for the display and sale of raw fruits and vegetables.

PROFESSIONAL OFFICE: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

PUBLIC WAY: An open or unoccupied public space more than thirty feet (30') in width which is permanently reserved for the purpose of access to abutting property.

PUBLIC ASSEMBLY: Publicly owned and operated facilities for major public assembly, recreation, sports, amusement, or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.

RAILROAD FACILITIES: Railroad yards, equipment servicing facilities, and terminal facilities.

RECREATIONAL VEHICLE: Also referred to as a TRAVEL-TRAILER. A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping and travel use and including but not limited to travel-trailers, truck campers, camping trailers, and self-propelled motor homes.

RELIGIOUS ASSEMBLY/INSTITUTION: A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary educational facilities. Includes synagogue, temple, mosque, church or other such place for worship and religious activities.

RESEARCH SERVICES: Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.

RESIDENTIAL CARE SERVICES: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including over-night occupancy or care for extended periods of time.

RESTAURANT: An establishment that prepares and retails food for consumption on the premises or for carry-out.

RESTAURANT, MOBILE: Also referred to as a FOOD TRUCK. Excludes farmers markets and fresh produce stands. A temporary, mobile food service that is constructed on a trailer or within a vehicle and can be parked legally in a District that allows restaurants as a principal permitted use. This use requires a permit from the City with a copy of the vendor's state permit attached.

RETAIL STORE: An enterprise offering for sale to the ultimate consumer for direct consumption and not for resale.

RIDING ACADEMY: A use engaged in the provision of equestrian riding, lessons or for the quartering of horses. Typical uses include saddle clubs, riding stables or liverys.

RIGHT-OF-WAY: The land area, which is secured or reserved by the contracting authority, that is to be used for road, rail, or other transportation purposes.

RIGHT-OF-WAY LINE: The dividing line between a lot, tract, or parcel of land and an abutting road, street, public way or alley.

ROADSIDE STAND: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.

ROOF: The external upper covering of a building or structure intended for shelter or protection from the elements.

SAFETY SERVICES: Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

SCREENING: The use of visual barriers like fences, walls, hedges, or berms to shield, conceal, separate, or hide adjacent land uses from each other, enhancing compatibility and visual appeal.

SECONDARY EDUCATIONAL FACILITIES: A public, private, or parochial school offering instruction at the junior / middle school and senior high school levels in the branches of learning and study required to be taught in the public schools of the State of Iowa.

SIDEWALK: A paved or surfaced area paralleling and usually separated from the street, used as a pedestrian walkway.

SIGN: See further definitions for signs in Article 12. An identification, description, illustration, or device that is affixed to or represented on a building, structure, or parcel of land and that directs attention to a product, place, activity, person, profession, service, institution, or business.

SITE PLAN: A plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.

SOLAR ENGERY SYSTEMS (SES): Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware, or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and concentrated solar.

SOLAR ENGERY SYSTEMS, COMMERICAL (C-SES): A solar energy system above the nameplate capacity of a small solar energy system which is intended for the primary purpose of wholesale or retail sales of generated electricity.

SOLAR ENGERY SYSTEMS (S-SES): A solar energy system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and up to one hundred (100) kilowatts for commercial and industrial districts, which is incidental and subordinate to a principal use on the same parcel. A system is considered a S-SES only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for onsite use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code or as amended.

STABLE: Detached accessory structure including, but not limited to a corral or paddock for the keeping of one (1) or more hooved animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.

STATEMENT OF INTENT: A statement proceeding regulations for individual districts, intended to characterize the districts, and their legislative purpose.

STORAGE, COMMERCIAL: An area or building where property is stored for a fee.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST: The lowest story in a building, excluding the basement, which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade for more than fifty (50) percent of the total perimeter, or not more than eight (8) feet below grade at any point.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and exterior wall face not more than four (4) feet above the top floor level.

STREET: All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle, or however otherwise designated.

STREET, LINE: The right of way line of a street, road, or highway.

STREET, PUBLIC: A public thoroughfare more than twenty-four feet (24') in width.

STREET, PRIVATE: A street designed for access to adjacent parcels that is not dedicated to the public as right-of-way, and that is owned and maintained by the adjacent owners that benefit from the private street, either jointly or via an association created for the purpose of such maintenance.

STREET, COUNTY: Any road or street owned, operated, or maintained by Mitchell County.

STREET WIDTH: Street width is defined as the horizontal distance, paved or unpaved, that is located within a public street right-of-way.

STRUCTURE: Anything constructed or built with a fixed location on the ground, or attached to something having a fixed location on the ground.

STRUCTURE, ACCESSORY: A subordinate structure customarily incidental to the main structure or building and located on the same lot therewith, e.g., satellite dishes, radio and television towers, masts and aerials, swimming pools, playground equipment, solar energy systems, etc.

STRUCTURE, TEMPORARY: A non-permanent, quickly assembled and disassembled building or enclosure used for short-term needs in construction, events, or emergencies, including tents, scaffolding, small sheds unaffixed to the ground, or pop-up buildings.

STRUCTURAL ALTERATION: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary.

STRUCTURAL MEMBER: A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stress other than their own weight, and functioning as an in-fill or nonstructural enclosure.

SURVEYOR: A licensed land surveyor who engages in the practice of land surveying pursuant to the Code of Iowa.

SWIMMING POOL: A tank of water either above or below grade level that is designed and constructed for human occupancy.

TATTOO: Practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. The term includes the application of permanent cosmetics.

TATTOO STUDIO: An establishment or facility in which tattooing is performed.

TAVERN: A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, and similar uses.

TEMPORARY USE: A short-term or fixed-duration activity or structure that doesn't require permanent construction and is approved for a specific time period.

TINY HOME: A compact dwelling, typically under four hundred (400) square feet, designed for efficient space utilization and often embodying a minimalist lifestyle, with some being mobile on wheels. Tiny houses are permitted in a Mobile Home (MH) District and subject to the requirements as provided within this Ordinance.

TINY HOME ON WHEELS (THOW): A structure, which is intended as a permanent residence and typically less than four hundred (400) sq. ft., built on a trailer and registered with the Iowa Department of Motor Vehicles as a recreational vehicle (RV). Parking within the front yard of a residential property may be temporarily allowed for a tiny home on wheels belonging to the property owner or a guest of the property owner provided it is parked on an improved surface

leading to a garage or designated parking area. This allowance is limited to a two (2) week period.

TOWERS: Any radio, television, telephone, short-wave, cellular telephone, or microwave antenna or tower.

TOWNHOUSE: A dwelling unit having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

TRAILER CAMP OR TOURIST GROUND: An area providing spaces for two (2) or more recreational vehicles, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

USE: The conduct of an activity, or the performance of a function or operation, on a site or lot or in a building.

1. Accessory Use: A use or activity which is incidental to and customarily associated with a specific principal use on the same site.
2. Principal Use: A use which is a primary function of a lot or structure.
3. Permitted Use: Any use defined by the individual district and listed by the regulations herein for any particular district as a permitted use within that zone, and permitted therein as a matter of right when conducted in accordance with the regulations established by this Ordinance.
4. Special Exception: Any use defined by the individual district and listed by the regulations herein for any particular district as a special exception within that district and allowable therein, solely on a discretionary and conditional basis subject to a Special Exception Permit, and to all other regulations established by this Ordinance. A special exception may also be a grant of relief from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance, as distinct from a variance, for instances specifically listed as permissible under the standards established in Articles 14 and 16 of this Ordinance where a practical difficulty may arise.

UTILITIES: Systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone, internet, and cable television (see 'essential services').

VARIANCE: A grant of relief to a person from the terms of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship or practical difficulty, consistent with the standards provided in Chapter 414, Code of Iowa (or as amended).

VETERINARY SERVICES: Veterinary services for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals.

VIOLATION: The failure of a structure or other development to be fully compliant with the provisions of this Ordinance.

VISITOR HABITATION SERVICES: Establishments primarily engaged in the provision of lodging services on a less-than-weekly basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

1. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle/travel-trailer parks.
2. Hotel/Motel: Lodging services involving the provision of room and/or board offered for occupancy to the general public. Typical uses include hotels, motels, or transient boarding houses.
3. Bed & Breakfast Home/Inn: A structure containing a single dwelling unit which provides sleeping rooms 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.
4. Cottage/Resort Enterprise: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy. Such buildings may include quarters for the boarding of employees.
5. Short-Term Rental: A single dwelling unit rented to the general public for periods not exceeding one calendar month. A Short-Term Rental property shall be regulated the same as a typical residential unit consistent with the dwelling unit type as provided for in this Ordinance.

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 wholesaling, storage, and distribution types:

1. Limited Warehousing and Distribution: Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include 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 monument or stone yards, grain elevators, or open storage yards.

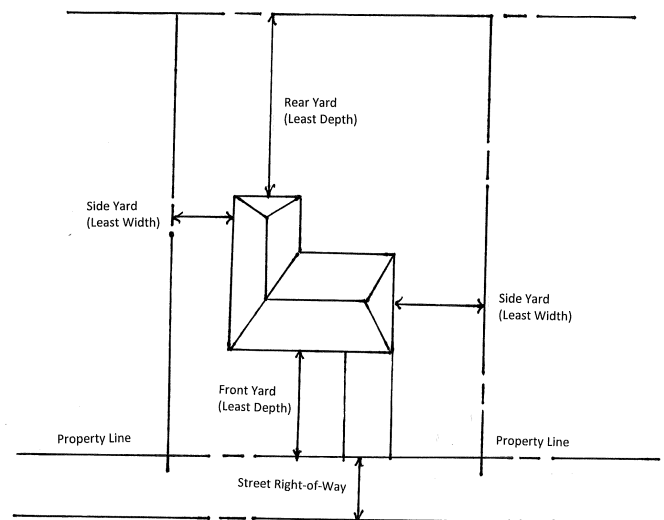
WIND ENERGY CONVERSION SYSTEM (WECS): Any device such as a wind charger, windmill or wind turbine and any related equipment that converts wind energy into electrical energy. The device may be freestanding or attached to a roof of a building.

**WIND ENERGY CONVERSION SYSTEM, SMALL (S-WECS):** A wind energy conversion system which has a nameplate rated capacity of up to fifteen (15) kilowatts for residential uses and districts and up to one hundred (100) kilowatts for commercial and industrial districts, which is incidental and subordinate to a principal use on the same parcel. A system is considered a S-WECS only if it supplies electrical power solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for onsite use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code or as amended.

**WIND ENERGY CONVERSION SYSTEM, COMMERCIAL (C-WECS):** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended for the primary purpose of wholesale or retail sales of generated electricity.

**YARD:** Any open space on a lot situated between the principal building on such lot and the lot lines of such lot or situated between the principal building on such lot and the right-of-way line of an abutting street right-of-way. (See Figure 4).

**Figure 4: Yard Definitions**



**YARD, FRONT:** A yard extending across the full width of the lot and measured between the front lot line and the building (See Figure 4). This area is to be considered clear area and is not to be used for storage or obstruction except as otherwise provided in this Ordinance. ‘Corner lots’, as defined herein, shall be considered to have two (2) front yards.

**YARD, REAR:** A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be on the opposite end of the lot as the front yard (See Figure 4).

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereof (See Figure 4).

ZONING ADMINISTRATOR: Also referred to as ZONING ADMINISTRATIVE OFFICER or ADMINISTRATIVE OFFICER. The administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this Ordinance.

ZONING DISTRICT: Also referred to as a DISTRICT. A section the City designated in the Zoning Ordinance's text and delineated on the Zoning Map in which requirements for the use of land, the building, and development standards are described. Within each district, all requirements are uniform.

