City of
ARNOLDS PARK, IOWA

2009
ZONING REGULATIONS
& SUBDIVISION REGULATIONS

Prepared with Planning Assistance from
North**w**est **I**owa **P**lanning &
Development **C**ommission
Spencer, Iowa

ARNOLDS PARK
IOWA

ZONING REGULATIONS

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CHAPTER 165
ARNOLDS PARK, IOWA CODE OF ORDINANCES

ZONING REGULATIONS

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165.01.1. SHORT TITLE.

This chapter shall be known and may be cited and referred to as the "Arnolds Park Zoning Ordinance" to the same effect as if the full title were stated.

165.01.2. INTERPRETATION OF REGULATIONS.

In the~~ir~~ interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes greater restrictions than are imposed or required by other provisions of law, rules or regulations or ordinances, the provisions of this chapter shall govern.

165.01.3. REPEAL AND SAVINGS.

Any previous editions of Chapter 165 of the Arnolds Park Code of Ordinances are hereby repealed. All existing zoning ordinances and parts of zoning regulations in conflict with this chapter are hereby repealed. The repeal of said previous zoning regulations shall not have the effect to release or relinquish any penalty, forfeiture or liability incurred under said ordinance or any part thereof, and such ordinance and all parts thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

165.01.4. VALIDITY AND SEVERABILITY.
If any court of competent jurisdiction shall declare any part of this chapter of the Arnolds Park Code of Ordinances to be invalid, such ruling shall not affect other provisions of this chapter not specifically included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this chapter to a particular land, parcel, lot, district, use, or building, such ruling shall not affect the application of said provision not specifically included in said ruling.

165.01.5. CONFLICT WITH OTHER LAWS.
Where any condition imposed by any provision of this chapter upon the use of any lot, building or device is either more restrictive or less restrictive than a comparable condition imposed by other provisions of this chapter or other ordinances adopted under other law, or by provision of any statute, the provision which is more restrictive or imposes a higher standard shall apply. This chapter is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this chapter is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this ordinance shall govern.

165.01.6. JURISDICTION.
In accordance with the provisions of Chapter 414, Code of Iowa and amendatory acts thereto, this Chapter 165 of the Arnolds Park Code of Ordinances is adopted by the city council, governing the zoning of all lands within the incorporated City of Arnolds Park, Iowa.

165.02 ZONING DEFINITIONS.

For the purpose of interpreting this chapter, certain words, terms or expressions are herein defined.

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

1. ACCESSORY BUILDING: Any building which is subordinate to the principal building on the lot, not attached thereto and used for purposes customarily incidental to those of the main building. Private garages are considered accessory buildings.

2. ACCESSORY USE (OR STRUCTURE): Any use or structure which is subordinate to and serves the principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use and is located on the same zoning lot as the principal building or use.

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

4. ALTERATION: Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, or girders.

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

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

7. BASEMENT: Any building or structure having any portion of such structure with more than one half (½) of its height below the curb level or the level of the adjoining ground. A basement shall have a floor to ceiling dimension of at least six and one-half feet (6½').

8. BUILDING: A roofed structure supported by posts, columns, supports, walls or other structures for shelter, support or enclosure of persons or animals or possessions. When separated by division walls from the ground up without openings, each portion of such structure is deemed a separate building.

9. BUILDING HEIGHT: The vertical distance measured in a straight line from the curb level to the highest point of the roof. Where a building is situated on ground above the curb level or where no curb grade is established, such height shall be measured from the from the main entrance elevation (typically, the side of the building or structure that is addressed).

10. BUILDING LINE: The building footprint established by the setback distance from the front property line, rear lot line and side lot lines as provided in this chapter.

11. BUILDING, PRINCIPAL: The building in which the primary use of the lot or parcel is conducted.

12. BUILDING WALL: The wall of the principal building forming a part of the main structure. The foundation walls of porches, decks, steps, walks, and retaining walls or similar structures are not considered building walls under the provisions of this chapter.

13. BUILDING WIDTH (MINIMUM): The minimum allowable length of the primary use structure projected onto any given lot line.

14. BUSINESS: The engaging in the purchase, sale or exchange of goods and services, or the operation of offices for profit.

15. CARPORT: Space for the parking, housing or storage of vehicles of which is enclosed on not more than two sides by walls.

16. COMMERCIAL USE: Any activity involving the sale of goods or services for profit.

17. COMMISSION (OR PLANNING COMMISSION): The Arnolds Park Planning and Zoning Commission.

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

19. CURB LEVEL: The established curb grade adjacent to a lot.

20. DECK: A non-roofed structure open on two (2) or more sides projecting from the front, side or rear wall of a building. Decks higher than twelve (12) inches above the average grade of the ground shall be subject to required yard setbacks.

21. DETACHED: Fully separated from any other structure. Not attached.

22. DISTRICT: Any part, zone or geographic area within the incorporated city limits of Arnolds Park, Iowa within which certain zoning or development regulations apply.

23. DRIVEWAY: A surfaced area providing vehicular access between a street and an off-street parking area or parking structure (i.e. garage or carport).

24. DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes but not including a tent or trailer.

25. DWELLING, SINGLE-FAMILY: A detached building that is arranged, designed for, or occupied as the residence of one (1) single family; having no party wall in common with an adjacent building.

26. DWELLING, TWO-FAMILY: A detached building that is arranged, designed for, or occupied as the residence of two (2) families or housekeeping units living independently of each other.

27. DWELLING, MULTI-FAMILY: An apartment house or dwelling used by, designed for, or occupied as the residence of three (3) or more families or housekeeping units living independently of each other.

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

29. ENCROACHMENT: Any obstruction of, or an illegal or unauthorized intrusion in a delineated floodway, right-of-way or adjacent lands.

30. ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in conjunction with and necessary for the furnishing of adequate services by such public utilities, governmental agencies and/or for the public health, safety or general welfare, but not including buildings or certain special exception uses as established by this chapter.

31. FAÇADE: The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

32. FAMILY: A group of individuals who are related by blood, marriage, guardianship, adoption or foster arrangement living together on the premises as one housekeeping unit, but does not include more than three (3) unrelated persons living together by joint agreement and occupying a dwelling unit on a nonprofit cost sharing basis.

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

34. 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 that is not finished living space or which is used for storage or other incidental purposes.

35. GARAGE: An accessory building or portion of a building in which one or more motor vehicles are housed or stored by the occupants of the premises or the leasing of space as provided herein, but in which no business service or industry connected with the motor vehicles is carried on other than leasing of space.

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

37. HOME OCCUPATION: An accessory business or occupation conducted entirely within a dwelling unit or associated accessory buildings by the inhabitants thereof; and such use is incidental and secondary to the residential use and complies with the provisions of Section 165.22(3) of this chapter.

38. HOUSE TRAILER: See Mobile Home.

39. HOUSEHOLD: A family living together in a dwelling with common access to all living and eating areas and all facilities within the dwelling.

40. HOUSING UNIT: See Dwelling.

41. IMPERVIOUS SURFACE (OR COVERAGE): Any material that prevents absorption of stormwater into the ground.

42. INCIDENTAL: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.

43. INDUSTRY: Those fields of economic activity including forestry, fishing, hunting, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services, distribution, assembly, packaging and wholesale trade activities.

44. INSTITUTION: A building or premises occupied by a non-profit corporation or establishment for public use.

45. JUNK (OR SALVAGE): All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

46. JUNK VEHICLE OR JUNK MACHINERY: Any vehicle providing means of transportation or other machines or portions thereof not in running condition and/or not licensed for the current year as provided by law, or any other non-operating vehicle or machinery situated within a front yard of any lot or parcel an located in open view to the public for a period of more than ninety (90) days which, because of its defective or obsolete condition, or rotted, rusted or loose parts or in any other way constitutes a threat to the public health, welfare or safety of the community.

47. JUNKYARD (or SALVAGE YARD): Any open area of any lot or parcel where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including scrap metals or scrap materials, or the abandonment or dismantling or "wrecking" of machinery, motor vehicles, or other vehicles, or parts thereof. Junkyards include but not limited to wrecking yards, used lumber yards, auto salvage yards and places utilized or intended for the storage of salvaged and structural steel materials and equipment; but not including those areas where such uses occur entirely within a completely enclosed building. A solid waste transfer station, recycling center or sanitary landfill is not considered a junk yard or salvage yard for purposes of this chapter.

48. LAND USE: A description of how land is occupied or utilized.

49. LANDSCAPED: An area devoted to or developed predominantly with plant materials or natural features including lawn, gardens, trees, shrubs, and other plant materials; and also including accessory outdoor landscape elements such as pools, fountains, water features,

paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, or storage areas), provided that the use of brick, stone or other inorganic materials shall not predominate over the use of natural materia1s.

50. 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.

51. LOT: A parcel of land as established by plat, subdivision or as otherwise permitted by law which may be owned, used, developed, or built upon and having its frontage upon one or more streets or on an officially approved plat; provided, however that dividing a lot with a duplex into two parcels and using the common wall of the duplex as the boundary line between the two parcels does not create separate lots even though the two parcels are under separate ownership.

52. LOT AREA: The net horizontal area bounding by front, side and rear lot lines, providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.

53. LOT (or BUILDING) COVERAGE: The area of a lot covered by roofed areas of buildings or ground level paving, but excluding incidental projecting eaves and gutters, balconies and similar features and excluding landscaping and open recreational facilities.

54. LOT, CORNER: A lot fronting on two (2) intersecting streets.

55. LOT, INTERIOR: A lot other than a corner lot.

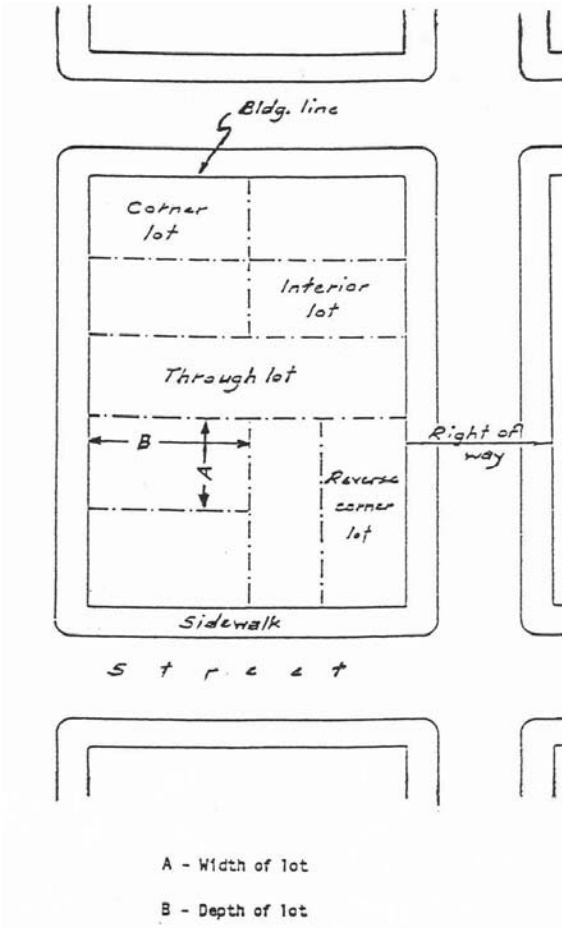
56. LOT, THROUGH: An interior lot having frontage on two parallel or approximately parallel streets; also known as a double frontage lot.

57. LOT OF RECORD: A lot of which is part of a legal subdivision of the City of Arnolds Park, Iowa, the plat of which has been recorded in the office of the County Recorder; or a lot or parcel of land, the deed or valid contract of sale of which was recorded in the office of the County Recorder of Dickinson County, Iowa prior to the effective date of this chapter.

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

59. 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.

60. LOT LINES: The lines bounding a lot.



61. LOT LINE, FRONT: In the case of an interior lot abutting only one street, the "front lot line" is the street line of such lot; except on lakefront lots or lots directly adjacent to golf courses, where the front lot line is considered to be the line directly adjacent to the golf course or lakeshore [thirty inches (30") above the high water mark] for the purposes of this chapter. In the case of a through lot (double frontage) it may be such street line as is elected by the owner to be the front line for the purposes of this chapter. On corner lots the front lot line is considered the line adjacent to the street upon which the lot has its least dimension.

62. LOT LINE, REAR: That boundary line which is opposite and most distant from the front lot line.

63. LOT LINE, SIDE: Any boundary lines not a front line or a rear lot line.

64. LOW IMPACT DEVELOPMENT: The integration of site ecological and environmental standards and requirements into all phases of planning and development from the individual residential lot to the entire watershed.
(Definition derived from the Low Impact Development Center)

65. MANUFACTURED HOUSING: A factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development certifying that it is in compliance with the Federal Manufactured Housing Construction Act of 1974. *(Code of Iowa, Sec. 435.1)*

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

A manufactured home community or mobile home park shall not be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or a mobile home park must be classified as to whether it is a "residential" or "recreational" manufactured home community or mobile home park or both. The manufactured home community or mobile home parks residential landlord and tenant Act, Chapter 562B, *Code of Iowa*, only applies to "residential" manufactured home community or mobile home park. *(Code of Iowa, Sec. 435.1)*

67. MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home

means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals. *(Code of Iowa, Sec. 435.1)* All mobile homes shall be located within a mobile home park.

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

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

    a. Retailer's Stock: Mobile homes or manufactured housing on private property as part of a retailer's or manufacturer's stock not used as a place of human habitation.

    b. Existing Homes: A taxable mobile home or manufactured housing which is located outside of a manufactured housing community or mobile home prior to the adoption of the 2009 Arnolds Park Zoning Regulations shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement until the home is relocated.

70. MODULAR HOME: A Factory-built structure which is manufactured or constructed to be used as a place of human habitation, and is constructed to comply with the Iowa State Building Code for modular factory-built structures, as adopted pursuant to Section 103A.7 *Code of Iowa*, and must display the seal issued by the state building code commissioner. If a modular home is placed in a manufactured housing community or mobile home park, the home is subject to the annual tax as required by Section 435.22 *Code of Iowa*. If a modular home is placed outside a manufactured housing community or mobile home park, the home shall be considered real property and assessed and taxed as real estate. *(Code of Iowa, Sec. 435.1)*

71. NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

72. NONCONFORMING STRUCTURE (OR BUILDING): A structure or building in size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning regulations codified in this chapter, but which fails to conform to present requirements of the zoning district.

73. OCCUPANCY (or OCCUPIED): The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

74. OFFICIAL (ZONING) MAP: An ordinance in map form adopted by the governing body that conclusively shows the location of zoning districts boundaries, proposed streets, public areas, and other data referencing the distinction and separation of zoned land uses.

75. OPEN SPACE: Any parcel or area of land essentially unimproved and set aside, designated or reserved for the use or enjoyment of the owners, occupants, neighbors or the general public. Such open space is not occupied by structures or impervious surfaces.

76. PARKING AREA: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this chapter. The term "parking area" includes parking lots, garages, and parking structures.

77. PARKING LOT: An off-street, ground level open area on an improved surface for the temporary parking of motor vehicles. An improved parking surface shall be defined as have a surface of Portland concrete cement, asphaltic cement or gravel; however, all parking lots shall also meet the "Hard Surfacing Parking Lots" requirements as specified in this chapter.

78. PARKING SPACE: An area, enclosed or unenclosed, having dimensions of not less than nine (9) feet by twenty (20) feet (180 sq. ft.) plus necessary maneuvering space for parking of a motor vehicle, having permanent means of access to and from a public street or alley independently of any other parking space, and located in a parking area meeting the requirements established by this chapter. Space for maneuvering of vehicles, incidental to parking, shall not encroach upon any public right-of-way. Driveways for one and two family structures may be considered as parking spaces.

79. PERMANENT FOUNDATION (for manufactured housing or mobile homes): A mobile home or manufactured housing located outside of a manufactured housing community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundations systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code. *(Code of Iowa, Sec. 103A.10 & 414.28)*

80. PLANNED UNIT DEVELOPMENT (PUD): An area of minimum contiguous size, specified in this chapter, developed according to plan as a single entity and containing one or more structures or land uses with appurtenant or adjacent common areas.

81. PORCH, OPEN: A roofed structure, open on two (2) or more sides, projecting from the front, side or rear wall of the building.

82. PROHIBITED USE: Any use that is not permitted in a zoning district.

83. PROPERTY: A lot, parcel, or tract of land together with the buildings and structures located thereon.

84. PUBLIC NOTICE: The publication of the time and place of any public hearing not less than seven (7) days or not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the city.

85. 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.

86. RECREATIONAL VEHICLE: A vehicle or structure towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Recreational vehicles shall be customarily or ordinarily used for, but is not limited to vacationing, recreational purposes, travel trailers, pickup campers, camping trailers, motor coach homes, converted trucks and buses, boats and boat trailers, and snowmobiles. Recreational vehicles are not intended as a place of permanent human habitation.

87. RESIDENTIAL CONVENIENCE SERVICE: A use or activity of a commercial nature conducted as an accessory use to multiple-family residential or mobile home park residential use, and intended solely for the convenience of residents thereof.

88. SALVAGE YARD: *See* JUNKYARD.

89. SETBACK: The required distance between any lot line and the supporting walls or structures of any building or deck more than 12" above grade.

90. SETBACK LINE: A line within a lot parallel to and measured from a corresponding lot line, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

91. SITE DEVELOPMENT REGULATIONS: The combinations of controls that establish the maximum size of a building and its location on the lot. Components of bulk regulations include: size and height of building; location of exterior walls at all levels with respect to lot lines, streets, or other buildings; building coverage; gross floor area of building in relation to the lot area; open space; and amount of lot area provided per dwelling unit.

92. SITE PLAN: A plan, prepared to scale, showing accurately and with complete dimensions, all of the buildings, structures and uses, and principal site development features including parking, access, and landscaping and screening proposed for a specific parcel of land.

93. SPOT ZONING: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the comprehensive plan.

94. SPRAWL (or URBAN SPRAWL): Uncontrolled growth, usually low-density in nature, in previously rural areas and some distance from existing development and infrastructure.

95. STORY: That part of any building comprised between any floor and the floor or attic next above; the first story of a building is the lowest story having at least one-half of its height above the highest level of adjoining ground.

96. STREET: A public or private thoroughfare that affords the primary means of access to abutting property.

97. STREET FRONT: The street or public place upon which a lot abuts. If a lot abuts upon more than one street or public place it shall mean the street designated as the front street in the owner's application for a building permit.

98. STREET, PUBLIC: A public thoroughfare of varying widths with a minimum width being ten feet (10').

99. STRUCTURE: Anything which is built, constructed, moved or located on or within a parcel, property, lot or the ground. Structures include buildings, but do not include items such as utility poles, street signs, street light fixtures, other public items or tombstones.

100. SUBSTANDARD LOT (or NONCONFORMING LOT): A lot of record that does not comply with currently applicable minimum area, width, or depth requirements for the district in which it is located, but which complied with applicable requirements when it was placed on record prior to the enactment of this chapter.

101. TEMPORARY STRUCTURE: A structure without any foundation or footings and is removed when the designated time period, activity or use has ceased.

102. TOWNHOUSE GROUP: Two (2) or more contiguous townhouses having common or abutting walls.

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

a. Principal Use: Any use which is the primary function of a lot or structure.

b. Permitted Use: Any use permitted as a matter of right when conducted in accordance with the regulations established by this chapter; of which fulfills the primary function of a household, establishment, institution, or other entity.

c. Special Exception Use: A use allowable solely on a discretionary and conditional basis subject to a special exception use permit, and to all other regulations established by this chapter.

d. Accessory Use: A use or activity located on the same lot and of a nature customarily incidental and subordinate to the principal use or building on the same site.

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

105. VALUATION: The one hundred percent (100%) valuation of a building or structure, as determined by the Dickinson County Assessor.

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

107. YARD: An open space on the same lot adjoining a lot line, containing only landscaping and such uses and facilities as may be permitted by this chapter. In measuring a yard for the purpose of determining the depth of a front or rear yard or the width of a side yard, the least

distance between the lot line and the nearest principal building shall be used. A yard shall be measured exclusive of any dedicated or undedicated right-of-way.

a. Front Yard: An area of yard extending across the full width of a lot and measured between the front lot line and the building wall or other supporting element thereof, other than the projection of typical steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street where the principal building has its main entrance.

b. Interior Yard: Any area of yard, not adjacent to a street, which is determined on the basis of an interior lot line.

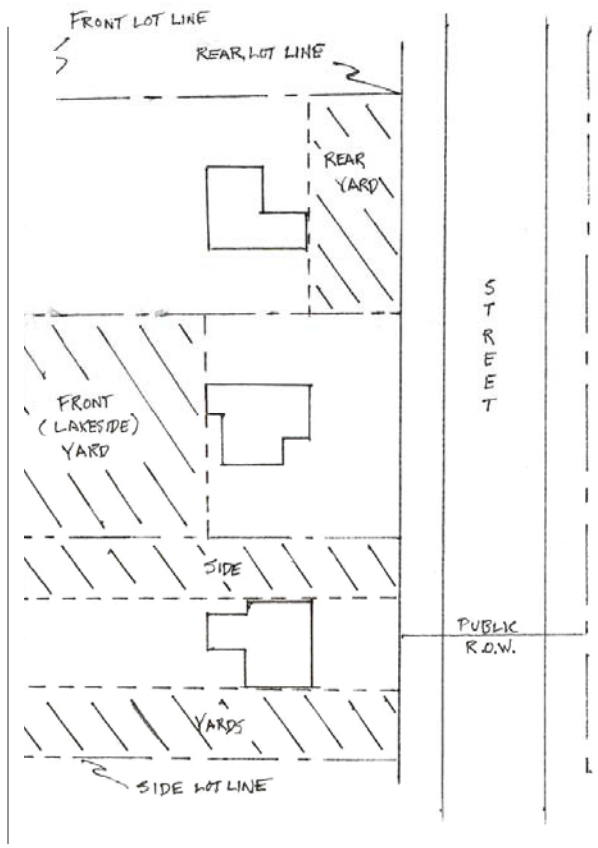
c. Rear Yard: An area of yard extending across the full width of a lot and measured between the rear lot line and the building or other supporting element other than steps or unenclosed balconies, but excluding any area located within the street side yard of a corner lot. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

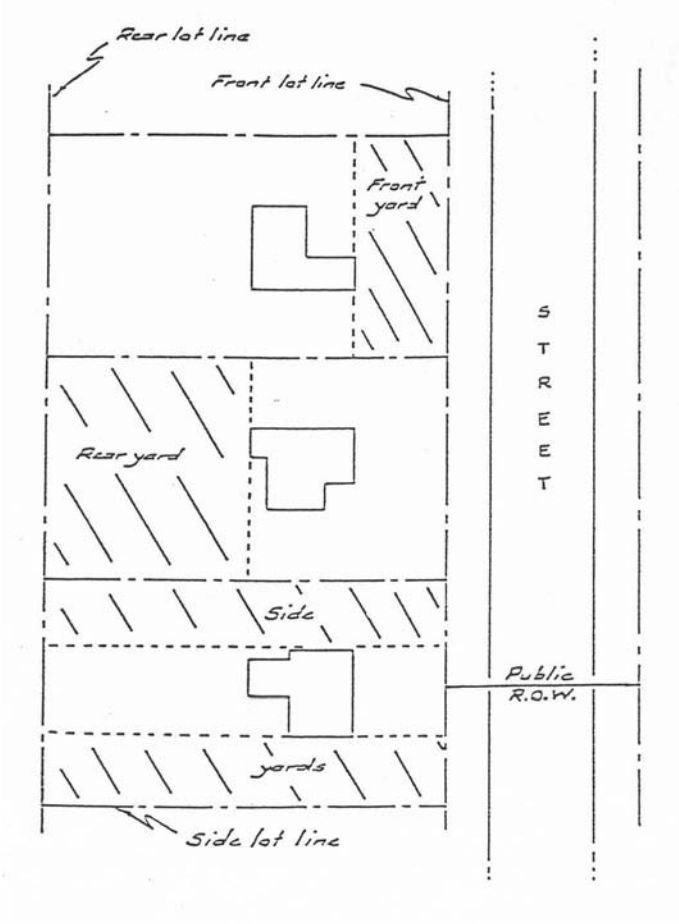
d. Side Yard: An area of yard extending the depth of a lot from the front yard to the rear yard and measured between the side lot line and the nearest principal building. In the case of a corner lot, the street side yard shall extend from the front yard to the rear lot line.

Lakeshore & Golf Course Residential yard areas

All other yard areas

lake shore or golf course





108. ZERO LOT LINE: A development concept wherein a wall, typically a side wall, of the building is located directly on or immediately adjacent to the property line of the real property.

109. ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

110. ZONING ADMINISTRATOR: The individual appointed by the City Council of Arnolds Park, Iowa to administer and ensure compliance with the Zoning Ordinance and issue zoning permits.

111. ZONING COMPLIANCE PERMIT: A permit issued in conjunction with and as part of the building permit as overseen and enforced by the Zoning Administrator as required in this chapter, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building; acknowledging the proposed use, building, or structure complies with the provisions of the zoning ordinance or authorized variance.

165.03 USE CLASSIFICATIONS.

The purpose of the use classifications is to provide a consistent set of terms encompassing and defining uses permitted by right or permitted by special exception in the various districts, and to provide a procedure for determination of the applicable use classification of any activity not clearly within any defined use classification.