ZONING MAP: The Official Map delineating the boundaries of zoning districts which, along with the zoning text, comprises the Zoning Ordinance.

ZONING PERMIT: A permit issued by the Zoning Administrator authorizing the use of land in the manner and for the purpose specified in the application.

## **ARTICLE 3 DISTRICTS**

### **3.1 ESTABLISHMENT OF DISTRICTS**

For the purposes of this Ordinance, the City of St. Ansgar, Iowa is hereby organized into the following zoning districts:

- Agricultural (AG)
- Residential Low Density (R-LD)
- Residential High Density (R-HD)
- Mobile Home (MH)
- Downtown Commercial (DC)
- Arterial Commercial (AC)
- Light Industrial (LI)
- Heavy Industrial (HI)

### **3.2 ZONING MAP**

The location and boundaries of the zoning districts established by this Ordinance are set forth on the official zoning map of St. Ansgar, entitled “Official Zoning Map.” The official zoning map and all notations, references, and other matters shown thereon is hereby declared to be a part of this Ordinance, and amendments to the map shall be in accordance with the process and requirements of Article 18. The official zoning map shall be on file in the office of the City Clerk and shall bear the signature of the Mayor attested to by the City Clerk.

If, in accordance with the provisions of this Ordinance, changes are made to zoning district boundaries or other matters portrayed on the Zoning Map, the ordinance number and date of said change shall be recorded on the official zoning map.

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may adopt a new official zoning map by resolution, which shall supersede the prior Zoning Map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.

### **3.3 INTERPRETATION OF DISTRICT BOUNDARIES**

Zoning district boundaries shall generally follow parcel lines, lot lines, street right-of-way lines, railroad right-of-way lines, the center of streams, City limits, and other pre-existing elements, whenever practical.

Where uncertainty exists as to boundaries of districts as shown on the Zoning Map, the Zoning Administrator shall have the power to interpret the location of zoning district boundaries where the location of such lines is not clearly discernible from the official zoning map. Upon making such a determination, the Zoning Map shall be corrected so that the boundaries in question are clearly discernible:

In the case of a lot of record under one ownership that is divided by a zoning district boundary, each portion of the lot shall be governed by the zoning district applied thereto. Alternatively, the entire parcel may be used as permitted by the regulations applicable to the most restrictive classification.

Whenever a variance exists between the Zoning Map and the legal description in an amendment to this Ordinance, the legal description applies.

### **3.4 ROAD OR PUBLIC WAY VACATIONS**

Whenever any road, street, or other public right-of-way is vacated by the official action of the City Council, the zoning districts(s) adjoining each side of such road or public 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.

### **3.5 ANNEXED TERRITORY**

All territory which may hereafter be annexed into the corporate limits of the City of St. Ansgar shall be in the (AG) Agricultural District, unless otherwise recommended to the City Council by the Planning and Zoning Commission to be annexed as an appropriate zone for the existing land use on the property to be annexed.

### **3.6 APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used that does not comply with all of the district regulations established by this Ordinance for the district in which the building or land is located.
2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required by this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established within the respective district.

3. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off-street-parking or loading space required under this Ordinance for another building, structure, or use.
4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, in no case, shall there be more than one main building on one lot unless otherwise provided in this Ordinance.
5. Whenever, in any zoning district, a use is neither specifically permitted nor prohibited within a district, the use shall be considered prohibited.

## **ARTICLE 4**

### **AGRICULTURAL (AG) DISTRICT**

#### **4.1 INTENT**

This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses, which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, or physical appearance or other similar factors, shall not be permitted. The district discourages urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, and other facilities so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

#### **4.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the AG District:

1. Agriculture and the usual agricultural buildings and structures, including raising of livestock, and grain storage and grain drying facilities, excluding commercial feed lots and poultry farms, on ten (10) acres or greater.
2. Raising and keeping of chickens.
3. Single family dwellings (detached only).
4. Publicly owned and operated buildings and facilities, including substations, transfer stations, treatment facilities, pumping stations, and storage facilities.

#### **4.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the AG District:

1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures permitted as special exceptions.
2. Private garages
3. Barns and other agricultural related buildings.
4. Day Care Center, subject to the requirements for home occupations.
5. Roadside stands for the sale of agricultural produce grown on the premises.

6. Accessory dwelling units, maximum one (1) per lot.
7. Small Battery Energy Storage Systems (S-BESS).
8. Small Solar Energy System (S-SES) (rooftop or wall-mounted units only).
9. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
10. Home occupations.
11. Private swimming pools.
12. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

#### **4.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the AG district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Cemeteries, crematoriums, or mausoleums.
2. Commercial greenhouses and nurseries.
3. Commercial kennels, boarding facilities, or animal shelters., provided that all outdoor runs and exercise areas are separated a minimum two hundred (200) feet from any residential district or dwelling.
4. Commercial Battery Energy Storage Systems (C-BESS), provided they are co-located with a substation.
5. Communication towers and telecommunication facilities.
6. Private parks, playgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, and swimming pools open to the public.
7. Private airport and landing fields
8. Preschool
9. Religious assembly/institutions.

10. Schools and colleges.
11. Agriculture, and agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, horticultural services such as plant nurseries, landscape gardening, landscape contracting, farm equipment service and repair, veterinary services, commercial auction yards and barns; bulk storage or petroleum products for distribution or direct sales to agricultural consumers.
12. Private recreational uses, campgrounds, and golf courses.
13. Public or private utility – substations, relay stations, etc.
14. Publicly operated landfills.
15. Mineral extraction and processing sites.
16. Other similar structures and uses as determined by the Zoning Administrator.

**4.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
6,000 square feet	50 feet	25 feet	6 feet	25 feet	2½ stories or 40 feet

## **ARTICLE 5**

### **RESIDENTIAL LOW-DENSITY (R-LD) DISTRICT**

#### **5.1 INTENT**

The intent of the Residential Low-Density (R-LD) District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted. Criteria such as topography, social types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when the lot area requirement is established for the various single family residential areas of the city.

#### **5.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the R-LD District:

1. Single Family Dwellings, maximum one (1) per lot.
2. Two-Family Dwellings (Duplex), maximum one (1) per lot.
3. Family Homes.
4. Elder Group Homes.
5. Home and community-based services waiver recipient residences.
6. Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations
7. Publicly owned park, playgrounds, or other public recreational uses.

#### **5.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the R-LD District:

1. One (1) private detached garage or carport per principal dwelling.
2. Raising and keeping of chickens
3. Private greenhouses not operated for commercial purposes.
4. Day Care Center, subject to the requirements for home occupations.
5. Home occupations

6. Accessory dwelling units, maximum one (1) per lot, provided that a single-family home is constructed on the lot.
7. Private recreational facilities.
8. Private swimming pools.
9. Small Battery Energy Storage Systems (S-BESS).
10. Small Solar Energy System (S-SES) (rooftop or wall-mounted units only).
11. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
12. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

#### **5.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the R-LD district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations, owned by a municipality or utility or utility company.
2. Commercial Battery Energy Storage Systems (C-BESS), provided they are co-located with a substation.
3. Bed and Breakfast.
4. Boarding or lodging houses.
5. Non-profits, community centers, private clubs, or fraternities whose chief activity is not carried on as a business.
6. Preschool.
7. Religious assembly/institutions.
8. Schools and colleges.
9. Other similar structures and uses as determined by the Zoning Administrator.

## **5.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
6,000 square feet	50 feet	25 feet	6 feet	25 feet	2½ stories or 40 feet

## **ARTICLE 6**

### **RESIDENTIAL HIGH DENSITY (R-HD) DISTRICT**

#### **6.1 INTENT**

This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety, and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation, and other public facilities shall be taken into consideration when the lot area equipment is established for the various multi-family residential areas of the city.

#### **6.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the R-HD District:

1. Single Family Dwellings (attached or detached).
2. Two-Family Dwellings.
3. Multi-Family Dwellings.
4. Family Homes.
5. Elder Group Homes.
6. Home and community-based services waiver recipient residence.
7. Day Care Centers.
8. Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations
9. Publicly owned park, playgrounds or other public recreational uses.

#### **6.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the R-HD District:

1. One (1) private detached garage or carport per dwelling.
2. Private greenhouses not operated for commercial purposes.

3. Home occupations.
4. Accessory dwelling units.
5. Private recreational facilities.
6. Private swimming pools.
7. Small Battery Energy Storage Systems (S-BESS).
8. Small Solar Energy Systems (S-SES) (rooftop or wall-mounted units only)
9. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only)
10. Private recreational facilities.
11. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

#### **6.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the R-HD district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regular stations, owned by a municipality or utility or utility company
2. Commercial Battery Energy Storage Systems (C-BESS), provided they are co-located with a substation.
3. Bed and Breakfast.
4. Boarding or lodging houses.
5. Rest homes or nursing homes.
10. Non-profits, community centers, private clubs, or fraternities whose chief activity is not carried on as a business.
6. Preschool.
7. Medical or dental clinics.
8. Mortuaries or funeral parlors.

9. Religious assembly/institutions.

10. Schools and colleges.

11. Other similar structures and uses as determined by the Zoning Administrator.

**6.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
6,000 square feet	50 feet	25 feet	6 feet	25 feet	2½ stories or 40 feet

## **ARTICLE 7 MOBILE HOME (MH) DISTRICT**

### **1.1 INTENT**

The Mobile Home (MH) District shall provide for mobile home subdivisions in areas of the community where such use is compatible with existing and future development. This district shall be well served by arterial streets to provide adequate access and planned development that is compatible with the character of neighboring land uses. This district has useful application as a transition zone between commercial areas and residential areas and is normally located along thoroughfares where access to the site is available.

### **7.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the MH District:

1. Mobile homes located within planned mobile home subdivisions; and with the provisions of this section, regulations of the Mitchell County Board of Health, applicable State Statutes, and St. Ansgar's standards.
2. Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regular stations.
3. Tiny Homes.
4. Day Care Center.

### **7.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the MH District:

1. Home occupations.
2. Sale of mobile homes for use on the premises only, provided that such mobile homes are suited and connected to all utilities.
3. Storm shelters.
4. Private recreation facilities.
5. Private swimming pools.
6. Small Battery Energy Storage Systems (S-BESS).
7. Small Solar Energy Systems (S-SES) (rooftop or wall-mounted units only).

8. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only)
9. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

#### **7.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the MH district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Substations, transfer station, treatment facilities, pumping stations, storage facilities, and regulator stations, owned by a municipality or utility company.
2. Commercial Battery Energy Storage Systems (C-BESS), provided they are co-located with a substation.
3. Community center for use by residents of the mobile home park.
4. Preschool.
5. Other similar structures and uses as determined by the Zoning Administrator.

#### **7.5 SPECIAL REQUIREMENTS**

Mobile homes within the (MH) District shall be subject to the following special requirements:

1. Each mobile home shall be served with water and sanitary sewer utilities, service facilities for bathing, laundry, etc. as required by state and local health regulations, and current City standards.
2. Exception. A travel trailer, camping trailer, a pick-up truck coach, auto camper, tiny home on wheel, or motorized home belonging to a guest of the property owner may park and occupy for temporary lodging on the same lot but not more than fourteen (14) days in a calendar quarter, only upon obtaining a Temporary Use Permit as permitted in Article 11.14.

## **7.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

1. Mobile Home Park Lots:

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height</b>
5 acres	300 feet	35 feet	30 feet	30 feet	35 feet

2. Individual trailer lot requirements:

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height</b>
4,000 square feet/mobile home	35 feet	15 feet	6 feet	6 feet	35 feet

## **7.6 GENERAL PROVISIONS**

All mobile home parks shall be located within the Mobile Home (MH) District subject to the rezoning procedures established in Articles 18 and complying with the following requirements.