In the event of any question as to the appropriate use classification of any existing or proposed use or activity, the zoning administrator shall have the authorization to determine the appropriate classification, subject to the right of appeal pursuant to Section 165.29(3) of this chapter. In making such determination, the zoning administrator shall consider the characteristics of the particular use in question, and shall consider any functional, product, service, or physical facility requirements common with or similar to uses cited as examples of use classifications.

1. General Description of AGRCULTURAL USE TYPES.

a. *Agricultural Animal Husbandry:* The raising of cattle, swine, poultry, horses, goats or similar farm animals for reproductive stock or for slaughter. Such uses shall be conducted in either confined structures or open yards or pasture. Agricultural animals (not including usual domesticated pets) shall only be allowed within the city limits of Arnolds Park under special exception of the Board of Adjustment.

b. *Crop Production*: The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis, including incidental packing and processing.

c. *Farm:* An area which is used for the growing of the usual farm products such as vegetables, fruits, seed crops, crops and grains and their storage on the premises, as well as necessary accessory uses for treating or storing produce; provided that the operation of accessory uses shall be secondary to the normal farming activities and provided further that farming does not include the commercial feeding or housing of animals or poultry.

d. *Farm Dwelling, Principal:* A dwelling located on a farm and occupied by the owner, operator of the farm or renter.

e. *Farm Dwelling, Support Housing*: The occupancy of residential living accommodations by one (1) agricultural employee and their family on the same property as the principal permitted residence, without regard to duration, which occurs exclusively in association with the performance of agricultural labor on the same property as the support housing.

f. *Horticulture*: The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales.

g. *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 liveries.

h. *Stables*: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants or guests of the premises. Agricultural animals (not including domesticated pets) shall only be allowed within the city limits of Arnolds Park under special exception of the Board of Adjustment.

2. **General Description of CONSERVATION USE TYPES.**

a. *Critical Area*: A critical area is a natural feature in need of preservation from encroaching land uses. Such areas may include sensitive or prime agricultural soils as defined by the Natural Resource Conservation Service, areas of excessive slope, natural marshes, woodlands, and floodplains.

b. *Floodplain*: The channel and relatively flat area adjoining the channel of a natural stream or river that has historically been or may have the potential to be covered by flood waters.

c. *Undeveloped or Unimproved Land*: Land in its natural state before development.

d. *Wildlife/Game Refuge*: A use of land providing natural habitat for animal and plant species. Typical uses include but not limited to prairies, marshes, woodlands, and wetlands.

e. *Water Control Structures, Irrigation or Retention Basins*: Those man-made structures which are intended to direct and/or control the water flow, drainage and percolation rate to aid in the prevention of flooding or to direct water away from tillable agricultural land.

3. **General Description of RESIDENTIAL USE TYPES.**
Residential uses including the occupancy of living accommodations on a wholly or primarily nontransient basis (e.g. periods of time typically greater than 31 days or one calendar month).

a. *Condominium Residential*: The use of a site for three (3) or more multiple family dwelling units intended for separate ownership, together with common area serving all dwelling units; whereas the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

b. *Family Home (as per Chapter 414.22 Iowa Code):* A community based residential home which is licensed as a residential care facility under Chapter 135C of the *Iowa Code* or as a child foster care facility under Chapter 237 of the *Iowa Code* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight (8) persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237 of the *Iowa Code*.

c. *Group Residential*: The residential occupancy of living accommodations by groups of more than five (5) persons not defined as a family on a weekly or longer basis. Typical uses include but not limited to fraternity or sorority houses, dormitories, or residence halls.

d. *Mobile Home or Manufactured Housing:* The residential occupancy of mobile homes or manufactured housing by families on a weekly or longer basis. Uses only include mobile home parks or subdivisions and manufactured housing communities.

e. *Multiple Family Residential*: The use of a site for three (3) or more dwelling units, within one or more buildings.

f. *Relocated Residential*: An existing, previously built residential structure, intended for occupancy, which has been moved into the community from a location outside of Arnolds Park, or an existing residential structure which has been relocated from another location from within the City of Arnolds Park to a new residential site. A relocated residential

structure does not include the moving of a new manufactured, modular or mobile home into the city. Relocated residential properties shall submit a route plan, photographs of the building to be moved, and a building permit prior to moving a building or structure.

g. *Residential Cottage or Cabin*: A typically small residential dwelling unit used solely for the vacationing owner's or proprietor's occupancy during seasonal or short periods of time, less than 31 consecutive days or one month.

h. *Residential Convenience Service:* A use or activity of a commercial nature conducted as an accessory use to multiple family residential, mobile home park or manufactured housing community uses, and intended solely for the convenience of residents thereof. Typical uses may be permitted by special exception use within the above mentioned districts and include but not limited to eatery, café, health club, barbershop/stylist, post office substation, or other appropriate and incidental uses as determined by the Board of Adjustment.

i. *Residential Healthcare Facilities*: Any residential care services, intermediate care facility or skilled nursing home.

   1) *Residential Care Services*: A use, other than a hospital or convalescent facility, providing care for ambulatory persons in a residential environment, including overnight occupancy or extended care.

   2) *Assisted Living Facility:* Residences for primarily senior or retired persons that provide dwelling units, housekeeping services, meals, personal care, and supervision of self-administered medication. Assisted living facilities may also provide other services such as recreational activities, financial services, and transportation and these facilities are sometimes combined with other types of housing such as congregate apartment housing, senior housing, or residential care services.

   3) *Skilled Nursing Facility:* Any institution or facility providing care for a period exceeding 24 hours for residency or nursing services, the need for which is certified by a physician to three or more individuals not related to the administrator or owner, who by reason of illness, disease, or physical or mental illness require continuous care and medical services.

j *Single Family Residential*: The use of a site for only one (1) single family dwelling unit.

k. *Townhouse Residential*: The use of a site for three (3) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site.

l. *Two Family Residential*: The use of a site for two (2) dwelling units on a single lot or parcel.

4. <u>General Description of COMMERCIAL USE TYPES</u>.

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

a. *Administrative and Business Offices*: Office of private firms or organizations which are primarily used for the provision of executive, management, or administrative services. Typical uses include but not limited to administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telemarketing, photocopy and reproduction, and offices of public utilities or associations.

b. *Adult Entertainment:* Establishments meeting the criteria of and in conformance with the regulations outlined in Section 165.16.6 of this chapter.

c. *Agricultural Sales and Services*: Establishments 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 but not limited to nurseries, hay, feed and grain stores, and tree service firms.

d. *Automotive and Equipment Services*: Establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:

1) *Automotive Rentals*: Rental of automobiles, noncommercial trucks, trailers, and recreational vehicles. Typical uses include but not limited to auto rental agencies, trailer rental agencies, and taxicab parking and dispatching.

2) *Automotive Repair Services*: Repair of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include but not limited to new and used car dealerships, motorcycle, boat, trailer, and recreational vehicle dealerships.

3) *Automotive Sales*: Sales or rental of automobiles, noncommercial truck, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include but not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.

4) *Automotive Washing*: Washing and cleaning of automobiles, related light equipment, and trucks. Typical uses include but not limited to auto laundries, car washes, or truck washes. Does not include large truck cleanouts or wash outs.

5) *Commercial Off-Street Parking*: Parking of motor vehicles on a temporary basis within privately owned off-street parking facility, other than accessory to a principal use. Uses typically include commercial parking lots or parking garages.

6) *Equipment Repair Services*: Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include but not limited to truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling or salvage.

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 but not limited to truck dealerships, construction equipment dealerships, and mobile home sales establishments.

8) *Service Station*: Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles.

9) *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.

e. *Building Maintenance Services*: Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include but not limited to janitorial, landscape maintenance, or window cleaning services.

f. *Business Support Services*: Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but exclude automotive, construction and farm equipment. Typical uses include but not limited to office equipment and supply firms, business machine repair shops, or hotel equipment and supply firms.

g. *Business or Trade School*: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

h. *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, lounges, and similar uses.

i. *Commercial Recreation*: Establishments or places primarily engaged in the provision of sports, entertainment, or recreation for participants or spectators. The following are commercial recreation use types:

   1) *Indoor Sports and Recreation*: Uses conducted within an enclosed building. Typical uses include but not limited to bowling alleys, billiard parlors, ice and roller skating rinks, video game arcades.
   2) *Outdoor Sports and Recreation*: Uses conducted in open or partially enclosed or screened facilities. Typical uses include but not limited to golf courses, swimming pools, tennis courts, and racquetball courts.
   3) *Indoor Entertainment*: Predominantly spectator uses conducted within an enclosed building. Typical uses include but not limited to movie theaters, meeting halls, community or event centers, and dance halls.
   4) *Outdoor Entertainment*: Predominantly spectator uses conducted in open facilities. Typical uses include but not limited to sports arena, racing facilities, go-kart track, amusement park, driving range, and miniature golf course.

j. *Communications Services*: Establishments primarily engaged in the provision of broadcasting and information relay services accomplished through the use of electronic and telephonic mechanisms but exclude those classified as Major Utility Facilities. Typical uses include but mot limited to telecommunication services; radio, television, cellular and other similar receiving antennas, towers, or structures; and fiber optic lines and transmission facilities.

k. *Condominium Storage Unit*: A building or series of buildings in which the storage units or floor area is owned independently; and whereas the structure and property is owned by all of the owners on a proportional, undivided basis or by single ownership. These storage units are designed for individually owned indoor storage of RVs, boats, watercrafts, snowmobiles, motorcycles, automobiles, antiques, toys, trailers, record storage or other similar uses. Condominium storage must be designed in a way that each unit maintains a separate entrance.

l. *Construction Sales and Services*: Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale, from the premises, of materials used in construction of building or other structures other than retail sale of paint, fixtures and hardware; but excludes those classified as one of the Automotive and Equipment Services use types. Typical uses include but not limited to building materials stores, tool and equipment rental or sales, or building contractors.

m. *Consumer Repair Services*: Establishments primarily engaged in repair services to individuals or households rather than firms, but excluding automotive and equipment uses. Typical uses include but not limited to appliance repair, watch/jewelry repair, or musical instrument repair.

n. *Convenience Storage*: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include but not limited to mini-warehousing.

o. *Convenience Store*: an establishment engaged in the retail sale of food and household products, including gasoline. However, the repair, storage or servicing of vehicles shall be prohibited.

p. *Financial Services*: Establishments primarily engaged in the provision of financial and banking services. Typical uses include but not limited to banks, savings and loan institutions, loan and lending activities, and similar services.

q. *Food Sales*: Establishment or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include but not limited to grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

r. Funeral Services: Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include but not limited to funeral homes, crematoriums or mortuaries.

s. *General Retail Sales*: Sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include but not limited to department stores, apparel stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products, drugs, cards, and stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry, fabrics, and like items; cameras, photography services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, carpeting and floor covering, interior decorating services, office supplies; bicycles; and automotive parts and accessories (excluding service and installation)

t. *Hospital Services*: a facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

u. *Kennel, commercial*: A commercial establishment in which four (4) or more dogs, cats or domesticated animals at least six months of age are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation. Typical uses include but not limited to boarding kennels, pet motels, or dog training centers.

v. *Laundry Sales*: Establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other that those classified as Personal Services. Typical uses include but not limited to bulk laundry and cleaning facilities, diaper services, or linen supply services.

w. *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.

x. *Medical Clinics/Offices*: A use providing consultation, diagnosis, therapeutic, preventative, or corrective personal treatment services by doctors, dentists, chiropractors, medical and dental laboratories, and similar practitioners of medical and healing arts licensed for practice by the State of Iowa.

y. *Personal Improvement Services*: Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of nonprofessional nature. Typical uses include but not limited to photography studios, driving schools, health or physical fitness studios or dance studios.

z. *Personal Services*: Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include but not limited to beauty and barbershops, seamstress, tailor, shoe repair, and self-service laundromat or apparel cleaning services.

aa. *Pet Services*: Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include but not limited to pet stores, animal bathing facilities, or pet grooming shops.

bb. *Professional Office*: Any building or use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar licensed professions.

cc. *Restaurant (Convenience):* A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on premise consumption. Typical uses include but not limited to soda fountains, ice cream parlors, sandwich shops, cafes, and coffee shops.

dd. *Restaurant (General):* A use engaged in the preparation and retail sales of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty percent (50%) of the gross income. A general restaurant may include live entertainment. Typical uses include but not limited to restaurants, bar & grills, and other similar establishments with incidental alcoholic service.

ee. *Retail Specialty Shop*: Various commercial establishments offering sales of goods which fall into a specific category, and any service which may be related to those goods. Typical uses include but not limited to bicycle shop, camera shop, antique shops, bookstores, etc.

ff. *Veterinary Services*: Veterinary services for animals. Typical uses include but not limited to pet clinics, dog and cat hospitals, and veterinary hospitals.

gg. *Visitor Habitation*: establishments primarily engaged in the provision of lodging services on a less-than-monthly basis with or without incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

1) *Campground*: Facilities or an area providing spaces for two (2) or more travel trailers, recreational vehicles, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public. Typical uses include but not limited to campgrounds or recreational vehicle parks.