1. Plan issuance and Approval Procedure; Mobile Home Parks. The initial application shall be accompanied by four (4) copies of the mobile home park plan, drawn to scale, prepared by a civil engineer or land surveyor duly licensed by the State showing in detail the following:
  - A. The extent area used for mobile home park purposes with a location insert in smaller scale showing the park location on the entire property.
  - B. Roadways, driveways, and sidewalks.
  - C. Location of mobile home lots with dimensions and boundary lines.
  - D. Location of parking facilities for two (2) vehicles per mobile home lot.
  - E. Method and plan of sewage disposal system showing sizes of pipe and connection locations.
  - F. Location and number of auxiliary sanitary facilities including toilets, wash rooms, laundries, and utility rooms.
  - G. Method and plan of solid waste collection and disposal systems.

- H. Plan of water supply showing location of all home and auxiliary connections and all fire hydrants.
  - I. Plan of electric power and lighting system, with location of power plug for each lot as well as location and wattage of street lighting facilities.
2. No mobile home shall be connected to water, sewer, or electrical services unless the mobile home complies with the standards and requirements of the National Fire Protection Association, the City of St. Ansgar, and state and local Departments of Health. Compliance with these standards shall be determined by the Administrative Officer.
  3. No mobile home shall be located in any Mobile Home Park until a Mobile Home Park Development Plan is officially approved by the City Council and the required licensing provisions of the Code of Iowa are complied with.
  4. The owner(s) of any tract of land comprising an area of not less than five (5) acres may submit a plan for the use and development of all such tracts of land for Mobile Home purposes.
  5. In considering mobile home parks, the Planning and Zoning Commission shall consider the location, size, height, spacing, use of any mobile homes and their appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces, and the relationship to adjacent property. The Planning and Zoning Commission shall not recommend approval of a Mobile Home Park Development Plan unless such plan conforms to all applicable provisions provided in this Ordinance, and any state, federal, or local City policy.
  6. If said Mobile Home Park Development Plan contains no dedication to the City 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 lines, garbage collection, or other related functions, then the owner shall be required to record with the Mobile Home Park Plan a covenant, as follows:

“That (Name of owner), being the owner or owners of the real estate contained in the above attached mobile home park development plan, hereby consent that if they or their assignees, heirs, or those holding or owning said land through owners, fail to maintain the streets, sidewalks, water or sewer mains according to and in compliance with the minimum standards for the maintenance of streets, sidewalks, water or sewer mains as established by the City of St. Ansgar, Iowa, that after twenty-four (24) hours’ notice in writing to the owner of said land as shown upon the records of the County Auditor’s office of Mitchell County, Iowa, and at the address therein shown, then said owner, assignees, heirs, and those holding or owning through said owners, hereby authorize the City of St. Ansgar, Iowa to make all necessary repairs and perform all necessary maintenance, and further authorize the City of St. Ansgar, Iowa, to file a mechanic’s lien or other lien or encumbrance against said real estate, and enforce said lien pursuant to laws then applicable.”

7. Exposed ground surfaces in all parts of every mobile home park shall be paved, covered with stone screening, or other solid material, or protected with a vegetative growth or other material capable of preventing soil erosion and objectionable dust.
8. Adequate provisions shall be made to handle all surface and storm drainage water as determined by a duly licensed engineer.
9. The limits 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 finished lot grade. Location of lot limits in the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground. This is not to be construed as permitting lots of a lesser size than the required minimum, or permitting lesser yard or separation dimensions than set forth elsewhere in this Ordinance.
10. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for services, well-being of park residents, and for the management and maintenance of the park. Nothing contained in this section shall be deemed to prohibit the sale by an owner of a mobile home located on a mobile home stand connected to the pertinent utilities. Any sale of mobile homes in place on the mobile home stand shall in no way relieve any parties involved from complying with all regulations of this Ordinance.
11. All mobile home parks shall conform to the above requirements in addition to all current City specifications and standards.
12. Minimum Design Criteria:
  - A. Roads and streets shall be at least twenty-four (24) feet wide constructed to the City's street or road specifications capable of handling heavy service vehicles such as fire and garbage trucks without injury to surface or base.
  - B. All streets shall be hard-surfaced, of which may contain concrete, asphalt, or crushed rock.
  - C. The minimum space between trailers shall be fifteen (15) feet.

# ARTICLE 8

## DOWNTOWN COMMERCIAL (DC) DISTRICT

### 8.1 INTENT

The intent of the Downtown Commercial (DC) District is to provide for a commercial/mixed use area to serve the general shopping needs of the trade area and central hub of the city and to permit uses which will strengthen the central business area as the center of trade, service, governmental, and cultural activities.

### 8.2 PRINCIPAL PERMITTED USES

Only the following uses and structures shall be permitted in the DC District:

1. Business and Professional Services.

- Bank.
- Body piercing studio.
- Funeral homes, including crematoriums and morgues.
- Interior decorating shop.
- Laundromat/Dry-cleaning services.
- Law office.
- Loan office.
- Mailbox/Shipping services.
- Print shop or lithography services.
- Professional or commercial office.
- Real estate office.
- Tailor/Shoe repair services/Dressmaking shop.
- Travel agency.

2. Equipment and Specialty Services.

- Appliance supply & repair.
- Bicycle repair & retail.
- Broadcasting and receiving stations.
- Carpentry or woodworking shop.
- Custom embroidery shop.

- Electrician/Electrical repair services.
- Household appliances and repair.
- Furrier/Taxidermy services.
- Furniture/Cabinetry repair shop.
- Music recording studios/Audio equipment repair, assembly, & sales.
- Photography studio & services.
- Plumbing & heating retail.
- Publishing and engraving establishments.
- Small engine repair and sales.
- Stonemasonry shop and retail.
- Upholstery shop.

3. Food and Drink Services.

- Bakery.
- Brewery/Distillery.
- Café.
- Catering/ghost kitchen.
- Coffee shop.
- Dairy store/Creamery.
- Drugstore.

- Food sales (ice cream parlor, candy store, etc.).
- Garden supplies store.
- Grocery store.
- Liquor store.
- Meat market/lockers. Slaughtering/cleaning of animals onsite shall be prohibited.
- Pubs/Taverns.
- Restaurants.

#### 4. General Retail Sales.

- Antique store.
- Art gallery & retail.
- Bookstore.
- Clothing or apparel store.
- Consumer fireworks sales, as regulated under Iowa Code.
- Department store.
- Discount retail/Thrift store.
- Dry goods and notion store.
- Electronics store.
- Florist.
- Furniture store.
- Gift shop/Variety store.
- Gun shop.
- Hardware store.
- Hobby shop.
- Jewelry store.
- Medical supplies store.
- Music store/Record store.
- Office supply store.
- Paint store.
- Pharmacy.
- Post office.
- Retail pet store.
- Sporting goods store.
- Tobacco shop/Vape shop.
- Toy store.

#### 5. Personal Services.

- Barber shop/Beauty parlor.
- Body Piercing Studio.
- Chiropractor office.
- Cosmetic services/nail salons.
- Dental clinic.
- Medical clinics/Hospitals.
- Masseur salon.
- Optometry clinic.
- Tanning salon.
- Tattoo studio.
- Veterinary clinics/Pet grooming.

#### 6. Miscellaneous Uses.

- Arcades.
- Billiards/Pool hall.
- Bowling alleys.
- Business & vocational schools.
- Commercial recreation or amusements (Indoor sports and entertainment only)
- Community center.
- Dance clubs.
- Day Care Center.
- Dwellings, above ground floor only.
- Exhibition halls.
- Fitness centers/Gyms.
- Hotel.
- Indoor shooting ranges, subject to all State and Federal regulations.
- Movie theater/Community theater.
- Museums.
- Live music venue
- Preschool.
- Private clubs & lodges.

- Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities, and regulator stations.
  - Public parking lots.
  - Public parks.
  - Religious assembly/institutions
  - Schools and colleges.
  - Special events venue.
  - Yoga studios/Dance studios
7. Other similar uses as determined by the Zoning Administrator.

### **8.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the DC District:

1. Private garages.
2. Outdoor sales and services supplementing a principal permitted use.
3. Public or private parking lots.
4. Small Battery Energy Storage Systems (S-BESS).
5. Small Solar Energy Systems (S-SES) (rooftop or wall-mounted units only).
6. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
7. Awnings constructed of durable, protective, and water protective canvas extending over public right-of-way shall require City Council approval as provided in the City Code of St. Ansgar. Awnings shall be a minimum of eight (8) feet about the surface of the sidewalk at street-level and shall not block, interfere, or otherwise obstruct the free flow of pedestrians.
8. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

### **8.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the DC district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Adult businesses.
2. Agricultural feed and seed sales, but excluding grinding, mixing, and bleeding.

3. Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
4. Automobile, trailer, motorcycle, boat, & farm implement service/repair establishments.
5. Automobile or vehicle washing.
6. Commercial nurseries and greenhouses.
7. Gas or service stations/Electric vehicle charging stations, including convenience stores.
8. Lumber yard and building materials--open storage and sales.
9. Private parking lots as a principal use, provided it serves an adjacent principal permitted use.
10. Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations.
11. Other similar structures and uses as determined by the Zoning Administrator.

**8.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
None	None	None	None	None	3 stories or 45 feet

## **ARTICLE 9**

### **ARTERIAL COMMERCIAL (AC) DISTRICT**

#### **8.1 INTENT**

The Arterial Commercial (AC) District is intended to provide space for commercial areas located outside the Downtown Commercial District. This district accommodate a wide range of facilities with a citywide impact and include much of the commercial frontage along the major transportation arteries. These uses are also characterized by the need for larger lot sizes, own off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

#### **8.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the AC District:

1. All commercial principal permitted uses as allowed and regulated in the Downtown Commercial (DC) District, except as otherwise specified within the AC District, including all parking and loading and sign requirements.
2. Agricultural feed and seed sales, but excluding grinding, mixing, and bleeding.
3. Automobiles, trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
4. Automobile, trailer, motorcycle, boat, truck & farm implement service/repair establishments.
5. Automobile, truck, or vehicle washing.
6. Commercial nurseries and greenhouses.
7. Commercial recreation or amusements.
8. Commercial storage facilities.
9. Consumer fireworks sales, as regulated under Iowa Code.
10. Day Care Centers.
11. Gas or service stations/Electric vehicle charging stations, including convenience stores.
12. Hotels & motels.

13. Indoor shooting ranges, subject to all State and Federal regulations.
14. Commercial kennels, boarding facilities, or animal shelters., provided that all outdoor runs and exercise areas are separated a minimum two hundred (200) feet from any residential district or dwelling.
15. Lumber yard and building materials--open storage and sales.
16. Multi-Family Dwellings
17. Preschool.
18. Private parking lots as a principal use.
19. Religious assembly/institutions
20. Schools and colleges.
21. Truck stops.
22. Other similar uses as determined by the Zoning Administrator.

### **8.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the AC District:

1. Private garages.
2. Outdoor retail sales and services supplementing a principal permitted use.
3. Outdoor storage supplementing a principal permitted use, provided such use shall not be visible from a public street.
4. Public or private parking lots.
5. Small Battery Energy Storage Systems (S-BESS).
6. Small Solar Energy Systems (S-SES) (rooftop or wall-mounted units only).
7. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
8. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

#### **8.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the AG district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

1. Adult businesses.
2. Communication towers and telecommunication facilities.
3. Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations.
4. Private parking lots as a principal use, provided it serves an adjacent principal permitted use.
5. Small Wind Energy Conversion Systems (S-WECS) (freestanding units).
6. Warehouses.
7. Other similar structures and uses as determined by the Zoning Administrator.

#### **8.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
None	None	30 feet	None, except 10 feet if adjacent to residential	None, except 10 feet if adjacent to residential	3 stories or 45 feet

# ARTICLE 9 LIGHT INDUSTRIAL (LI) DISTRICT

## 9.1 INTENT

The intent of the Light District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby residential and business uses from undesirable environmental conditions. This district's regulations are designed to permit the development of any manufacturing or industrial operations, which on the basis of actual physical and operational characteristics, would not be detrimental to noise, dust, smoke, order, traffic, physical appearance, or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines. All industrial operations must be in an enclosed building. Residential uses are not permitted, except for a watchman's quarters as an accessory use.

## 9.2 PRINCIPAL PERMITTED USES

Only the following uses and structures shall be permitted in the LI District:

1. Automobile body repair and paint shop.
2. Automobile, trailer, motorcycle, boat, truck, and farm implement service or repair establishments.
3. Automatic service station.
4. Automobile, truck, or vehicle washing.
5. Assembly or fabrication of metal products.
6. Agricultural processing plants.
7. Auto-truck repair, including body shop.
8. Baggage, transfer, storage warehouse.
9. Bakeries.
10. Body piercing parlors.
11. Bottling works.
12. Brewery/Distillery.
13. Building materials and lumber storage and sales.
14. Cabinetmaking and carpenter shops.
15. Candy manufacture.
16. Canning and preserving manufacture.
17. Commercial storage facilities.
18. Commercial nurseries and greenhouses.
19. Commercial recreation or amusements.
20. Consumer fireworks sales, as regulated under Iowa Code.
21. Contractor's office and storage of equipment.
22. Distributing plants (except petroleum products).
23. Cap and hat manufacture.
24. Clothing manufacture.
25. Day Care Center.
26. Food processing (except fish, dairy, poultry and meat products, sauerkraut, vinegar, yeast and rendering of fats and oils).
27. Fruit or vegetable packing plants.
28. Ice and cold storage.
29. Indoor shooting ranges, subject to all State and Federal regulations.
30. Laboratories for research and development.
31. Machine shops.
32. Mechanized equipment storage and sale.
33. Municipal waterworks.
34. Nonhazardous material, bulk storage, and related uses.
35. Preschool.
36. Publishing.
37. Religious assembly/institutions.

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|---|---|
| <ul style="list-style-type: none"> <li>38. Schools and colleges</li> <li>39. Sheet metal shops.</li> <li>40. Storage buildings.</li> <li>41. Tattoo parlors.</li> <li>42. Wholesale, warehouse, and distribution uses.</li> <li>43. Wood products manufacture.</li> </ul> | <ul style="list-style-type: none"> <li>44. Principal permitted uses, except dwellings, as allowed in the AC and DC Districts. Dwellings are prohibited in the LI District.</li> <li>45. Other similar uses of similar intensity as determined by the Zoning Administrator.</li> </ul> |
|---|---|

**9.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the LI District:

- 1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.
- 2. Living quarters used by custodians or watchmen of the property.
- 3. Small Battery Energy Storage Systems (S-BESS).
- 4. Small Solar Energy Systems (S-SES).
- 5. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
- 6. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

**9.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the LI district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

- 1. Adult businesses.
- 2. Communication towers and transmitter or receiver facilities;
- 3. Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 4. Commercial Battery Energy Storage Systems (C-BESS).
- 5. Commercial Solar Energy Systems (C-SES).
- 6. Other similar structures and uses as determined by the Zoning Administrator.

## **9.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard</b>	<b>Minimum Side Yard</b>	<b>Minimum Rear Yard</b>	<b>Maximum Height (lesser of)</b>
None	None	30 feet	30 feet, except when 100 feet when adjacent to residential	30 feet	2½ stories or 40 feet

# **ARTICLE 10**

## **HEAVY INDUSTRIAL (HI) DISTRICT**

### **10.1 INTENT**

The intent of this District is to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to provisions of Article 14 and 16 of this Ordinance and with the approval of the Board of Adjustment. No residential uses are permitted other than watchmen's quarters as an accessory use.

### **10.2 PRINCIPAL PERMITTED USES**

Only the following uses and structures shall be permitted in the HI District:

1. All principal permitted uses as allowed and regulated in the Light Industrial (IL) District, except as otherwise specified within the HI District including all parking and loading and sign requirements.

### **10.3 ACCESSORY PERMITTED USES**

Only the following accessory uses shall be permitted in the HI District:

1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions.
2. Living quarters used by custodians or watchmen of the property.
3. Small Battery Energy Storage Systems (S-BESS).
4. Small Solar Energy Systems (S-SES).
5. Small Wind Energy Conversion Systems (S-WECS) (rooftop units only).
6. Accessory uses and structures normally incidental and subordinate to the principal permitted uses and structures of the district.

**10.4 SPECIAL EXCEPTIONS**

Certain uses may be permitted in the HI district subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses and shall only be permitted as subject to approval by the Board of Adjustment as provided for in Article 14 and 16 of this Ordinance.

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|--|--|
| <ol style="list-style-type: none"> <li>1. Acid manufacture.</li> <li>2. Adult businesses.</li> <li>3. Batching and mixing plants, asphalt, cement and concrete.</li> <li>4. Building wreckers and house mover storage yards.</li> <li>5. Bulk Fuel storage.</li> <li>6. Cement, lime, gypsum, or plaster of Paris manufacture.</li> <li>7. Commercial uses to serve industrial uses within (HI) District.</li> <li>8. Communication towers and transmitter or receiver facilities.</li> <li>9. Explosive manufacture or storage.</li> <li>10. Fat rendering.</li> <li>11. Fertilizer manufactures, storage, or processing.</li> <li>12. Foundries.</li> <li>13. Garbage, offal, dead animals, reduction or dumping.</li> <li>14. Gas manufacture.</li> </ol> | <ol style="list-style-type: none"> <li>15. Glue manufacture, fat rendering, or distillation of bones.</li> <li>16. Hydrogen production and extraction facilities.</li> <li>17. Manufacture of paper products.</li> <li>18. Petroleum product manufacture and refining.</li> <li>19. Railroad yards, freight stations, trucking and motor freight stations.</li> <li>20. Salvage yards.</li> <li>21. Smelting and refining of tin, copper, zinc, or iron ores or other raw materials.</li> <li>22. Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations.</li> <li>23. Slaughterhouses or animal stockyards.</li> </ol> |
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**10.5 BULK REQUIREMENTS**

The following minimum requirements shall be observed subject to modifications contained in Article 11.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
None	None	50 feet	50 feet, except 100 feet when adjacent to residential	50 feet, except 100 feet when adjacent to residential	None

# ARTICLE 11

## GENERAL REQUIREMENTS

### **11.1 INTENT**

The regulations set forth in this Article qualify, supplement, or modify the bulk and use regulations set forth elsewhere in this Ordinance. Said regulations shall apply to all districts unless otherwise specified.

### **11.2 BUILDINGS TO HAVE ACCESS**

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

### **11.3 MEASUREMENT METHODS**

When calculating certain measurements to meet requirements, the following general methods shall be observed:

1. Ordinary Building Projections. Setbacks and distance measurements shall be measured to the closest point of a building or structure. The ordinary projections of buildings, including overhangs, eaves, sills, bay windows, cornices, chimneys, or similar architectural features shall be included in measurements to meet the requirements of this Ordinance, except as otherwise specified within this Ordinance.
2. Height, How Measured. Height measurements shall be measured to the highest point of any building or structure except as otherwise specified in Article 11.7 of this Ordinance.
3. Front Yard Setbacks. Where a front yard is required, setback measurements shall be measured from the established right-of-way line of the street on which the lot fronts.

### **11.4 REQUIRED AREA OR SPACE CANNOT BE REDUCED**

All lots shall abut a public street or duly approved private street and each lot shall have a minimum amount of street frontage distance as required by the applicable zoning district. No lot, yard, court, parking area, or other space shall be reduced in area or dimensions so as to make said area or dimension less than the minimum required by this Ordinance. No part of a yard, court, parking area, or other space provided about or for any building or structure for the purpose of complying with the provisions of the zoning code shall be included as part of a yard, court, parking area, or other space required under this Ordinance for another building or structure except for parking.

## **11.5 USE OF PUBLIC RIGHT OF WAY AND ESTABLISHED EASEMENTS**

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 this Ordinance without the explicit written consent of the City Council. Nor shall any building or structure be constructed within or overhanging any portion of a public road, street, or alley right-of-way except as otherwise provided within this Ordinance or the City Code of St. Ansgar.

No public road or alley shall be used for outdoor storage, except for parking as authorized in this Ordinance or the St. Ansgar City Code.

No building, structure, or use shall be erected within a required lot line easement, utility easement, drainage easement, access easement, or other lawfully established easement.

## **11.6 YARDS**

1. Where thirty (30) percent or more of the block front is improved with buildings, no part of any new building shall project closer than the mid-point of the two adjacent corners of the buildings establishing the front yard on either side thereof, or where there is a building on only one side, closer than the mid-point from the corresponding adjacent corners of the two nearest buildings establishing the front yard, except that no building shall be required to provide a front yard greater than forty (40) feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, the depth of a front or side yard shall be measured from such official line. Notwithstanding the requirements of this Section, in no instance shall a front yard setback be closer than five (5) feet to a duly established street right-of-way, including open, unenclosed porches, decks, raised patios, or similar features.
2. Notwithstanding the requirements of this Section, in instances in which there is an existing dwelling with a legally established non-conforming setback where a front yard is required in any residential district or the AG district and where an addition to a dwelling is requested, the Zoning Administrator may administratively approve a Zoning Permit for a front yard setback that is non-conforming, provided that said addition is no closer to the duly established right-of-way than said legally established non-conforming setback and that all other requirements of this Ordinance are met. In no instance shall a front yard setback be closer than five (5) feet to a duly established street right-of-way under this provision.
3. In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed.
4. On corner lots and through lots, a required front yard shall be provided on both streets.

5. On a corner lot in any district, except the Downtown Commercial District (DC), no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of three (3) feet and ten (10) feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points that are twenty-five (25) feet distant from the intersection of the right-of-way lines and measured along the right-of-way lines.
6. Ground-level patios or paving may extend into required yards. Steps or access ramps may extend into a required yard to the extent necessary to provide sufficient access to a structure.
7. Open, unenclosed porches, decks, raised patios, or similar features may extend ten (10) feet into a required front yard in the AG, R-LD, and R-HD districts.

### **11.7 HEIGHT EXCEPTIONS**

Height regulations shall not apply to communication towers, church spires, belfries, monuments, farm buildings, 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 apparatus which may be erected to any height not in conflict with any other applicable regulations.

Amateur Radio Antenna Installations. Antenna installations up to 65 feet in height are permitted and are subject to provisions in Article 11.10. For an antenna installation that is either mounted to any part of a building or mounted to the ground, height shall be measured from the ground level immediately adjacent to antenna to the highest point of the antenna installation. Any increase in height to an antenna installation legally established prior to the effective date of this Article shall be subject to the requirements of this chapter. A maximum of one antenna installation, which consists of an antenna support structure and antennas, is permitted per property. The single antenna installation may accommodate multiple antennas.

### **11.8 PRINCIPAL BUILDINGS AND USES**

More than one principal permitted use or building may be established as provided for in the respective district unless otherwise prohibited, provided that all other requirements are met.