2) *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.

3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed to be rented shall contain no cooking facilities.

4) *Resort Enterprise*: Any group of buildings containing guest rooms offered for rent primarily for temporary occupancy (less than 31 days or one month). Such buildings may include quarters for the boarding of employees.

5) *Commercial Cottage*: A single dwelling unit rented to the general public for periods of time not exceeding 31 days or one (1) calendar month.

6) *Time-share*: The ownership of any structure by three or more unrelated persons.

5. General Description of INDUSTRIAL USE TYPES.

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and storage and distribution of products.

a. *Biotechnology Production and/or Manufacturing*: Facilities, warehouses, and production or assembly plants engaged in the active production, manufacturing, packaging, and distribution of products generally associated with the fields of animal or human biotechnology.

b. *Custom Manufacturing*: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves the use of hand tools or mechanical equipment and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include but not limited to ceramic studios, candle making shops or custom jewelry.

c. *Heavy Industry*: A use engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials; or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

d. *Light Industry*: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

e. *Railroad Facilities*: Including but not limited to rail yards, equipment servicing facilities, loading and unloading facilities and rail terminal facilities.

f. *Research and Production Services:* Establishments primarily engaged in research of an industrial or scientific nature, including animal or human products testing. Typical uses include but are not limited to animal or human research laboratories, research and development firms, or animal or human pharmaceutical research labs.

g. *Resource Extraction*: A use involving the on-site extraction of surface mineral products or natural resources. Typical extractive uses are, but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

h. *Sanitary Landfill*: An area of land designated for the disposal of garbage, refuse, waste, rubbish, and other solid or semisolid materials, of which are buried between layers of earth.

i. *Scrap and Salvage Services*: Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse. Typical uses include but not limited to automotive scarp or storage yards, junkyards or salvage yards.

j. *Stockyards*: Stockyard services involving the temporary keeping of livestock for slaughter, market or shipping. Typical uses include but not limited to animal stockyards, animal sales or crop or animal auction yards.

k. *Warehousing and Distribution*: Establishments or places of business primarily engaged in wholesaling, storage, distribution and handling of materials and equipment other than live animals and plants. The following are warehousing use types:

   1) *Limited Warehousing and Distribution*: Wholesaling, storage and warehousing services within enclosed structures. Typical uses include but not limited to wholesale distributors, storage warehouses or moving and storage firms.

   2) *General Warehousing and Distribution*: Open-air storage, distribution and handling of

materials and equipment. Typical uses include but not limited to stone yards, grain elevators or open storage yards.

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

a. *Aviation Facilities*: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft.

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

c. *Club or Lodge*: A use providing meeting, recreational, or social facilities for private or non-profit association, primarily for use by members and guests. Typical uses include but not limited to private social clubs and fraternal organizations.

d. *College and University Facilities*: An educational institution of higher learning which offers a course of study designed to culminate in the issuance of a degree.

e. *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.

f. *Cultural Services*: A library, museum, art gallery, or similar nonprofit use affording display, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences.

g. *Daycare Center:* A facility, or use of any dwelling or building or portion thereof, for the daytime care of seven (7) or more individuals. This term may include but not limited to daycare centers for children or adults, and similar uses.

h. *Detention Facilities*: A publicly operated use providing housing and care for individuals confined by law.

i. *Government/Public Services*: Offices, administrative, clerical, governmental, or public services that deal directly with citizens. Typical uses include but not limited to federal, state, county, and city offices, postal facilities, or other public or non-profit organizations directly benefiting the general public.

j. *Local Utility Services*: Essential services necessary to support principal development and involve only minor structures such as lines and poles, control devices, junction boxes, and other ancillary utilities which are necessary to support principal development.

k. *Maintenance and Service Facilities*: A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage, and similar activities, including but not limited to equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.

l. *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 use or firms having potentially significant impact upon surrounding uses.

m. *Military Installations*: Military facilities of federal or state governments.

n. *Park and Recreation Services*: Publicly owned and operated parks, playgrounds, recreation areas, open spaces, and swimming pools.

o. *Pre-Kindergarten, Preschool, or Nursery School*: An establishment enrolling children where tuition or other forms of compensation for the care of children is charged, and which is licensed or approved to operate as an educational facility for children typically under the age of five (5).

p. *Primary/Secondary Educational Facilities*: Public, private or parochial schools offering instruction at the elementary, junior and senior high school levels.

q. Public Assembly: public or private owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, and exhibition facilities.

r. *Religious Assembly*: 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.

s. *Safety Services*: Facilities for public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

t. Sanitary Landfill: a disposal project where garbage, refuse, rubbish and other similar discarded solid or semisolid materials are buried between layers of earth.

u. *Treatment Services*: A use providing counseling, guidance, recuperative, vocational, or similar services to persons requiring rehabilitation assistance as a result of mental illness alcoholism, detention, drug addiction, or similar condition on a residential or daytime care basis.

165.04 ZONING DISTRICTS AND MAP.

165.04.1. Intent
165.04.2. Districts
165.04.3. Boundaries
165.04.4. Official Zoning Map
165.04.5. Interpretation of District Boundaries
165.04.6. Road or Public Right-of-Way Vacation
165.04.7. Annexed Territory
165.04.8. General Regulations

165.04.1. INTENT.

The city council shall cause to be prepared and approved, an official zoning districts map showing the various districts, which may be changed or corrected from time to time as recommended by the Planning Commission and enacted by the city council.

165.04.2. DISTRICTS.

For the purpose and intent of this chapter, the City of Arnolds Park is hereby divided into ten (10) zoning districts or zones as follows:

AC	Agriculture/Conservation District
R-1	Single Family Residential District
R-2	Medium Density Residential District
R-3	Cottage Residential District
C-1	Downtown Commercial District
C-2	General Commercial District
C-3	Highway Commercial District
C-4	Resort Commercial District
LI	Limited Industrial District
MH	Mobile Home District

165.04.3. BOUNDARIES.

The boundaries of these districts are indicated and established as shown upon maps designated as the official zoning map of Arnolds Park, Iowa, which, with all their notations, designations, references, and other matters shown thereon, are as much a part of these zoning regulations as if fully described and set forth herein.

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

165.04.4. OFFICIAL ZONING MAP.

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

165.04.5. INTERPRETATION OF DISTRICT BOUNDARIES.

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

1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public rights-of-way shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;
4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main set of tracks, or at the centerline of a single set of tracks.
6. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1-6 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1-7 above, the Board of Adjustment shall interpret the district boundaries.

165.04.6. ROAD OR PUBLIC RIGHT-OF-WAY VACATION.

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

165.04.7. ANNEXED TERRITORY.

Any land annexed into the City of Arnolds Park after the effective date of this ordinance shall be assigned a zoning district most similar to the zoning classification it previously received from Dickinson County; until such a time the annexed land may be reviewed by the Planning and Zoning Commission,

in which the commission will recommend to the city council to approve a zoning classification that concurs with the city's zoning districts based on the current use of the land.

165.04.8. GENERAL REGULATIONS.

Except as herein provided:

1. No structures or building or part thereof shall be erected, constructed, reconstructed, remodeled, converted, structurally altered, enlarged, extended, raised, moved or used; and no land or building shall be used, except in conformity with the regulations herein prescribed by this chapter for the district in which such building or land is located.

2. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum required by this chapter. No yard, part of a yard, off-street parking or loading space, or other open space provided about any building, structure or use for the purpose of complying with the provisions of this chapter shall be considered as providing a yard, off-street parking or loading space, or open space required under this chapter for any other building, structure, or use; nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

3. 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 chapter.

4. No building shall be erected or structurally altered to the extent specifically provided herein except in conformity with of off-street parking and loading regulations of this chapter.

5. The depths of front yards or rear yards and width of side yards shall be measured from the lot line to the nearest point of the building wall or supporting structural elements of the building under consideration.

6. Accessory buildings of any principal building on the same interior or corner lot shall not be used for residential purposes.

7. Any portion of a building that is covered by a roof shall be considered a part of the building.

8. The required yard or other open space provided for the principal building or structure on one lot, for the purpose of complying with the provisions of these regulations, shall not be considered as providing a yard or open space for any other building or lot.

These regulations shall be required in addition to any applicable federal, state and city health and building regulations.

165.05 (A/C) AGRICULTURE/CONSERVATION DISTRICT.

165.05.1. INTENT.

The intent of the Agriculture/Conservation District is to preserve and protect land best suited for agricultural, natural recreation and natural resource areas from encroachment of incompatible uses, while permitting other uses that are compatible such as agriculture, conservation, natural resource and limited residential uses. Furthermore, the Agriculture/Conservation District will preserve, in agricultural use, that land which may be suited to eventual development in other uses pending proper timing for economical and practical provisions of streets, utilities and other community facilities which may be provided as to ensure the orderly and beneficial conversion of these lands to nonagricultural use. Those agriculture or conservation uses which are deemed offensive to the surrounding area or to the community by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors are not permitted.

165.05.2. PRINCIPAL PERMITTED USES.

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

Agriculture Uses	Conservation Uses	Civic Uses
Agricultural Animal Husbandry Crop production Farm Farm Dwelling, Principal Farm Dwelling, Support Housing Horticulture	Critical Area Floodplain Undeveloped or unimproved land Wildlife/Game Refuge Water Control Structure, Irrigation or Retention Basins	Cemetery Government/Public Services Local Utility Services Park and Recreation Services

165.05.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (AC) Agriculture/Conservation District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Agriculture Uses	Residential Uses	Civic Uses	Commercial Uses
Stables Riding Academy	Relocated Residential - when it is the owner or renter of a farm or associated with agriculture purposes Single Family Residential	Aviation Facilities Cemetery	Communication Services Veterinary Services

165.05.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted.

1. Essential services
2. Private garage or carport
3. Barns and other agricultural related buildings
4. Radio, television, satellite dish, and other similar receiving antennas *(for personal use)*
5. Personal utility sheds or garden buildings not used for commercial purposes
6. Roadside stands for the sale of agricultural products or other products produced on the premises.
7. Kennel, private
8. Home occupations
9. Temporary buildings incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 165.16.6.
10. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures, as approved by the Zoning Administrator.

165.05.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (AC) Agriculture/Conservation District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Residential Density -	Not more than one (1) principal residential dwelling unit per lot, and not more than one (1) support housing per lot.
Lot Area -	20,000 square feet - minimum lot area
Lot Width -	125 feet - minimum lot width
Height -	35 feet maximum height for dwellings and non-agricultural buildings and structures
	No limitation for agricultural buildings provided that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any public airport.
Front Yard -	35 feet - minimum required setback
Rear Yard -	30 feet - minimum required setback
Side Yard -	15 feet - minimum required setback
Street Side Yard -	35 feet - minimum required setback
Ground Coverage -	40% - maximum ground coverage Including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the "Minimum Requirements for Residential Structures" regulations outlined in Section 165.16.10 of this chapter.

165.05.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (AC) Agriculture/ Conservation District in accordance with the provisions of Section 165.18 of this chapter.

165.05.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (AC) Agriculture/Conservation District in accordance with the provisions of Section 165.19 of this chapter.

165.05.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.06 (R-1) SINGLE-FAMILY RESIDENTIAL DISTRICT.

165.06.1. INTENT.

The R-1 Single-Family Residential District is intended to provide for residential development of low density and for special restrictions to protect the amenities and aesthetic qualities of golf course developments or lakeshore properties.

165.06.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Commercial Uses
Family Home Residential Cottage or Cabin Single Family Residential	Park and Recreation Services	

165.06.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (R-1) Single Family Residential District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Relocated Residential (Single Family) Two Family Residential Townhouse Residential	Community Recreation Daycare Center Local Utility Services Primary/Secondary Educational Facilities Religious Assembly Safety Services	Bed & Breakfast Inn

165.06.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garage or carport.
3. Private recreational facilities for use by residents *(pools, trampolines, play equipment, etc.).*
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings not used for commercial purposes

5. Personal greenhouses not operated for commercial purposes.
6. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use)*.
7. Water retention ponds and stormwater basins.
8. Home occupations.
9. Kennel, private
10. Temporary buildings incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 165.16.6.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures, as approved by the Zoning Administrator.

165.06.5. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-1) Single Family Residential District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Residential Density -	Not more than one (1) principal residential building per lot
Lot Area -	8,400 square feet - minimum lot area + 2,000 square feet for each additional dwelling unit
Lot Width -	75 feet - minimum lot width
Height -	35 feet maximum height Except that no structure shall be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of any airport.
Front Yard - (lakeshore & golf course side)	25 feet - minimum required setback
Rear Yard - (street side)	30 feet - minimum required setback
Street Side Yard -	25 feet - minimum required setback
Side Yard -	5 feet or 10 percent of the lot width, whichever is greater
Ground Coverage -	60% - maximum ground coverage Including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the "Minimum Requirements for Residential Structures" regulations outlined in Section 165.16.10 of this chapter.