### **11.9 ACCESSORY BUILDINGS, STRUCTURES, AND USES**

Accessory buildings, structures, and uses customarily incidental to that of the principal building and/or use may be erected or established as permitted in the respective district, provided they also comply with the following:

1. No accessory building and/or structure shall be constructed upon a lot until the construction of the principal building has actually commenced or a principal permitted use has been legally established. No accessory building and/or structure shall be used unless the main building on the lot is also being used.
2. Detached accessory buildings and/or structures located between the side building line of a principal building and side lot line shall meet all yard requirements for a principal building.
3. No accessory building, structure, or use shall be permitted between the building line of a principal building or a front lot line or right-of-way line of a street within the AG, R-LD, R-HD, and MH districts.
4. Accessory buildings, structures, or uses may be located within a required rear or side yard; however, no accessory building, structure, or use shall be located within five (5) feet of any side or rear lot line, except in the DC district.
5. An open, unenclosed, and uncovered steps, ground-level patio, or concrete slab driveway may project into a required yard, provided it is twenty-four (24) inches or less off grade.
6. No accessory building or structure shall be erected within six (6) feet of any principal building on the same lot or adjacent lots. The combined floor area of all detached accessory buildings on a lot shall not occupy more than an area equal to thirty percent (30%) of the rear yard in residential districts up to a maximum of one thousand five hundred (1,500) square feet in area; however, a minimum size garage of four hundred forty (440) square feet in area shall be permitted in residential districts, provided all other requirements of this Ordinance have been met. This requirement shall not apply to small sheds, air conditioning units, or other similar types of accessory structures taking up an area less than one hundred twenty (120) square feet.
7. All accessory buildings shall be securely anchored to the ground.
8. In residential districts, the maximum side wall height of accessory buildings shall be ten (10) feet.
9. Accessory buildings and/or structures may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are met.
10. Detached garages, constructed with the vehicular entry door located in the garage wall adjacent to an alley, shall be a distance of at least fifteen (15) feet from said alley right-of-way line.

## 11. Private Swimming Pools.

- A. **Swimming Pools Requiring a Permit.** Permanent swimming pools shall be considered an accessory building or structure for the purposes of this ordinance and shall require a Zoning Permit. Fencing of a permanent swimming pool shall be the responsibility of the owner and will not be inspected by the City.
- B. **Swimming Pools Not Requiring a Permit.** Temporary swimming pools that are removed seasonally shall not be considered an accessory building or structure for the purposes of this ordinance and are not regulated by the City.

### **11.10 DWELLINGS REQUIREMENTS**

Dwellings, as permitted in this Ordinance, shall meet the following standards:

1. **Perimeter Foundations.** A permanent perimeter foundation shall be required for all principal buildings except for modular and manufactured homes for which piers are permitted in accordance with State statutes. Mobile homes shall be subject to this requirement as provided, except mobile homes are exempt from this requirement in the MH district.
2. **Maximum Attached Garage Area.** All private garages attached to a dwelling shall not take up an area greater than twice the total floor area of the residential space within said dwelling, exclusive of garages, car ports, decks, patios, porches, unfinished basements, or any other similar attached features.

### **11.11 ACCESSORY DWELLING UNITS**

Accessory dwelling units (ADU), where permitted as an accessory use, shall meet the following requirements:

1. The residential space of an ADU, exclusive of garages, car ports, decks, patios, porches, and other similar attached features, shall have a maximum allowable size of no greater than one thousand five hundred (1,500) square feet in area or fifty percent (50%) of the area occupied by the principal dwelling, whichever is greater.
2. All ADU's attached to the principal building shall be subject to the same setback requirements as the principal building in the applicable district.
3. All ADU's detached from the principal building shall be subject to the same requirements as an accessory building in Article 11.9, except as modified by this Article. ADU's shall not be subject to the maximum sidewall height requirement for accessory buildings, provided that the maximum height requirement of the respective district is met.
4. A maximum of one (1) ADU may be allowed per lot in the respective district as permitted as an accessory use.

5. A mobile home may be used as an ADU; however, any mobile home used as an ADU shall be permanently affixed to the ground and shall meet the requirements of Article 11.10 of this Ordinance.

### **11.12 FENCES**

Fences and hedges shall be permitted in all districts within required yards, subject to the following regulations:

1. Fences in residential districts shall not exceed four (4) feet in height in any required front yard, and fences shall not exceed six (6) feet in height in any required side or rear yard. In front and side yards having street frontage, fence materials shall allow for adequate visibility. Chain-link fences in excess of six (6) feet are permitted in the cases of tennis courts.
2. Fences shall be erected entirely on the lot off of property lines and shall be constructed with the finished side facing adjoining properties. Notwithstanding, fences may be located on a property line with signed permission from the respective abutting property owner accompanying a zoning permit application. This requirement shall not apply in the DC District.
3. Fences constructed of railroad ties or steel (except posts as set forth in the next paragraph) shall not be allowed in residential districts. However, nothing herein shall be construed to prohibit the use of railroad ties for landscaping.
4. Security or screening fences shall be permitted in all districts except residential districts but shall not exceed ten (10) feet in height.

### **11.13 TEMPORARY BUILDINGS AND USES**

Certain temporary buildings and uses are allowable under the following regulations:

1. Temporary Construction Buildings. Temporary building(s) incidental to construction work 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 days after completion or abandonment of the construction work.
2. Recreational Vehicles Used as Living Quarters. No recreational vehicle shall be used as a permanent dwelling or living quarters. However, a recreational vehicle may be used as temporary living quarters up to a maximum of two (2) weeks per year on a lot or as a temporary construction building as allowed above.

3. Factory Built/Mobile Homes Used for Emergency Use. A "factory-built/mobile home" shall be parked or stored only in a mobile home park or mobile home sales area. A factory-built/mobile home shall not be occupied, whether temporarily or permanently, unless it is parked or stored in a mobile home park, as authorized under this Ordinance. Notwithstanding, In the event of an emergency, a factory built/mobile home may be used temporarily as living quarters in any residential district or as a business in a commercial district under the following conditions:
  - A. The primary dwelling or building on the lot is unlivable or unusable due to substantial damage as the result of a recent disaster or catastrophe;
  - B. The unit will be occupied only by the persons or business residing in or owning the lot at the time of the disaster;
  - C. This exception is for the purpose of allowing the owner to rebuild or repair the residence or business building;
  - D. The owner has made arrangements satisfactory to the Zoning Administrator for water and electrical service and disposal of sewage, and for location of the unit on the lot; and,
  - E. The owner has applied to and been granted a permit under this section by the Zoning Administrator for a period of up to six (6) months for the use and placement of the temporary structure or trailer. The time shall not exceed the time necessary for repair and re-occupancy of the primary structure. The permit may be extended for additional periods not to exceed three (3) months. Each grant and extension shall be reviewable by City Council at the request of the applicant or the City Council.

#### **11.14 HOME OCCUPATIONS**

A no impact home occupation shall not require a Zoning Permit. Any home occupation that does not meet the definition of a no impact home occupation shall only be permitted in and subject to the applicable requirements of the respective district. No impact home occupations shall be subject to the following requirements:

1. Such business shall not create the need for additional parking spaces than needed for those that live in the dwelling.
2. Such business shall not generate substantial additional need for on-street parking or traffic in the vicinity.
3. Such business shall not be a principal use on the lot.
4. Such business shall be owned or operated by a resident of a dwelling on the lot. Such business may have employees, provided that all requirements of this Section are met.

5. Such business shall not have onsite signage beyond that permitted in the respective district.
6. Such business shall not produce any offensive noise, vibration, smoke, dust, fumes, odors, heat, or glare rendering such building premises objectionable or detrimental to the residential character of the neighborhood.
7. The operations of such business shall not be visible from an adjacent property or street, including any outdoor storage. All storage shall comply with nuisance and junk requirements of Chapters 50 and 51 of the St. Ansgar City Code and the requirements of this Ordinance.

### **11.15 KEEPING CHICKENS IN RESIDENTIAL DISTRICTS**

The intent and purpose of this section is to allow the keeping of a limited number of hens, primarily for the purpose of providing fresh eggs or as pets to the occupants of a residential dwelling. The keeping of hens is an accessory permitted use in the “R-LD” district, provided the following standards are met:

1. Zoning Permit Required. A Zoning Permit as provided for in Article 17 shall be required for the addition of chickens and construction of a chicken coop and installation of any chicken enclosure. Keeping of roosters shall be prohibited.
2. Maximum Size. The maximum size allowed for a chicken coop shall be no larger than one hundred twenty (120) square feet in area, and the maximum size for an outdoor chicken enclosure shall be no larger than one hundred twenty (120) square feet in area.
3. Accessory Building and Use Requirements. Chicken coops and enclosures shall meet the minimum requirements for accessory buildings and uses as provided for in Article 11.9.
4. Distance from Dwellings. Chicken coops and outdoor enclosures shall be a minimum of twenty-five (25) feet from the closest dwelling.
5. Maximum Number of Head. The maximum number of hens kept on any lot shall be no greater than twelve (12) head.
6. Free Roaming of Chickens. All chickens shall be contained within a coop or enclosure at all times. The free roaming of chickens outside of a coop or enclosure shall be prohibited and shall be grounds for revocation of a Zoning Permit and grounds for enforcement actions as provided for in this Ordinance.
7. Nuisance Control and Local Ordinance Requirements. A permit holder shall not allow a nuisance to be created and shall comply with the nuisance requirements of Chapter 50 of the St. Ansgar Code. All refuse and chicken litter shall be removed regularly.

### **11.16 ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by law and the City Code of St. Ansgar. With the exception of buildings and communication towers, it is the intent of this Ordinance to exempt essential services from the application of this Ordinance. Said buildings and communication towers shall be located as permitted in the respective district and shall abide by the corresponding requirements thereof.

### **11.17 OUTDOOR STORAGE**

The outdoor storage of materials, personal property, and junk, as defined herein, shall be regulated as follows, except as otherwise provided elsewhere within this Ordinance and the St. Ansgar City Code:

1. In residential districts, outdoor storage of materials, personal property, and junk taking up an area greater than 200 square feet shall be prohibited. Outdoor storage shall be prohibited in a front yard.
2. No more than one (1) junk vehicle shall be permitted to be stored on a lot for more than seven (7) days, except for within a legally permitted salvage yard.
3. The storage of junk, as defined herein, shall take place only within a legally permitted salvage yard as provided for in Article 13.

### **11.18 REQUIRED PROCEDURES FOR SHOOTING RANGES**

No shooting range shall begin operation until the required procedures of Iowa Code, Chapters 414.26 ad 657.9 or as amended, are followed as may be permitted and required in this Ordinance and subject to all applicable State and Federal regulations. A shooting range must be approved by the Planning and Zoning Commission and City Council before beginning operation; however, the Commission and City Council shall not establish additional conditions or requirements for approval beyond those required in this Ordinance.

## **ARTICLE 12**

### **SIGN REGULATIONS**

#### **12.1 INTENT**

This Article is established to protect and promote health, safety, general welfare, and order within the City of St. Ansgar through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, numbers, size, structure, location, height, lighting, erection, use, or display of devices, signs, or symbols serving as a visual communications 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 communications facilities. Hereafter, no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this Article.

#### **12.2 ADDITIONAL SIGN DEFINITIONS**

1. Address Sign. A wall sign which identifies the address information of the property but contains no other information and is not larger than two (2) sq. ft. in area. Address signage on mailboxes shall be limited to that allowable under U.S. Postal Service Provisions.
2. Animated Sign. A sign that uses movement or a change of lighting to depict action or create a special effect or scene. Animated sign means a sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means.
3. Banner Sign. A temporary sign composed of lightweight material not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the wind.
4. Billboard Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
5. Building-Mounted Sign. A sign fastened to, supported by, or painted on a building or wall and includes sign types such as wall signs, awning signs, marquee signs, and roof signs.
6. Face. That part of a sign that is devoted to the display of advertising and this is visible to traffic proceeding in any direction.
7. Free-Standing Sign. Any permanent, immovable sign not building mounted and which is supported by one or more uprights or braces in or upon the ground. The definition includes billboards.

8. Government Signs: 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.
9. Illuminated Sign. Any sign which has characters, letters, figures, designs, or outlines illuminated by internal electric lights or luminous tubes or lighting directed at the sign itself to make the sign visible or legible at night.
10. Incidental Sign. A sign that is located outside of a public or private street or railroad right-of-way which is generally instructional or informational in nature and which contains no commercial message, including, but not limited to, traffic control and other directional signs, address signs, hours of operation signs, open/close signs, parking or loading control signs, method of payment accepted, signs indicating the location of telephones or emergency equipment, and similar instructional or informational signs.
11. 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. A joint identification sign may be created by the owners of all the abutting premises who wish to cooperate in order to jointly obtain permission for one (1) freestanding or one (1) projecting sign on the joint sign premises.
12. Pole Sign: A free-standing sign that is supported by one or more uprights not attached to, or braced by, any other structure. Pole signs shall have a clear open space of not less than ten (10) feet between the base line of said sign and the ground level.
13. Portable Sign. Any sign not permanently attached to a building, structure or the ground, capable of being moved at periodic intervals, includes: A-boards, portable reader-boards, and similar signs.
14. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
15. Roof Sign. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.
16. Swinging Signs: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.
17. Temporary Sign. A sign that is not permanent, building-mounted, or attached to the ground and includes portable signs with or without a hitch and wheels, or signs constructed of light material designed or intended to be displayed for a short period of time up to a maximum timeframe of three (3) months.

18. Wall Sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.

### **12.3 GENERAL SIGN REQUIREMENTS**

All signs shall meet the following provisions:

1. Permit Required. No sign except permitted signs as identified herein shall be erected, altered, constructed, or modified without first receiving a valid sign permit from the Zoning Administrative Officer.
2. Sign Permit Application. The application for a sign permit shall contain such information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
3. Permit Fees. To defray administrative costs of processing requests for sign permits, the applicant for a sign permit shall pay to the City Clerk, a fee as established by the City Council.
4. Sign Maintenance. All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. 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, after written notice by the City of St. Ansgar.
5. Interference. No sign, nor any guys, stay, or attachment thereto, shall be erected, placed, or maintained by any person 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, telegraph, or TV cable wires or supports thereof.
6. Signs in Right-of Way or Legally Established Easement. 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. Signs shall not be placed in a drainageway, ingress/egress easement, utility easement, or other easement of record.
7. Clearance. All signs located over public rights-of-way or any public or private access route (sidewalk, bike trails, etc.) shall be located a minimum of twelve (12) feet above grade level and must receive approval from the City Council.

No ground sign or supporting structure shall be placed, adjoining a driveway, in an area bounded by the adjacent street or alley right-of-way, the adjacent driveway line, and diagonal line intersecting said right of way and driveway lines at a distance of ten (10) feet from the point of intersection of said right of way and driveway lines.

8. Visibility Zone. No ground sign shall be placed in the traffic visibility zone as described in Article 11.6, Section 5 of this Ordinance.
9. Safe Ingress and Egress. No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress and egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
10. Signs Required by Law. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance may be of any type, number, area, height above grade, zoning district, or illumination authorized by the law, statute, or ordinance under which such signs are required or authorized.
11. Additional Regulations. In all districts, signs and billboards shall adhere to pertinent state regulations and other local Ordinances.
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 (30) 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 or sign area permitted on one zoning lot.
13. Abandoned Signs. Obsolete signs which advertise an activity, business product, or service which is no longer produced or conducted on the premises shall be removed within ninety (90) days from date of notice provided by the City. The owner of the property on which the sign is located shall have ninety (90) days from date of notice to remove any such sign.
14. Illumination. All externally illuminated signs as permitted by this Ordinance shall be constructed so as to direct the source of light away from adjacent properties or public streets
15. Animated Signs. Animated signs with video or fully animated or flashing images are prohibited. Animated signs with internally illuminated messaging or changing imagery shall only display still messaging or images that change no more often than one (1) time per second; except however, scrolling messages with words only or simple, minimal animations with logos may be used if deemed acceptable by the Zoning Administrator. Animated signs shall be separated a minimum distance of one hundred (100) feet from the nearest dwelling. Animated signs shall only be permitted in commercial or industrial districts.
16. Double Frontage. Lots having frontage on two streets 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.

17. Number of Permanent Signs. Only one (1) permanent ground or pole sign per street frontage intended to be read from off the premises shall be allowed for each principal use in all zoning districts.
18. Building-Mounted Sign Area. No building-mounted sign or group of building-mounted signs shall take up an area greater than twenty-five percent (25%) of any building face.
19. Sign Area. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Supports, uprights, bracing, and framework not bearing advertising matter shall not be included in computation of surface area.
20. Non-Conforming Signs. Any 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, shall follow the provisions of Article 15 of this Ordinance.
21. Prohibited Signs: The following type of signs are prohibited in any zoning district:
  - A. Signs painted on or attached to trees, rocks or other natural features, or telephone or utility poles.
  - B. Signs placed or painted on a motor vehicle or trailer and parked or mounted for the primary purpose of providing signs not otherwise allowed by this Ordinance.
  - C. Private signs that imitate or appear to be public traffic control signs or otherwise contain words which might be construed as public traffic controls, such as "stop", "caution", "warning", etc., unless such sign is intended to direct traffic within the premises.
  - D. Abandoned and/or obsolete signs and supporting structures.
  - E. Signs bearing or containing statements, words, or pictures that describe or depict specified anatomical areas or specific sexual activities as defined in this Ordinance.

#### **12.4 PERMITTED SIGNS NOT REQUIRING A PERMIT**

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

1. Address signs.
2. Incidental signs, up to a maximum sign area of six (6) square feet per sign.

3. Temporary signs, up to a maximum sign area of sixteen (16) square feet for lots two hundred (200) feet or less of street frontage or thirty-two (32) square feet for lots with more than two hundred (200) feet of street frontage.
4. Government signs.
5. Holiday decorations.

### **12.5 DISTRICT SIGN REQUIREMENTS**

Billboards and signs in conjunction with principal permitted uses are allowed subject to the following regulations. Only signs specifically permitted shall be allowed in the various districts according to the table provided in this Section:

<b>Sign Type</b>	<b>Max. Sign Number</b>	<b>Max. Area</b>	<b>Location Requirements</b>	<b>Permitted Zoning Districts</b>
Temporary Signs	1 nonilluminated per street frontage	MH, R-LD, R-HD: 6 sq. ft. DC: 32 sq. ft. AC, AG, LI, HI: 32 sq. ft.	Shall not be located in traffic visibility area nor extend 10 ft. above grade.	All
Political Campaign (Temporary)	Provided for in Chapter 306C, Code of Iowa			
Wall, Ground, Free-Standing, and Pole	1 per street frontage	200 sq. ft. or 1 sq. ft. for each linear foot of street frontage, whichever is less	Shall not extend 30 ft. above grade; pole signs shall have at least 10ft of clearance from ground to bottom of sign; must be located no more than 150 ft. from the location of the associated principal permitted use.	DC, AC, AG, LI, HI
Projecting	1 per street frontage	200 sq. ft. or 1 sq. ft. for each linear foot of street frontage, whichever is less	Shall not extend five feet from wall of building to which they are attached; min. 12 ft. clearance between bottom of sign and finished grade; shall not extend above the roofline of the buildings on which they are located or 20 feet from the finished grade, whichever is less.	DC, AC, LI, HI, AG
Address	1 nonilluminated per building	2 sq. ft.	Affixed to building wall; address signage on mailboxes shall be limited to that allowable under U.S. Postal Service Provisions.	All
Private Directional	1 nonilluminated per property	LI, HI: 8 sq. ft. R-HD, DC, AC: 4 sq. ft.	Not to extend 4ft. above grade.	DC, AC, LI, HI
Roof	1 per property	Not to exceed 1 sq. ft. for each linear foot of street frontage	Roof level at the base to the top of the sign structure; no roof sign shall project beyond the roof line of the building to which it is attached.	DC, AC, LI, HI, AG
Building Directory	1 nonilluminated per property	Not to exceed 6 sq. ft. per business or resident occupant	Affixed to building wall	All
Portable Signs	1 per street frontage	Not to exceed 32 sq. ft.	Not be located in traffic visibility area nor extend 10 ft. above grade.	AG, DC, AC, LI, HI

# ARTICLE 13

## PARKING AND LOADING REGULATIONS

### 13.1 OFF-STREET PARKING MINIMUMS

Except for at the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, a minimum number of off-street parking spaces shall be provided, constructed, and maintained for all uses in all districts, except the DC District, as follows; however, any change of a use that would result in an increase of twenty-five percent (25%) or greater of the respective requirement, the required parking spaces shall be provided:

- |   |  |
|---|--|
| 1. Residential Use:   | 1 space/dwelling unit, not including ADU   |
| 2. Mobile Home:   | 1 space/mobile home  |
| 3. Hotel/Motel/Bed & Breakfast:                                     | 1 space/room + 1 space/employee on duty  |
| 4. Resorts:   | 1 space/rental unit or room  |
| 5. Hospital:  | 1 space/4 beds + 1 space/every 2 employees on duty   |
| 6. Public Assembly Use<br>(e.g. churches, theaters):                | 1 space/4 seats  |
| 7. Special Events Venue:  | 1 space/300 sq ft of gross floor area  |
| 8. Bowling Alley:   | 5 spaces/lane  |
| 9. Retails Sales/Banks/<br>Professional Services:                   | 1 space/300 sq ft of gross floor area  |
| 10. Restaurants:  | 1 space/4 seats + 1 space/employee on duty   |
| 11. Cocktail Lounge/Brewery/<br>Distillery:                         | 1 space/2 seats  |
| 12. Primary Educational Facility:                                   | 2 spaces/classroom OR 1 space/4 seats in largest facility for public assembly, whichever is greater    |
| 13. Secondary Educational Facility:                                 | 1 space/classroom OR 1 space/6 seats in the largest facility for public assembly, whichever is greater |
| 14. Industrial Use/Manufacturing/<br>Warehouse/Distribution Center: | 1 space/2 employees on largest shift   |

15. Convalescent Services:	1 space/3 beds
16. Group Residential:	1 space/ 2 beds
17. Auto Sales:	2 space/employee or manager + 2 spaces/service stall
18. Vehicle Service Station	1 space/employee or manager + 2 spaces/service stall
19. Clinic (medical, dental, veterinary):	3 spaces/doctor + 1 space/2 staff members
20. Furniture & Appliance Stores:	1 space/600 sq ft of gross floor area
21. Laundromat:	1 space/200 sq ft of gross floor area
22. Funeral Home/Mortuary:	1 space/5 seats in principal auditorium
23. Data Center:	1 space/2 employees on largest shift

### **13.2 LOCATION AND TYPE OF PARKING SPACES**

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 or use 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 Zoning Permit.
2. Off-street parking spaces may be located within the required front yard in any commercial or industrial district or the R-HD district; however, no off-street parking shall be permitted in the required front yard in the R-LD district except upon an improved driveway providing access to a garage, carport, or legally designated parking area for the dwelling.
3. All required off-street parking areas in any commercial or industrial district or the R-HD district of more than five spaces shall be hard surfaced, of which may contain concrete, asphalt, or crushed rock, so as to provide a durable surface. The parking area shall be graded and drained to dispose of all surface water accumulation 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. No part of any parking space shall be closer than five feet from any street right-of-way. In case the parking lot adjoins a residential district, it shall be at least five feet from the property line and shall be effectively screened immediately a minimum of eight (8) feet in height by the use of a fence, hedge, other similar methods as approved by the City.
6. All off-street parking spaces shall have an area of not less than one hundred sixty-two (162) square feet (Minimum 9'wide by 18' long) 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 for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

### **13.3 OFF-STREET LOADING SPACE REQUIREMENTS**

In any district, in connection with every building or part thereof hereafter erected, having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or fraction thereof.