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

165.06.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Section 165.18 of this chapter.

165.06.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (R-1) Single Family Residential District in accordance with the provisions of Section 165.19 of this chapter.

165.06.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.07 (R-2) MEDIUM DENSITY RESIDENTIAL DISTRICT.

165.07.1. INTENT.

The intent of the (R-2) Medium Density Residential District is to provide for medium density and multiple family residential developments with a limited number of institutional, civic and recreational facilities permitted.

165.07.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Commercial Uses
Family Home Residential Cottage or Cabin Single Family Residential Two Family Residential	Park and Recreation Services	

165.07.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (R-2) Medium Density Residential District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Multiple-Family Residential Townhouse Residential Relocated Residential Residential Convenience Service Residential Health Care Facilities	Cemetery Community Recreation Daycare Center Local Utility Services Pre-Kindergarten, Preschool or Nursery School Primary/Secondary Educational Facilities Religious Assembly Safety Services	Bed & Breakfast Inn Commercial Cottage Outdoor Sports & Recreation

165.07.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted.

1. Essential Services
2. Private garage or carport.
3. Private recreational facilities for use by residents *(pools, trampolines, play equipment, etc.).*
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings not used for commercial purposes
5. Personal greenhouses, not operated for commercial purposes
6. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use).*
7. Water retention ponds and stormwater basins.
8. Home occupations.
9. Kennel, private.
10. Temporary buildings incidental to construction, in which buildings shall be removed upon completion or abandonment of construction, and in compliance with Section 165.16.6.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures, as approved by the Zoning Administrator.

165.07.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-2) Medium Density Residential District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Residential Density -	Not more than one (1) dwelling unit per lot, except for two-family or multiple family residential.
Lot Area -	Single Family dwelling 7,000 sq. ft. - minimum lot area Two Family dwelling 10,000 sq. ft. - minimum lot area + 4,000 sq. ft. for additional dwelling units in excess of two.
Lot Width -	60 feet - minimum lot width, except at entry points off cul-de-sacs.
Height -	35 feet - maximum height
Front Yard -	25 feet - minimum required setback
Rear Yard -	30 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Side Yard -	5 feet or 10 percent of the lot width, whichever is greater

Ground Coverage -	60% - maximum ground coverage Including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the "Minimum Requirements for Residential Structures" regulations outlined in Section 165.16.10 of this chapter.

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

165.07.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (R-2) Medium Density Residential District in accordance with the provisions of Section 165.18 of this chapter.

165.07.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (R-2) Medium Density Residential District in accordance with the provisions of Section 165.19 of this chapter.

165.07.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.08 (R-3) COTTAGE RESIDENTIAL DISTRICT.

165.08.1. INTENT.

The intent of the (R-3) Cottage Residential District is to provide a mixed use of low to high density residential uses within this district accommodating both low density residential cottages and homes as well as higher density commercial cottages and resort enterprises, in addition to providing for those low intensity civic and commercial uses that compliment and are compatible in character and density with the cottage residential environment.

165.08.2. PRINCIPAL PERMITTED USES.

Within the (R-3) Cottage Residential District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

Residential Uses	Civic Uses	Commercial Uses
Family Home Residential Cottage or Cabin Single Family Residential Two Family Residential	Governmental/Public Services Local Utility Services Park and Recreation Services	Bed & Breakfast Inn Commercial Cottage Resort Enterprise Outdoor Sports and Recreation Time-Share

165.08.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (R-3) Cottage Residential District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
Condominium Residential Multiple Family Residential Residential Convenience Service Relocated Residential Townhouse Residential	Daycare Center Religious Assembly Residential Care Services Safety Services	

165.08.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted.

1. Essential Services

2. Private garage or carport.
3. Private recreational facilities for use by the principal residential occupants.
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings not used for commercial purposes
5. Personal greenhouses not operated for commercial purposes
6. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use)*.
7. Water retention ponds and stormwater basins.
8. Home occupations.
9. Kennel, private.
10. Temporary buildings incidental to construction, in which buildings shall be removed upon completion or abandonment, and in compliance with Section 165.16.6.
11. Accessory uses of land or structures customarily incidental and subordinate to the permitted uses and structures, as approved by the Zoning Administrator.

165.08.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (R-3) Cottage Residential District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Lot Area -	Single Family dwelling 7,000 sq. ft. - minimum lot area Two Family dwelling 10,000 sq. ft. - minimum lot area + 4,000 sq. ft. for additional dwelling units in excess of two (2).
Lot Width -	80 feet - minimum lot width, except at entry points off cul-de-sacs.
Height -	35 feet - maximum height
Front Yard -	25 feet - minimum required setback
Rear Yard -	30 feet - minimum required setback
Street Side Yard -	25 feet – minimum required setback
Side Yard -	5 feet or 10 percent of the lot width, whichever is greater
Ground Coverage -	65% - maximum ground coverage Including ground level paving and accessory buildings

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

All residential dwelling units must be constructed in compliance with the "Minimum Requirements for Residential Structures" regulations outlined in Section 165.16.10 of this chapter.

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

165.08.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (R-3) Cottage Residential District in accordance with the provisions of Section 165.18 of this chapter.

165.08.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (R-3) Cottage Residential District in accordance with the provisions of Section 165.19 of this chapter.

165.08.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.09 (C-1) DOWNTOWN COMMERCIAL DISTRICT.

165.09.1. INTENT.

The intent of the (C-1) Downtown Commercial District is to establish areas consisting of a variety of retail stores and related activities and services to serve the general shopping needs of the trade area and to permit those uses which will strengthen the center of trade, commerce, services, governmental and cultural activities.

165.09.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses	Civic Uses	Residential Uses
Administrative/Business Offices Building Maintenance Services Business Support Services Commercial Off-Street Parking Consumer Repair Services Convenience Store Financial Services Food Sales Funeral Services General Retail Sales Indoor Sports and Recreation Indoor Entertainment Laundry Services Medical Clinics/Offices Personal Improvement Services Personal Services Pet Services Professional Offices Restaurant (Convenience) Retail Specialty Shop	Cultural Services Daycare Center Government/Public Services Local Utility Services Maintenance/Service Facilities Park and Recreation Services Safety Services	Apartment Residential (only upper floors and/or above commercial uses)
		Industrial Uses
		Custom Manufacturing

165.09.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (C-1) Downtown Commercial District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Residential Uses
Cocktail Lounge Condominium Storage Unit Convenience Storage Liquor Sales Restaurant (General)	Club or Lodge College and University Facilities Hospital Services Public Assembly Primary Educational Facilities Religious Assembly Secondary Educational Facilities	Condominium Residential Group Residential Family Home Multiple Family Residential Residential Convenience Service Residential Healthcare Facilities Single Family Residential Townhouse Residential Two Family Residential

165.09.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Private recreational facilities for use by the principal residential occupants.
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings.
5. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use).*
6. Water retention ponds and stormwater basins.
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the construction and in compliance with Section 165.16.6.
8. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
9. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 165.16.2.
10. Other uses and structures determined by the zoning administrator to be incidental and subordinate in size, use, and nature.

165.09.5. SITE DEVELOPMENT REGULATIONS.

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

Lot Area -	3,000 square feet, plus an addition 4,000 square feet for each additional dwelling unit in excess of one.
Lot Width -	35 feet - minimum width
Height -	35 feet - maximum height
Front Yard -	No minimum required setback
Rear Yard -	No minimum, except 25 feet minimum setback if a rear yard is abutting a residential district, dedicated alley or public street right-of-way.
Street Side Yard -	No minimum, except 25 feet minimum setback if a street side yard is abutting a residential district, dedicated alley or public street right-of-way.
Side Yard -	No minimum required setback
Ground Coverage -	100% - maximum ground coverage Including ground level paving and accessory buildings

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

165.09.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Section 165.18 of this chapter.

165.09.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (C-1) Downtown Commercial District in accordance with the provisions of Section 165.19 of this chapter.

165.09.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.10 (C-2) GENERAL COMMERCIAL (MIXED USE) DISTRICT.

165.10.1. INTENT.

The intent of the General Commercial District is to establish areas of town best suited for primarily commerce and trade which generates a large volume of pedestrian traffic, but also located in proximity of large volumes of vehicular traffic. Furthermore, within the General Commercial District, it is the intent of this district to provide for a variety of retail and service-oriented commercial establishments easily accessible to pedestrian traffic, while also recognizing and permitting the interspersed residential and commercial cottage/resort dwelling units.

165.10.2. PRINCIPAL PERMITTED USES.

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

Commercial Uses	Civic Uses	Residential Uses
Administrative/Business Offices Maintenance Services Business Support Services Consumer Repair Services Convenience Store Financial Services Food Sales General Retail Sales Indoor Sports and Recreation Indoor Entertainment Medical Clinics/Offices Personal Improvement Services Personal Services Pet Services Professional Offices Restaurant (Convenience) Retail Specialty Shop Visitor Habitation - Bed & Breakfast Inn - Commercial Cottage - Time-Share - Resort Enterprise - Hotel/Motel	Cultural Services Government/Public Services Local Utility Services Maintenance/Service Facilities Park and Recreation Services Safety Services	Condominium Residential Duplex Residential Family Home Multiple Family Residential Residential Cottage or Cabin Single Family Residential Townhouse Residential Two Family Residential
		Industrial Uses
		Custom Manufacturing

165.10.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (C-2) General Commercial District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Residential Uses
Building Maintenance Services Cocktail Lounge Condominium Storage Unit Convenience Storage Commercial Off-Street Parking Funeral Services Liquor Sales Restaurant (General)	Club or Lodge College and University Facilities Daycare Center Public Assembly Primary Educational Facilities Religious Assembly Secondary Educational Facilities	Group Residential Relocated Residential Residential Convenience Service Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility

165.10.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Private recreational facilities for use by the principal residential occupants.
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings.
5. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use)*.
6. Water retention ponds and stormwater basins.
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the construction and in compliance with Section 165.16.6.
8. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
9. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 165.16.2.
10. Other uses and structures determined by the zoning administrator to be incidental and subordinate in size, use, and nature.

165.10.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (C-2) General Commercial District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Lot Area -	7,000 square feet, plus an addition 2,000 square feet for each additional dwelling unit in excess of one (1)
Lot Width -	75 feet - minimum width
Height -	35 feet - maximum height
Front Yard -	25 feet - minimum required setback
Lakeshore Front Yard -	25 feet - minimum required setback
Rear Yard -	25 feet - minimum required setback
Street Side Yard -	25 feet - minimum required setback
Side Yard -	
Single Family Dwelling -	5 feet or 10 percent of the lot width, whichever is greater
Multiple Family Dwellings -	5 feet – for 3-12 units
Multiple Family Dwellings -	10 feet – for more than 12 units
Commercial Buildings -	5 feet
Ground Coverage -	75% - maximum ground coverage Including ground level paving and accessory buildings

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

165.10.6. OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking and loading requirements shall be required for activities in the (C-2) Downtown Commercial District in accordance with the provisions of Section 165.18 of this chapter.

165.10.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-2) Downtown Commercial District in accordance with the provisions of Section 165.19 of this chapter.

165.10.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.11 (C-3) HIGHWAY COMMERCIAL DISTRICT.

165.11.1. INTENT.

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

165.11.2. PRINCIPAL PERMITTED USES.

Within the (C-3) Highway Commercial District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

Commercial Uses		Civic Uses
Administrative/Business Offices	Funeral Services	Government/Public Services
Automotive Washing	General Retail Sales	Club or Lodge
Automotive Rentals	Hotel/Motel	College/University Facilities
Bed & Breakfast Inn	Indoor Sports and Recreation	Community Recreation
Building Maintenance Services	Indoor Entertainment	Cultural Services
Business Support Services	Laundry Services	Local Utility Services
Business or Trade School	Medical Clinics/Offices	Park and Recreation Services
Commercial Cottage	Outdoor Sports and Recreation	Religious Assembly
Commercial Off-Street Parking	Personal Improvement Services	Safety Services
Consumer Repair Services	Personal Services	
Condominium Storage Unit	Pet Services	**Industrial Uses**
Convenience Storage	Professional Offices	
Convenience Store	Restaurant (Convenience)	Custom Manufacturing
Cottage/Resort Enterprise	Retail Specialty Shop	
Financial Services		
Food Sales		

165.11.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (C-3) Highway Commercial District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Residential Uses
Automotive Repair Services Automotive Sales Cocktail Lounge Communication Services Construction Sales and Service Equipment Repair Services Equipment Sales Kennel, Commercial Liquor Sales Outdoor Entertainment Restaurant (General) Service Station Teen Canteen/Juice Bar Vehicle Storage	Cemetery Detention Facilities Hospital Services Maintenance and Service Facilities Public Assembly Transportation Terminals	Condominium Residential Group Residential Multiple Family Residential Relocated Residential Residential Convenience Service Residential Healthcare Facilities - Residential Care Services - Assisted Living Facility - Skilled Nursing Facility
		Industrial Uses
		Light Industry Limited Warehousing and Distribution Research and Production Services

165.11.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Private recreational facilities for use by the principal residential occupants.
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings.
5. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use)*.
6. Water retention ponds and stormwater basins.
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the construction and in compliance with Section 165.16.6.
8. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.

9. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 165.16.2.
10. Other uses and structures determined by the zoning administrator to be incidental and subordinate in size, use, and nature.

165.11.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (C-3) Highway Commercial District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Lot Area -	10,000 square feet, plus an addition 4,000 square feet for each additional dwelling unit in excess of one (1)
Lot Width -	75 feet - minimum width
Height -	35 feet - maximum height No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	35 feet – minimum required setback
Rear Yard -	35 feet – minimum required setback
Street Side Yard -	35 feet – minimum required setback
Side Yard -	10 feet – minimum required setback; unless, if adjacent to a residential district, the side yard shall be 25 feet.
Ground Coverage -	90% - maximum ground coverage Including ground level paving and accessory buildings

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

165.11.6. OFF-STREET PARKING AND LOADING REGULATIONS.

Off-street parking and loading requirements shall be required for activities in the (C-3) Highway Commercial District in accordance with the provisions of Section 165.18 of this chapter.

165.11.7. SIGN REGULATIONS.

Sign regulations shall be required for activities in the (C-3) Highway Commercial District in accordance with the provisions of Section 165.19 of this chapter.

165.11.8. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.12 (C-4) RESORT COMMERCIAL DISTRICT.

165.12.1. INTENT.

The intent of the Resort Commercial District is to establish the location of areas in town best suited to providing accommodations and vacation activity facilities and amenities for the vacationing public.

165.12.2. PRINCIPAL PERMITTED USES.

Within the (C-4) Resort Commercial District, unless otherwise provided, no building or land shall be used for other than one of the following principal permitted uses:

Commercial Uses	Civic Uses	Residential Uses
Bed & Breakfast Inn Campground Commercial Cottage Commercial Off-Street Parking Resort Enterprise Hotel/Motel Outdoor Sports and Recreation Restaurant (Convenience) Time Share	Government/Public Services Community Recreation Local Utility Services Park and Recreation Services	Condominium Residential Group Residential Single Family Residential Townhouse Residential Two Family Residential

165.12.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (C-4) Resort Commercial District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Commercial Uses	Civic Uses	Residential Uses
Cocktail Lounge Condominium Storage Unit Convenience Storage Convenience Store Indoor Entertainment Indoor Sports and Recreation Liquor Sales Outdoor Entertainment Teen Canteen/Juice Bar Restaurant (General) Marine Services	Club or Lodge Public Assembly Religious Assembly	

165.12.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Private recreational facilities for use by the principal residential occupants.
4. Patios, cabanas, porches, gazebos, and personal utility sheds or garden buildings.
5. Solar collectors, radio/television antennas or residential satellite dishes *(for personal use)*.
6. Water retention ponds and stormwater basins.
7. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the construction and in compliance with Section 165.16.6.
8. Any other commercial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for convenience of employees, clients or customers of the principal use.
   b. Occupies less than 10 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use; not as a separate business use.
9. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 165.16.2.
10. Other uses and structures determined by the zoning administrator to be incidental and subordinate in size, use, and nature.

165.12.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (C-4) Resort Commercial District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Lot Area -	20 acres - minimum lot area
Lot Width -	900 feet - minimum lot width
Density -	A maximum of 1 dwelling unit per 5,000 square feet of lot area
Height -	50 feet - maximum height No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	60 feet – minimum required setback
Rear Yard -	30 feet – minimum required setback
Street Side Yard -	60 feet – minimum required setback
Side Yard -	45 feet total both sides; minimum of 12 feet on one side.

Ground Coverage -	75% - maximum ground coverage Including ground level paving and accessory buildings

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

165.12.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (C-4) Resort Commercial District in accordance with the provisions of Section 165.18 of this chapter.

165.12.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (C-4) Resort Commercial District in accordance with the provisions of Section 165.19 of this chapter.

165.12.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.13 (LI) LIMITED INDUSTRIAL DISTRICT.

165.13.1. INTENT.

This district is intended to provide areas of town which are suited for non-intensive industrial uses, which by their nature do not result in conflicts with neighboring districts or uses of land.

165.13.2. PRINCIPAL PERMITTED USES.

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

Industrial Uses	Commercial Uses	Civic Uses
Custom Manufacturing Light Industry Limited Warehousing and Distribution Railroad Facilities Research & Production Services	Agricultural Sales/Services Automotive Repair Services Automotive Washing Building Maintenance Services Communication Services Construction Sales/Services Consumer Repair Services Convenience Storage Convenience Store Equipment Sales Equipment Repair Services Kennel, commercial Laundry Sales Service Station Vehicle Storage	Government/Public Services Local Utility Services Park and Recreation Services College/University Facility Maintenance/Service Facilities Major Utility Facilities Military Installations Public Assembly Safety Services

165.13.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (LI) Limited Industrial District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Industrial Uses	Commercial Uses	Civic Uses
General Warehousing and Distribution Scrap and Salvage Services	Adult Entertainment (only in conformance with the requirements of Section 165.16.7) Condominium Storage Unit Convenience Storage Liquor Sales Outdoor Entertainment Veterinary Services	Aviation Facilities Cemetery Community Recreation Detention Facilities Guidance Services

165.13.4. PERMITTED ACCESSORY USES.

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

The following accessory uses and structures shall be permitted:

1. Essential Services
2. Private garages or carports
3. Water retention ponds and stormwater basins.
4. Temporary buildings for uses incidental to construction, in which buildings shall be removed upon the completion or abandonment of the construction and in compliance with Section 165.16.6.
5. Any other commercial or industrial use type that is not listed as a permitted use in the same district, and complies with all the following criteria.
   a. Operated primarily for the convenience of employees, clients, or customers of the principal use.
   b. Occupies less than 25 percent of the total floor area of the principal use.
   c. Located and operated as an integral part of the principal use and does not comprise a separate business use or activity.
6. Accessory buildings and structures normally incidental and subordinate to the principal permitted uses or special exceptions, as permitted in Section 165.16.2.
7. Other necessary and customary uses and structures determined by the Zoning Administrator to be appropriate, incidental, and subordinate in size, use, and nature.

165.13.5. SITE DEVELOPMENT REGULATIONS.

The following minimum requirements shall be provided for light and open space around permitted and special exception uses, buildings and structures in the (LI) Limited Industrial District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Lot Area -	1 acre - minimum lot area
Lot Width -	200 feet - minimum lot width
Height -	35 feet - maximum height No structure shall be permitted to extend into approach zones, clear zones or restricted air space required for the protection of any airport
Front Yard -	50 feet – minimum required setback
Rear Yard -	35 feet – minimum required setback
Street Side Yard -	50 feet – minimum required setback
Side Yard -	35 feet total both sides
Ground Coverage -	90% - maximum ground coverage Including ground level paving and accessory buildings

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

165.13.6. OFF-STREET PARKING AND LOADING REGULATIONS.
Off-street parking and loading requirements shall be required for activities in the (LI) Limited Industrial District in accordance with the provisions of Section 165.18 of this chapter.

165.13.7. SIGN REGULATIONS.
Sign regulations shall be required for activities in the (LI) Limited Industrial District in accordance with the provisions of Section 165.19 of this chapter.

165.13.8. ZONING PERMITS REQUIRED.
Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.14 (MH) MOBILE HOME AND MANUFACTURED HOUSING DISTRICT.

165.14.1. INTENT.

The intent of the Mobile and Manufactured Home Park District is to regulate the location and placement of mobile and or manufactured housing units and the placement of these units within designated mobile or manufactured housing parks within the City of Arnolds Park; and to continue providing for residential areas currently developed as mobile or manufactured home parks which by reason of their design and/or location are compatible with surrounding residential areas and areas of the city where similar development seems likely to occur.

165.14.2. PRINCIPAL PERMITTED USES.

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

Residential Uses	Civic Uses	Commercial Uses
Mobile or Manufactured Housing Single Family Residential	Community Recreation Local Utility Services Park and Recreation Services	

165.14.3. SPECIAL EXCEPTION USES.

Certain uses may be permitted in the (MH) Mobile and Manufactured Home Park District subject to provisions of Sections 165.24 and 165.25 of this chapter and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses.

Residential Uses	Civic Uses	Commercial Uses
		Condominium Storage Unit Convenience Storage

165.14.4. SITE DEVELOPMENT REGULATIONS.

The following requirements shall be provided for light and open space around permitted and special exception uses and structures in the (MH) Mobile and Manufactured Home Park District, and subject to modifications contained in the "Supplementary District Regulations" section of this chapter.

Mobile or Manufactured Home Lot Requirements:

Lot Area: 4,000 square feet - minimum lot area

Lot Width: 40 feet – minimum lot width

Front Yard:	25 feet - minimum required front yard, unless the trailer boarders the perimeter in which case the front yard is not required
Side Yard:	6 feet - minimum required side yard, unless the trailer boarders the perimeter in which case the side yard is not required
Street Side Yard:	25 feet – minimum required setback
Rear Yard:	15 feet - minimum required rear yard, unless the trailer boarders the perimeter in which case the rear yard is not required
Maximum Height:	35 feet
Residential Density:	Not more than one (1) dwelling unit per mobile home lot
Ground Coverage:	75% maximum ground coverage or 25% minimum open space, including ground level paving and accessory buildings

Mobile or Manufactured Park Requirements:

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

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

Furthermore, mobile home lots and parks shall be developed in conformance with the following Mobile and Manufactured Home Park Requirements outlined in the section below.

165.14.5. MOBILE OR MANUFACTURED HOME PARK REQUIREMENTS.

Each mobile or manufactured home park shall be developed in accordance with the following requirements:

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

h. All lot lines and open spaces with dimensions shown;

i. Delineation of all improvements required in this section.

j. Location, dimensions, capacity, and design for the mobile home park's tornado/storm shelter, if such a facility is provided.

2) *Permitted accessory uses and requirements thereof*:

a. Accessory buildings or structures under park management supervision shall be used only as office space, storage, laundry facilities, recreation facilities, garage storage or other necessary service for park residents' use only. No accessory building or structure shall exceed twenty-five (25) feet in height; and shall meet the requirements of other applicable ordinances;

b. A mobile home or manufactured housing unit may be displayed and offered for sale, provided that the mobile or manufactured home is situated on a permanent pad within the development park;

c. Accessory structures may be no closer than 5 feet to any lot line;

d. One (1) identification sign approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than sixty (60) square feet in surface area nor have any moving parts or stand higher than ten (10) feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way line than five (5) feet

e. No more than one (1) entry and/or one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two (2) square feet in surface area, nor have any moving parts, nor stand higher than five (5) feet from the ground to the top of the sign

3) *Required Development Standards:*

a. Each mobile home within such park shall contain a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities and plumbing and electrical connections designed for attachment to appropriate external systems and so attached.

b. For the purpose of this section, yard width shall be determined by measurement from the mobile home face (side) to its mobile home site boundary from which every point shall not be less than the minimum width herein provided. The rear yard shall be the yard opposite and having the farthest distance as measured from the street or public way. Open patios shall be disregarded in determining yard widths. Enclosed all weather patios and carports shall be included in determining yard widths.

c. A mobile home shall not be permitted to occupy single or multiple sites if either its length or width would cause it to occupy the space required by yard setback dimensions.

d. The boundaries of each mobile home lot shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of said rods flush with the finish lot grade. Location of limits in the ground shall be the same as shown on approved plans.

e. Each mobile home site shall be provided with a stand consisting of reinforced concrete runways not less than four (4) inches thick and not less than the length of the mobile home that will use the site. These runways will be so constructed, graded and placed to be durable and adequate for support of the maximum anticipated load during all seasons. Alternative pad and support mechanisms may be approved by the Planning Commission upon request and if accompanied by sketches or other documentation.

f. Each mobile home shall be anchored to the ground as provided in 661 IAC Chapter 16.626(103A).

g. If a pier or post foundation is provided uniform skirting of each mobile home base shall be required within thirty (30) days after initial placement. A permanent type material and construction compatible with the design and color of the mobile home shall be installed to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home stand, and shall be constructed to provide substantial resistance to heavy winds. Skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park. Sufficient screened ventilating area shall be installed in the skirting to supply the combustion requirements of heating units and ventilating of the mobile home. Provisions shall be made for easy removal of a section large enough to permit access or inspection of the enclosed area under the mobile home, and for repair of sewer and water riser connections. Storage of goods and articles underneath any mobile home shall be strictly prohibited.