1. Each loading space shall be no less than twelve feet (12') in width, forty feet (40') in length and fifteen feet (15') in height.
2. Such space may occupy all or any part of any required yard or open space, except when 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.

### **13.4 STORAGE AND PARKING REQUIREMENTS FOR RECREATIONAL VEHICLES, TRAVEL-TRAILERS, AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

The parking of oversized vehicles in all residential districts shall comply with the following regulations:

1. Parking within the front yard of a residential property may be temporarily allowed for a travel-trailer, camping trailer, a pick-up truck coach, tiny home on wheels (thow), boat, recreational vehicle, or motorized home belonging to the property owner or a guest of the property owner provided it is parked on an improved surface leading to a garage or designated parking area. This allowance shall be limited to a two (2) week period for said vehicle.
2. The following vehicles and equipment shall be stored only in a garage or fully enclosed structure:

- A. Any truck or other type of commercial vehicle or equipment in excess of eight thousand (8,000) pounds.
  - B. No vehicle used for transporting flammable liquids, explosives, or toxic or noxious materials shall be parked or stored in a residential district.
3. Storage or parking of travel trailers, camping trailers, boat trailers, recreational vehicles, enclosed trailer, open trailers, or other types of travel-trailers is permitted within the rear yard or side yard, provided storage shall not prevent clear access between the front and rear yards of the parcel for a person on foot;
  4. Jet skis, snowmobiles, ATVs, UTVs, motorcycles, dirt bikes, golf carts, or similar types of vehicles may be parked or stored within the rear yard and side yard, provided that the following regulations are met:
    - A. The equipment shall be licensable and fully operational.
    - B. Vehicles or equipment shall be fully located on an improved driveway serving the property or enclosed within a building.
    - C. All vehicles and equipment shall be no closer than three (3) feet from a side lot line or rear lot line.
    - D. Outdoor storage of vehicles and equipment shall not exceed four (4) vehicles or equipment.
  5. Parking or storage of any recreational or commercial vehicle or travel-trailer on any roadway or within a road right-of-way shall not occur for a period of greater than seven (7) consecutive days.
  6. Nothing in the provisions of this Ordinance shall be construed to prohibit trucks or other essential service vehicles from being parked on the premises temporarily for purposes of making deliveries or rendering service to the property owner.

## **ARTICLE 14**

### **SPECIAL EXCEPTIONS**

#### **14.1 PROCEDURES AND REQUIREMENTS**

Allowable special exceptions may be permitted, enlarged, or altered upon application for a Special Exception Permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a Special Exception Permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a Special Exception Permit, the Board of Adjustment will authorize the issuance of a Special Exception Permit and may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the Special Exception Permit. In hearing requests for a Special Exception Permit, the Board of Adjustment shall follow all requirements and procedures in Iowa Code Chapter 414, Article 16 of this Ordinance, and the Board of Adjustment's duly adopted Rules of Procedure.

#### **14.2 APPLICATION FOR SPECIAL EXCEPTION PERMIT**

A request for a Special Exception Permit may be initiated by a property owner or his or her authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a site plan and other such plans and data showing dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposed use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee in an amount as established by the City Council.

The application shall include the following:

1. Name and address of the owner and applicant.
1. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a signed affidavit that the applicant is the authorized agent of the owner of the property.
4. The property address and the name and mailing address of the owner of each lot within two hundred (200) feet of the subject property and a map with parcels keyed to the ownership and address data. This information may be obtained from the Mitchell County Auditor's Office.
5. A description of the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.

6. Site plans, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all dimensions sufficiently shown, as required to illustrate the following:
  - A. The date, scale, north arrow, title, name of owner, and name of person preparing the site plan.
  - B. The location and dimensions of boundary lines, easements, and required yards and setbacks.
  - C. The location, height, bulk, general appearance, and intended use of the proposed buildings on the site.
  - D. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
  - E. The location of watercourses and drainage features.
  - F. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
  - G. The relationship of the site and proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

### **14.3 STANDARDS OF REVIEW**

No Special Exception Permit shall be granted by the Board of Adjustment unless the Board makes findings of the following:

1. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special condition will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, parking, and/or necessary facilities have been or will be provided.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets.

#### **14.4 SUPPLEMENTAL USE STANDARDS**

In addition to the general standards outlined above, specified uses requiring a Special Exception shall adhere to standards as follows:

1. Adult Businesses. Requirements:

- A. An adult business shall not be located within three hundred (300) feet of any educational facility, regularly scheduled school bus stop, licensed day care facility, place for religious assembly, public park, public library, dwelling (one-family, two-family, or multiple family dwellings), or City Hall;
- B. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view of the interior from any public or semi-public area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or from other public or semi-public areas;
- C. Minors. No minor as defined by this Ordinance shall be permitted in any establishment in which Adult Uses are permitted;
- D. Alcohol. No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to Iowa Law. This prohibition applies equally to the proprietor and the patrons of the establishment involved.

2. Commercial Battery Energy Storage Systems. Requirements:

- A. Maximum Area: five (5) acres.
- B. All components of C-BESS shall be a minimum of fifty (50) feet from non-participating property lines, road right-of-way, and railroad right-of-way.
- C. C-BESS, including all mechanical equipment, shall be enclosed by an eight (8) foot tall fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- D. Vegetative or fenced screening shall be required at the discretion of the Board of Adjustment in consideration of any nearby residential uses.
- E. Minimum Clearance. Areas within ten (10) feet of the C-BESS shall be clear of combustible vegetation or other combustible materials or growth.

- F. Fire and Safety Compliance. The applicant, owner, or operator shall be responsible in meeting all standards of the National Fire Protection Association (NFPA) and applicable state and federal fire and safety requirements, including but not limited to NFPA 1, NFPA 70, NFPA 855, and the National Electrical Code (NEC).
3. Commercial Solar Energy Systems. Requirements:
- A. Maximum Area: five (5) acres.
  - B. C-SES, including all mechanical equipment, shall be enclosed by an eight (8) foot tall fence with a self-locking gate to prevent unauthorized access.
  - C. The applicant, owner, or operator shall be responsible in meeting all standards of the National Electrical Code (NEC).
  - D. Vegetative or fenced screening shall be required at the discretion of the Board of Adjustment in consideration of any nearby residential uses.
4. Communication Towers. Minimum Setback: Communication towers shall be located a minimum distance equal to 110% of the engineered fall distance of the respective tower from all property lines.
5. Salvage Yards. All salvage yards, including any area where waste, junk, or discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, or disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles shall meet the following requirements:
- A. The yards shall be at least five hundred (500) feet distant in all directions from any residential building;
  - B. The out-of-doors yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height;
  - C. An off-street parking or service area in connection with the yard may be located outside of the screened-in area.

## **ARTICLE 15**

### **NONCONFORMING USES**

#### **15.1 INTENT**

Reasonable zoning ordinances are within and constitute a lawful exercise of police power by this City. All efforts taken to enforce the provisions of this Zoning Ordinance are taken to promote public peace, order, morals, health, safety, convenience, and the general welfare of the community.

Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. But it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this Ordinance to be considered legal as of the date of adoption of this Ordinance and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this Article.

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 of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### **15.2 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 the Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

### **15.3 NONCONFORMING USES OF LAND WITH MINOR STRUCTURE ONLY**

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased; nor extended to occupy a greater area of land than was occupied at the effective date of adoption 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 of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### **15.4 NONCONFORMING STRUCTURES**

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:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent (50%), it shall not be reconstructed except in conformity with the provision of this Ordinance.
3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
4. If any such nonconforming structure is used for a purpose restricted by this Ordinance for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

## **15.5 NONCONFORMING USES OF STRUCTURES OR STRUCTURES AND PREMISES IN COMBINATION**

If a lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed 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. 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, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
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, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued, abandoned, or ceases operation for any reason for twelve (12) months or eighteen months in any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When a 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 damage to an extent of more than fifty percent (50%) of the structure. Replacement shall begin within six (6) months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within eighteen (18) months of the time of destruction or the nonconforming status shall expire.

## **15.6 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs, 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.

## **15.7 USES UNDER SPECIAL EXCEPTION PROVISION NOT NONCONFORMING USES**

Any use which is permitted as a special exception in a district under the terms of this Ordinance (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

## **ARTICLE 16**

### **BOARD OF ADJUSTMENT**

#### **16.1 BOARD CREATED**

A Board of Adjustment is hereby established. The Board shall consist of five (5) members to be appointed by the City Council for a term of five (5) years, except that when the Board shall first be created one member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the City Council for the unexpired term of the member.

#### **16.2 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 or upon request of three (3) members of the Board of Adjustment 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 City Clerk shall act as secretary for the Board of Adjustment.

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 at City Hall. The presence of three (3) members shall constitute a quorum.

#### **16.3 HEARINGS, APPEALS, AND NOTICE**

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or board of the City of St. Ansgar affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed ten (10) days, by filing with the City Clerk and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrative Officer 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, and give not less than seven (7) days or more than twenty (20) days thereof by publishing said notice in a paper with general circulation in the City, as well as give due notice to the parties in interest, and decide the same within thirty (30) days. At the hearing, any party may appear in person or by agent or attorney.

A fee shall be paid to the City Clerk, in the amount established by the City Council, at the time the notice of appeal is filed.

## **16.4 STAY OF PROCEEDINGS**

An appeal stays all proceedings in furtherance of the action which was appealed, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril 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 on the application, on notice to the Administrative Officer from whom the appeal is taken and on due cause shown.

## **16.5 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 Administrative Officer 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 by the terms of this Ordinance, as provided for in Article 14.
3. Variances: To hear upon appeal, in specific cases, such variance from the terms of this Ordinance that will not be contrary to the public interest. No variance shall be granted by the Board of Adjustment unless the following conditions are demonstrated:
  - A. To authorize on appeal, in specific cases, such variance from the terms of the Ordinance with respect to the quantitative requirements for area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance, and so that the spirit of the Ordinance shall be observed and substantial justice done. Such variance from quantitative requirements of this Ordinance shall require a variance to be granted by the Board of Adjustment only where the following standards of review are demonstrated:
    - (1) The land in question cannot yield a reasonable return if used only for a purpose allowed in the zoning district;
    - (2) The plight of the owner is due to unique circumstances and not to the general conditions in the neighborhood;
    - (3) The variance requested will not alter the essential character of the locality; and,

- (4) The variance requested will not result in a setback of five (5) feet or less, except in the DC District, from any property line or street or alley right-of-way line, except in instances where such requirements would result in unnecessary hardship under the standards of review below for non-quantitative variances.
- B. To authorize upon appeal in specific cases such variance from the non-quantitative requirements 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. Such variance from non-quantitative requirements of this Ordinance shall require a variance to be granted by the Board of Adjustment only where the following standards of review are demonstrated:
- (1) 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;
  - (2) 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;
  - (3) That the special conditions and circumstances do not result from the actions of the applicant.
  - (4) 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.
- C. 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.
- D. 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.

- E. 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 part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 17 of this Ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

## **16.6 DECISION OF THE BOARD OF ADJUSTMENT**

In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, 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 Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, 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 City Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The City Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is, in such case, delayed thirty (30) days from the date of the remand.

## **16.7 APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons, taxpayer, department, board, or bureau of the community 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 Chapter 414, Code of Iowa (or as amended).

## **ARTICLE 17**

### **ADMINISTRATION AND ENFORCEMENT**

#### **17.1 ZONING ADMINISTRATIVE OFFICER**

The City Council of St. Ansgar, Iowa shall appoint a Zoning Administrative Officer, and it shall be the duty of said officer to administer to and enforce this Ordinance. Such officer may be a person holding other appointive office in the City, or in another governmental agency.

1. He or she and his or her designee shall exercise all enforcement powers under this Ordinance, including but not limited to the investigation of complaints of zoning violations, issuance of notices and municipal infraction citations to violators, and the preparation and submission to the City Attorney of reports of those zoning violations which continue unabated after exhaustion of reasonable administrative remedies toward their abatement, for such legal action as the facts of each report may require.
2. In all cases in which the City commences court action, he or she shall cooperate with the City Attorney by performing such additional investigative work, as the City Attorney shall require.
3. He or she shall attend the meetings of the Planning and Zoning Commission and the Zoning Board of Adjustment, shall investigate and review all applications and cases presented to said bodies, and shall advise the said bodies on those cases.
4. If the City Attorney, after analysis of the report, institutes legal proceedings, the Zoning Administrative Officer will cooperate with the City Attorney in the perfecting of such proceedings.
5. The Zoning Administrative Officer or the Officer's designee may provide a written determination regarding the application of this Ordinance and related land use regulations in this Ordinance to a specific site to any person requesting such information upon receipt of a fee in the amount set in the schedule of fees adopted by the City Council by resolution.
6. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

## **17.2 ZONING PERMIT REQUIRED**

No land shall be occupied or used, and no building or structure, including temporary buildings and structures, hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrative Officer, stating that the building and use comply with the provisions of this Ordinance and the City's building and health ordinances.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance. Nothing in this part shall prevent the continuance of a nonconforming use as previously authorized, unless a discontinuance is necessary for the safety of life or property.

## **17.3 ADMINISTRATIVE FEE FOR NONCOMPLIANCE**

Any person or entity not conforming to the requirements of Article 17.2 above shall be assessed an administrative fee equal to the Zoning Permit fee in addition to the Zoning Permit fee established by the City Council.

## **17.4 ZONING PERMIT APPLICATION PROCEDURE**

To secure a Zoning Permit, the following procedures shall be followed:

1. To secure a Zoning Permit, the applicant shall file with the Zoning Administrative Officer a written application on approved forms and shall state the legal description of the property as of public record and the names of the owner and applicant. The applicant shall describe the uses or structures to be established or expanded and any other information the Zoning Administrative Officer deems essential for the enforcement of this Ordinance.
2. Each application for a Zoning Permit shall be accompanied by the following:
  - A. A site plan (plat) drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, the dimensions and setbacks of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.
  - B. Such information as may be necessary to provide the enforcement of this Ordinance.
3. The Zoning Administrative Officer or his or her designee shall issue, within seven (7) business days of acceptance of said application, a written Zoning Permit or denial thereof with reasons in writing.

4. Zoning Permits issued in accordance with the provisions of this Article, shall be invalid at the end of one hundred twenty (120) days from the date of issue if the construction, alteration, or change of use has not commenced during that period. Such permits shall expire by limitation and become invalid one (1) year from the date of issuance.
5. Once issued, the permit holder shall post the Zoning Permit in a location visible from the public street, or if posting in such a location is not reasonably feasible, the permit shall be posted in a location easily accessible to view by the Zoning Administrative Officer. Said posting shall be made during construction and for a period of not less than seven (7) days following the completion of construction.
6. All applications for Zoning Permits and records thereof shall be systematically kept for ready public reference in the Planning and Zoning Office.

### **17.5 CONSTRUCTION AND USE AS AUTHORIZED**

Zoning Permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 17.10.

### **17.6 ZONING PERMITS FOR SPECIAL EXCEPTIONS**

No buildings or structures for special exceptions shall be constructed until a Zoning Permit has been issued by the Zoning Administrative Officer as provided for in this Article. Said buildings or structures shall comply with the conditions and requirements as granted by the Zoning Board of Adjustment in addition to the minimum requirements established under this Ordinance.

### **17.7 SCHEDULE OF FEES**

Fees pertaining to permits and actions required by this Ordinance shall be in accordance with the Schedule of Fees as adopted by resolution by the City Council. Said fees shall be established at a reasonable rate for the purpose of recovering costs incurred by the City to conduct any reviews or processes to duly enforce this Ordinance. All fees established in the Schedule of Fees to conduct the business or operations of the City shall be waived. A copy of the Schedule of Fees shall be on file in the Planning and Zoning Office. The following fees shall be charged by the City:

1. Zoning Permit fee.
2. Administrative fee for noncompliance.
3. Variance application fee.
4. Special exception application fee.
5. Appeal application fee.

6. Subdivision review fee.
7. Rezoning application fee.
8. Zoning Ordinance amendment application fee.
9. Land use map amendment fee.
10. Records request fees, as permissible by Iowa law.
11. Finding property line fee.

### **17.8 INSPECTIONS**

Applicable properties shall be subject to inspection by the Zoning Administrative Officer or his or her designee for all applications, reviews, approvals, and permits issued under the authority of this Ordinance for the purposes of determining compliance with and enforcing the provisions of this Ordinance as may be necessary. Regarding instances where the location of a legally established property line or applicable land feature is in question and reasonably indeterminate, the Zoning Administrative Officer may, at his or her discretion, require the respective applicant or property owner to hire a duly licensed land surveyor to identify such property lines or applicable land feature for the purposes of determining compliance with and enforcing the provisions of this Ordinance as may be necessary.

### **17.9 TYPES OF VIOLATIONS**

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by Iowa law:

1. Without Permits: To engage in any development, use, construction, remodeling, or other activity of any nature that is subject to the provisions of this Ordinance without all of the required permits, approvals, certificates, and other forms of authorization required by this Ordinance in order to conduct or engage in such activity.
2. Inconsistent with Permit: To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms, conditions, or qualifications of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.
3. Inconsistent with Ordinance: To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to use any land in violation or contravention of any regulation of this Ordinance.

4. Making Lot or Setback Noncomplying: To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
5. Increasing Intensity of Use: To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Ordinance.
6. Removing, Defacing, Obscuring Notice: To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.
7. Continuing Violation: To continue any of the above violations.

#### **17.10 REMEDIES FOR VIOLATIONS**

The City shall have the following remedies and enforcement powers, which shall be cumulative and are not exclusive of any other remedy available by law or in equity.

1. Withhold Permits: The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements for which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City, the Planning and Zoning Commission, or the Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation is corrected. The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
2. Revoke Permits: Any permit may be revoked when the Zoning Administrative Officer determines that any of the following conditions exist:
  - A. That there is departure from the plans, specifications, or conditions that apply to the permit;
  - B. That the permit was procured by false representation or was issued by mistake; or
  - C. That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served to the owner, his or her agent, or contractor, or to any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no construction shall proceed.
3. Stop Work: With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the City Zoning Ordinance.

4. Revoke Plan or Other Approvals: Where the violation involves a failure to comply with approved plans or conditions to which the approval was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as may reasonably be imposed.
5. Injunctive Relief: The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance, pursuant to Iowa Code 414.20.
6. Abatement: The City may abate any violation of this Ordinance pursuant to Code of Ordinances of the City of St. Ansgar, Iowa.
7. Civil Penalties: A violation of any provision of this Zoning Ordinance shall be a municipal infraction punishable in accordance with the Code of Ordinances of the City of St. Ansgar, Iowa.
8. Criminal Penalties: A violation of any provision of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance upon conviction shall be subject to a fine of not more than five-hundred dollars (\$500) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.
9. Other Remedies: The City shall have such other remedies as are and as may be from time to time prescribed by Iowa law.

## **ARTICLE 18 CHANGES AND AMENDMENTS**

### **18.1 TEXT AMENDMENTS AND REZONING**

The regulations, restrictions, and boundaries in this Ordinance and Official Zoning Map may be amended, supplemented, changed, modified, or repealed from time to time, but no such amendments shall be made without public hearing before the City Council and after a report has been made upon the amendment by the Planning and Zoning Commission. However, the regulation, restriction, or boundary shall not become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard.

### **18.2 PROCEDURE**

Unless initiated by City staff, the Commission, or the Council, an application for a text amendment or rezoning shall be given first consideration within thirty (30) days from the date of its official and complete submission unless extended by the City Council or agreed upon by the applicant. The following procedures shall be followed:

1. Application. Requests for a text amendment or rezoning shall be filed with the City Clerk on an official application form. The application shall be accompanied by a fee as provided for by City Council resolution and detailed written and graphic materials fully explaining the proposed change. The request shall be considered officially submitted when all the informational requirements have been reviewed and are determined to be complete.
2. Rezoning Application Requirements. An application requesting a change in the zoning district boundaries as shown on the Official Zoning Map shall be accompanied by the following:
  - A. The legal description and local address of the property.
  - B. The present zoning classification and the zoning classification requested for the property.
  - C. The existing use and proposed use of the property.
  - D. The names and addresses of the owners of all property within two-hundred (200) feet of the property for which the change is requested. This information may be obtained from the Mitchell County Auditor's Office.
  - E. A statement of the reasons why the rezoning is being requested.
  - F. A plat showing location, dimensions, and use of the applicant's property and applicable physical features, including streets, alleys, railroads, and other physical features.

3. Commission Public Hearing. Upon receipt of the application by the City Clerk, a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. A public hearing shall be held by the Planning and Zoning Commission before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published not less than seven (7) days nor more than twenty (20) days prior to the date established for said hearing in the official newspaper of record. Such notice shall include the time and place for the public hearing. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.
4. Commission Recommendation: The Commission shall recommend approval or denial of the request to the City Council. In its recommendation, the Commission shall consider possible adverse effects of the proposed text amendment or rezoning. The Commission shall, prior to making a recommendation, determine the following:
  - A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the St. Ansgar Comprehensive Plan.
  - B. The proposed action is or will be compatible with present and future land uses of the area.
  - C. The proposed action conforms to all performance standards contained herein.
  - D. The proposed action will not tend to or actually depreciate the area in which it is proposed.
  - E. The proposed action can be accommodated with existing public services and will not overburden the City's service capacity.
  - F. The proposed action is in conformance with the City's utility extension policies or is contiguous to existing development of a similar zoning district.

The Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, unless the applicant agrees to an extension in writing to a date certain.

5. Council Public Hearing. A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published in the official newspaper of record not less than seven (7) days nor more than twenty (20) days prior to the date established for said hearing, but 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. Failure of a property owner to receive said notice shall not invalidate any such proceedings as set forth within this Ordinance.

6. Council Decision. The City Council shall consider the Commission's recommendation in coming to a final decision. Approval of a proposed text amendment or rezoning shall require a majority vote of the City Council. In case the Planning and Zoning Commission does not recommend approval of the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

In the case of a rezoning request, the City Council may impose conditions on a property owner that are in addition to existing regulations if the 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 that are directly caused by the requested change in zoning district.

7. Denial. Whenever an application for a text amendment or rezoning has been considered and denied by the City Council, a similar application and proposal for the text amendment or rezoning, affecting generally the same property, shall not be considered again by the Commission or City Council for at least twelve (12) months from the date of its denial, unless a decision to reconsider such matter is made by the City Council.
8. When Effective. The text amendment or rezoning shall not become effective until such time as the City Council approves an ordinance reflecting said text amendment or rezoning and after said ordinance is published in the official newspaper of record.

### **18.3 INITIATION OF AMENDMENTS AND REZONING REQUESTS**

1. The City staff, City Council, or Commission may, upon their own motion, initiate a request for a text amendment or rezoning.
2. Any person(s) owning real estate or having documented interest therein, within the city, may initiate a request for a text amendment or rezoning as to affect the same real estate.