h. Mobile homes or Manufactured Housing shall not be connected to water, sewer, or electrical services unless the housing unit complies with the local, county and state standards and requirements. Compliance shall be determined by the Zoning Administrator. Storm drainage facilities shall be so constructed as to protect those who reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

i. All electric, telephone, and other lines from supply poles outside the park or other sources to each mobile home shall be placed underground.

j. Any fuel storage shall be in accordance with applicable Federal, State & local regulations.

k. All roads, driveways and motor vehicle parking spaces shall be paved and constructed so as to handle anticipated peak loads, and adequately drained and lighted for safety and ease of movement of pedestrians and vehicles. All roads and driveways shall have curbs and gutters.

l. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public and private streets or roads to each mobile home site. Alignment and gradient shall be properly adapted to topography. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park streets with a public street or road shall have minimum road pavement width of forty-one feet (41’) where parking is permitted on both sides, or a minimum road pavement width of thirty-one feet (31’) where parking is limited to one side. When primary entrance road is more than one hundred feet (100’) long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four feet (24’),

with parking limited to one side thirty-one feet (31'), with parking permitted on both sides forty-one feet (41').

m. When a cul-de-sac is provided, the radius of such roadway loop shall be a minimum of one hundred (100) feet, curb face to curb face, with the drive length a maximum of three hundred (300) feet.

n. One (1) parking space shall be provided within one hundred and fifty (150) feet of each mobile home site. In such park there shall be provided additional parking spaces for additional storage of all recreational type vehicles and visitor parking.

o. All parks shall be furnished with lighting units spaced and equipped with approved fixtures, placed at mounting heights that will provide the following average maintained levels of illumination for safe movement of pedestrians and vehicles at night.

p. All streets intended for general public use shall be dedicated as a public right-of-way and subject to such improvements as may be required by the City of Arnolds Park.

q. For the purposes of fire protection there shall be a six inch (6") water main distribution system with a fire hydrant located every 300 feet along every street or drive or a hydrant within a 600-foot radius of every structure.

r. A written emergency plan submitted to the city and posted on site to advise all of the park residents of safety measures.

s. A greenbelt, at least ten (10) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.

t. Adequate provisions shall be made to handle all surface drainage and storm water runoff as determined by the city's engineer.

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

165.14.6. ZONING PERMITS REQUIRED.

Zoning permits shall be required in accordance with the provisions of Section 165.22.3 of this chapter.

165.15 SUPPLEMENTARY DISTRICT REGULATIONS

165.15.1. Intent
165.15.2. Lot of Record
165.15.3. Multiple Principal Structures per Lot
165.15.4. Yard Regulations
165.15.5. Decks, Steps & Patios
165.15.6. Fences and Hedges
165.15.7. Buildings to Have Access
165.15.8. Use of Public Right-of-Way
165.15.9. Block Frontage Continuity
165.15.10. Height Modifications

165.15.1. INTENT.

The regulations set forth in this section qualify, supplement or modify the area, yard and height regulations set forth elsewhere in this chapter.

165.15.2. LOT OF RECORD.

In any residential district on a lot of record at any time of enactment of this chapter, a single family dwelling may be established regardless of the size of lot, provided all other requirements of this chapter are met. Furthermore, where two (2) or more recorded lots are held in common ownership, they may be combined into a single zoning lot and shall thereafter be maintained in ownership by deed restriction and shall be so joined and developed for implementing this section. Deed restrictions joining two or more properties under single ownership shall be tied to the transfer of property for accessory uses on properties located within six hundred feet (600') of the principal use zoning lot. Any use occurring on a secondary property tied to the original property by deed restriction shall be considered and approved as a special exception use by the Board of Adjustment. Furthermore, such uses located on a secondary property shall also be transferable between owners by deed restrictions.

Any lot of record at the time of passage of this ordinance having less area or width than herein required may be used for a dwelling where such uses are permitted in this ordinance subject to the required setbacks and provisions of Section 165.21, nonconformities. A lot of record at the time of passage of this ordinance having a lot width of less than fifty feet (50') shall maintain a required side yard on each side of the dwelling, but such yard may be reduced to ten percent of the lot width. A lot of record at the time of passage of this ordinance having a lot depth of less than one hundred feet (100') may have the required rear yard reduced to twenty percent of the lot depth.

195.15.3. MULTIPLE PRINCIPAL STRUCTURES PER LOT.

Except in the R-1 and MH districts, more than one principal structure, not intended to be a single family residential structure, may be erected on a single lot subject to the following conditions.

1. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;
2. All principal buildings on the lot shall be served by access ways suitable for police, fire, and emergency vehicles, upon review and written approval of the Arnolds Park public safety officials and approval of the Planning and Zoning Commission.
3. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking and emergency accesses for the premises, and to each principal building.

165.15.4. YARD AND AREA REGULATIONS.

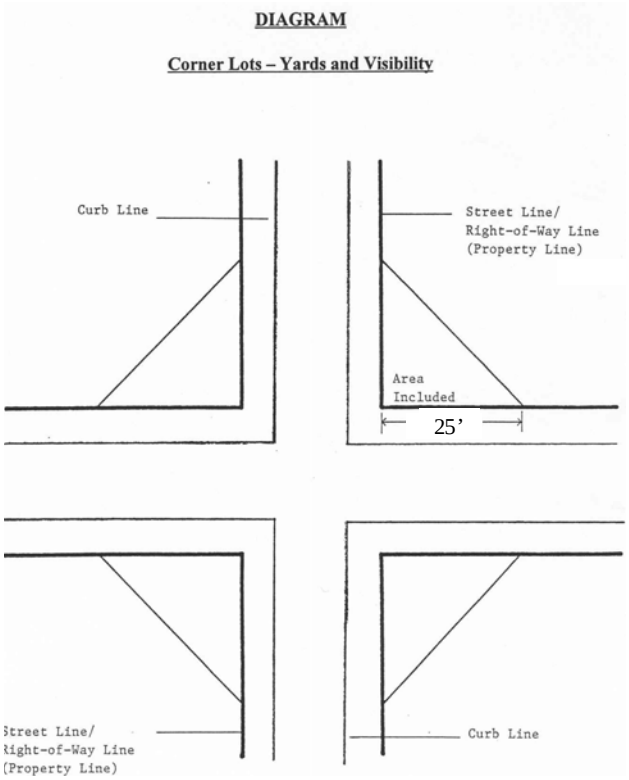
1. *Projecting Overhang or Structure*. The ordinary horizontal projection from buildings including eaves, sills, fascia, parapets, cornices, or other similar architectural features, except for gutters, may not project or extend more than three (3) feet into a required yard. This provision does not include uncovered patios or other concrete slab structures.

2. *Yard Encroachments.* Air conditioning compressor(s), heat pumps, steps, egress window wells, bay or bow windows, cantilevered projections, chimneys or any other such similar devices or structures, exclusive of regular utility devices (i.e. electric meter, gas meter, cable box, etc.), shall be permitted to encroach no closer than five feet (5') to the side lot line.

3. *Through Lots.* Buildings on through lots, extending from street to street, shall provide the required front yard on both streets.

4. *Corner Lots.* For buildings on corner lots with frontage on two (2) or more public streets, each yard abutting a public street shall be the same as the required front yard on such street and no accessory building shall project beyond the required front yard on either street.

E. *Line of Site Visibility (at Intersections).* On a corner lot in any district, except the Downtown Commercial District, no fence, wall, hedge, tree or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the centerline grade of the intersecting streets shall be erected, placed or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five feet (25') distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.



165.15.5. STEPS, DECKS AND PATIOS.

Steps providing access to the ground level of a dwelling may encroach no closer than five feet (5') of any side lot line. Steps are permitted to encroach no more than five feet (5') into any required front or rear yard.

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

Uncovered patios or other concrete slab structures constructed on the ground, or less than 12 inches above the average grade of the ground, shall be allowed to be constructed within the required front, side, or rear yards. Concrete slab structure built on the ground or uncovered patios shall be permitted to be built up to the side or rear lot lines. Furthermore, within the front yard,

uncovered patios or other concrete slab structures shall not extend more than ten feet (10') beyond either side of a driveway.

165.15.6. FENCES AND HEDGES.

Fences and hedges shall not be constructed more than fifty (50) percent solid or exceed more than four (4) feet in height in any required front yard. Fences less than four (4) feet in height may be located on any part of a lot. Please reference Section 165.15.4.E. when considering fences in front or side yards. Except as provided above, fences shall not exceed six feet (6') in height in any required side or rear yards, subject to further restrictions herein. Fences in excess of six feet (6') will be allowed in the cases of tennis courts and swimming pools, subject to further restrictions.

Fences shall not be closer than six inches (6") to any property line and perennial plantings shall not be planted closer than two and one-half feet (2½') to any property line. Except that fences and perennial plantings may be placed up to the property line by written mutual agreement of both adjacent property owners.

Fences shall not be constructed of corrugated tin, metal, or fiberglass; sheet metal or fiberglass, or non-treated wood products. Fences may be constructed from treated wood products; non-decomposing natural wood products such as such as cedar, redwood, etc.; chain link, molded plastic or wrought iron. The Planning and Zoning Commission may approve other materials as presented. Fences should be constructed in an orderly and neat manner as to accent and compliment the natural landscape of the property. All fences shall be subject to a completed and approved building permit.

165.15.7. BUILDINGS TO HAVE ACCESS.

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

165.15.8. USE OF PUBLIC RIGHT-OF-WAYS.

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this chapter.

165.15.9. BLOCK FRONTAGE CONTINUITY.

In the case where the front yards in a given block improved with buildings amount to more than 30% of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, then the required minimum setbacks will be based on a line joining the two front corners of the buildings on either side thereof; or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard setback greater than thirty-five (35) feet, in any event. Where an official line has been established for future widening or opening of a street upon which a lot abuts, than the depth of a front or side yard shall be measured from such official line. In the case where the block front improved with buildings amounts to less than 30% of the total lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be enforced.

165.15.10. HEIGHT MODIFICATIONS.

Height regulations shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatuses which may be erected to any height not in conflict with any other applicable regulations of the city. These additional structures or accessories may be erected to a height approved by the Board of Adjustment, provided however, all towers or structures exceeding height requirements shall not be permitted to extend into approach zones, clear zones or other restricted air space required for the protection of the flying public.

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

165.16 ADDITIONAL USE REGULATIONS

165.16.1. Intent
165.16.2. Accessory Buildings
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165.16.12. Planned Unit Development (PUD) – Special Exception

165.16.1. INTENT.

These additional use regulations are applicable in all zoning districts in addition to those guidelines set forth in the zoning district regulations. In event of any conflict in provisions, the more restrictive provision shall apply unless specifically indicated to the contrary.

165.16.2. ACCESSORY BUILDINGS.

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

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

Accessory buildings and uses customarily incidental to that of the principal (main) building may be erected, placed, constructed, moved-in, or established as permitted, provided they comply with the following limitations:

1. Accessory buildings that are structurally part of or attached to the principal building shall conform to the site development regulations of the principal building. In this instance, attached shall be considered a shared roof line or a shared common wall.

2. No accessory buildings shall be erected, placed, located or moved into any required front yard;

3. Accessory buildings may be allowed, as a special exception use, as the only principal structure on a separate platted lot so long as the accessory building and the property it is located on is located no more than 600 feet from the lot of the principal structure it is associated with, and the two properties are joined as one lot of record through a deed restriction.

4. No detached accessory building in any residential district shall occupy more than thirty percent (30%) of the rear yard. Residential accessory buildings shall be limited to a maximum of two (2) total buildings, including a garage; however, this regulation shall not prohibit the construction of at least one garage not to exceed six hundred (600) square feet gross building area and at least one accessory storage building not to exceed one hundred twenty (120) square feet gross building area.

5. If a garage door directly faces any alley or street, there must be a fifteen feet (15') minimum setback.

6. Accessory buildings shall not be erected within five feet (5') of any main (principal) building or the property line.

7. No accessory building shall be constructed, including siding and roofing materials, from galvanized metal, but not to exclude the use of standing seam metal roofs or other fabricated or painted metal roof shingles.

8. Accessory buildings shall maintain the appearance of and have building materials similar in nature to the principal structure on the lot.

9. Detached accessory buildings shall not exceed the following heights:
   - Residential Districts 18 feet
   - Commercial/Industrial Districts 24 feet
   - Agriculture/Conservation Districts 18 feet
     (applies only to non-agricultural accessory uses and buildings)

10. Accessory buildings shall not be used for dwelling purposes.

11. No permanent accessory buildings shall be erected, placed, located or constructed on any required, permanent, temporary or utility easement.

165.16.3. PORTABLE ACCESSORY BUILDINGS AND STORAGE STRUCTURES.

1. "Storage Structure" shall mean one of the following definitions:

   Membrane storage structure: A structure consisting of a frame covered with a plastic, fabric, canvas, aluminum or other non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term also applies to structures commonly known as hoop buildings, canopy carports or tent garages; but shall not apply to temporary tents or canopies used for special events such as weddings or graduations.

   On-demand or on-site storage structure: Any portable or permanent storage container, storage pod, storage unit, receptacle or other portable structure that is used for the storage of personal property, which is located outside an enclosed building. The term does not include normal sheds, garages, outbuildings or membrane storage structures.

2. The term "storage structure" shall not apply to a truck trailer or semi-trailer while it is actively being used for the transportation of materials, inventory or equipment and is temporarily located adjacent to a loading dock. A storage structure may be used as a construction site trailer but only during construction on the site.

3. *Residential Zoning Districts*.
   Membrane storage structures are not permitted on any residential properties. A temporary portable on demand or on-site storage structure may be kept within the yard areas on any residential property for a maximum of 72 hours for purposes of packing, shipping or moving materials from a permanent structure.

4. *Commercial Zoning Districts*.
   Permanent membrane storage structure or on-site storage structures are not permitted within the commercial zoning districts. A temporary membrane storage structure is permitted on commercial properties for a period of no longer than fourteen (14) days. A portable on-site storage unit may be permitted for up to six (6) months for use on-site during construction or renovation of the principal structure on the property.

5. *Industrial and Agricultural Zoning Districts.*
   A storage structure for other than residential or commercial purposes is permitted but shall be located on the property within the permitted rear or side yard areas so as not to obstruct any drive access or block required parking spaces.

165.16.4. SERVICE STATIONS/CONVENIENCE STORES.

All fuel related service stations are subject to the following regulations:

1. *Location of Ingress and Egress.*
   No fuel service stations or automobile repair shops shall have an entrance and/or exit for vehicles within one hundred fifty feet (150') as measured along the public street in which there exists a school, public playground, church, chapel, convent, hospital, public library or the property line of any residentially zoned district. Such access shall not be closer to any intersection than forty feet (40').

2. *Location of Oil Drainage Pits and Hydraulic Lifts*.
   All oil drainage pits and hydraulic lifts shall be located within an enclosed structure.

3. *Fuel Dispensing Pumps.*
   Service stations and convenience stores shall have their fuel pumps, including other service facilities, set back at least twenty-five feet (25') from any public right-of-way. When located in commercial districts, gasoline dispensing pumps shall not be considered as accessory structures.

165.16.5. MARINAS.

Boat marinas, including related commercial sales and boat service and amphibious events of sport, skill or exhibition shall not be located within one hundred fifty feet (150') of any residential lot line within any residential district except that which is occupied by the owner or caretaker residing on the premises.

165.16.6. TEMPROARY USES.

Provisions authorizing temporary uses are intended to permit those occasional uses when consistent with the purposes of these regulations and when compatible with other nearby uses.

1. *Temporary Use Types*.
   The following types of temporary uses may be authorized by the zoning administrator, subject to specific limitations herein and such additional conditions as may be established by the zoning administrator.

a. Temporary buildings associated with construction (i.e. contractor's office, storage yard, and equipment parking and servicing on the site) may be permitted in any district during the period that the construction is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of work.

b. Religious, patriotic, or historic assemblies, displays, or exhibits.

c. Outdoor special sales, including swap meets, flea markets, parking lot sales, or similar activities, and when operated not more than 3 days in the same week or more than 5 days in the same month.

d. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities not closer than 200 feet to an existing dwelling.

e. Outdoor art and craft shows and exhibits.

f. Temporary use of trailer units, storage units or similar portable structures, and limited to a maximum period of 6 months per calendar year.

g. Additional similar uses determined to be temporary by the zoning administrator.

2. *Required Conditions of Temporary Use.*
Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use. The zoning administrator may establish such additional conditions as deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses, including but not limited to time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

3. *Determination.*
The zoning administrator may authorize a temporary use only when, in his/her judgment, the temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site; will be compatible with nearby uses in the general vicinity and will not create traffic hazards or otherwise interrupt or interfere with the conduct of uses in the vicinity.

4. *Application and Authorization.*
An application to conduct a temporary use shall be made to the zoning administrator, and shall include a description of such use and any additional information as requested by the zoning administrator to evaluate the use and to make a determination. Any temporary use shall be by issued by a zoning permit. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use.

165.16.7. ADULT ENTERTAINMENT REGULATIONS.

1. *Purpose.*

The City of Arnolds Park finds that adult entertainment establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Arnolds Park and adult entertainment establishments, because of their very nature, have a detrimental effect on both existing establishments around them and surrounding residential areas adjacent to them. It is for these reasons and further that Arnolds Park, Iowa finds:

a. The concern over sexually-transmitted diseases is a legitimate health concern of Arnolds Park that demands reasonable regulation of adult entertainment establishments in order to protect the health and well-being of the community;

b. Adult entertainment establishments, due to their very nature, have serious objectionable operational characteristics, thereby contributing to blight and downgrading the quality of life in the adjacent areas;

c. Arnolds Park wants to prevent such adverse effects and thereby protect the health, safety, and welfare of its residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding area and deter the spread of blight;

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

2. *Definitions.*

Adult entertainment establishments consisting of, including, or having the characteristics of any or all of the following.

a. *ADULT BOOKSTORE*: An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, DVDs, magazines, publications, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.

b. *ADULT ENTERTAINMENT*: Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.

c. *ADULT MOTION PICTURE THEATER*: An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

e. *ADULT ENTERTAINMENT ESTABLISHMENT*: Any establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below. It further means any premises that feature topless dancers, go-go dancers, strippers, male or female impersonators, or other similar entertainers for observation by patrons. Adult entertainment establishments further mean those places to which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or adult entertainment dancing.

f. *OPERATORS:* Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

g. *SPECIFIED ANATOMICAL AREAS:* Less than completely and opaquely covered female genitals, buttocks, and female breasts below the areola; or less than completely or opaquely covered male genitalia.

h. *SPECIFIED SEXUAL ACTIVITIES:* Simulated or actual acts of:
(i) showing of specified anatomical areas in a state of sexual stimulation or arousal;
(ii) actual or simulated acts of sexual intercourse, sodomy, sado-masochism; or
(iii) fondling or erotic touching of specified anatomical areas.

3. *Locational Requirements and Restrictions*.
An adult entertainment establishment shall be permitted within the City of Arnolds Park only in the General Industry zoning district upon receipt of a site plan in accordance with Section 165.17 and a special exception use permit in accordance with the procedures set forth in Section 165.25; and only if it meets all of the location requirements set forth below. Distances provided hereafter shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

a. Adult-oriented establishments shall be prohibited in or within one thousand (1,000) feet of the borders of a residential district.
b. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
c. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade.
d. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any public park or playground.
e. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any daycare home or daycare business.
f. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any other adult entertainment business.

g. Adult-oriented establishments shall be prohibited within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

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

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

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

165.16.8. RECREATIONAL VEHICLES.

For the purposes of this section, the term "recreational vehicles" shall mean a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. Such vehicles include, but are not limited to, travel trailers, pickup campers, camping trailers, motor coach homes, and converted trucks and busses. Recreational vehicles shall also include campers, boats, personal watercraft, snowmobiles, trailers, and other recreational based vehicles not intended for permanent occupancy.

1. Parking. No person shall park or place any recreational vehicle on the streets, alleys, highways, any public place, or upon any private land within the City of Arnolds Park, except in the following circumstances:
   a. Parking is accepted within a designated campground or recreational vehicle park
   b. Parking is accepted on private property when, in conformance with the city's zoning ordinance, the vehicle is part of a dealer's or manufacture's stock and not used as a place of human habitation.
   c. Parking is accepted upon the streets, alleys, highways or public parking areas in accordance with the city's traffic regulations, provided the recreational vehicle is properly licensed and not used as a place of human habitation.

2. Recreational vehicles may be parked for seasonal use (short term use or less than 30 consecutive days) on a driveway within a front yard, but not upon the right-of-way, in residential districts provided the view of the street is not obstructed as to vehicular ingress and egress. Recreational vehicles, including may be parked or stored (long term use) within the side yard, rear yard or within an enclosed garage.

3. Recreational vehicles parked or stored on a premises or any lot shall not be used for permanent human occupancy. In residential zoning districts, recreational vehicles shall only allow human habitation for not more than seven (7) consecutive days, or one week, in a calendar year.

4. Recreational vehicles shall not be used for business purposes.

165.16.9. HOME OCCUPATIONS.

A home occupation is an accessory use, conducted entirely within a dwelling unit, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. Home occupations as an accessory to the residential use are subject to the following limitations:

1. The use must be conducted as a secondary use and in such a manner as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the term. The home occupation shall be conducted entirely within a dwelling unit that is the bona fide residence of the practitioner(s), or entirely within an attached or detached garage (not to include a carport, driveway, yard or outside area).

2. Only one (1) unrelated person living outside the residence and members of the immediate family may be employed in the home occupation.

3. The residential character of the lot and building shall be maintained. The exterior of the dwelling shall not be structurally altered so as to require compliance with nonresidential construction to accommodate the home occupation.

4. The home occupation shall not generate customer related vehicular traffic substantially in excess of the normal anticipated residential neighborhood traffic.

5. No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.

6. Home occupations may have only one flush mounted, non-illuminated sign not exceeding four (4) square feet in size and four feet (4’) in height.

7. In addition to one flush mounted sign allowed in item 6 above, home occupations shall be permitted to have one yard sign, of the same size and height above, but not illuminated.

8. No more than thirty percent (30%) of the main floor area of the principal building may be utilized by the home occupation. However, this regulation shall not apply to day care services.

9. The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, or waste run off outside the dwelling or on property surrounding the dwelling unit.

10. The use must not infringe upon the right of neighbors to enjoy peaceful and healthy occupancy of their home for which purpose the residential district was created and primarily intended.

11. Daycare services, for purposes of a home occupation, are permitted according to state regulations.

12. Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, animal breeding, clinics, hospitals, contractor's yards, junk or salvage yards, restaurants, rental outlets, automotive repair or massage parlors.

165.16.10. MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES

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

1. *Structure Size:* Each such residential structure shall have a main body with a minimum exterior dimension of at least twenty-four feet (24') measured from outside of the exterior walls, exclusive of attached garages, porches, or other attached accessory structures. A structure may include porches, sunrooms, garages and wings of lesser dimensions and area, so long as the main body meets the minimum requirements.

2. *Minimum Floor Area:* A minimum floor area of not less than eight hundred (800) square feet.

3. *Foundation:* All residential structures shall have a continuous and complete frost protected perimeter foundation, except that a perimeter foundation shall not be required for a mobile or manufactured home if a perimeter foundation is incompatible with the structural design of the building. For such a mobile or manufactured home, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. Foundation materials may be masonry, poured concrete, wood or metal and must extend below the normal frost line or be an approved frost-free permanent foundation. All residential structures, exclusive of mobile or manufactured homes, must be permanently attached to the foundation.

4. *Emergency Escape and Rescue:* Basements with habitable space and each sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement.

5. *Exterior Wall and Roof Material:*
   a. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding, lap siding, log siding, metal siding, wood shingles, stucco or similar product, or other approved materials of similar appearance.
   b. Roofing material shall be shingles (asphalt, fiberglass, wood or metal), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.
   c. Smooth, unfinished or corrugated sheet metal or sheet fiberglass shall not be used for exterior wall or roof covering.

d. Soffits and/or eaves, window and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl or wood or unfinished metal, such as copper, customarily used for residential structure trim.

e. All dwelling units having a pitched roof shall have a minimum roof pitch of 3:12. This requirement shall not apply to mobile or manufactured housing if the structure complies with 42 U.S.C., Section 5403.

6. *Wheels, Axles or Towing Device:* No residential structure shall have attached wheels, axles, or a towing device.

7. *Exemption:* The provisions of this section shall not apply to mobile homes or manufactured housing placed in a mobile home park or manufactured housing subdivision in compliance with the remaining regulations in this zoning ordinance.

165.16.11. LOW IMPACT DEVELOPMENT STANDARDS

The low impact development standards of this chapter are intended to assist the city in restoring and preserving the hydrology of the community and region, and promoting the city in its natural conditions.

1. *Definitions.*

a. "Bio-retention Cell" – is designed with the goal of infiltrating runoff. Bio-retention cells have an engineered subgrade which features a manufactured soil matrix and a drain tile, due to altered and compacted soils that don't have adequate percolation rates.

b. "Bioswale" – includes open channels possessing a dense cover of grasses and other herbaceous plants through which runoff is directed during storm events. Bioswales typically have an engineered subsection designed to facilitate infiltration of low flow events or the first flush of large events. Bioswales have the capacity to safely convey runoff from larger flows, while providing filtration and increasing travel time of runoff from point of generation to junction with receiving waters.

c. "Erosion" – is the detachment, transportation, and deposition of soil particles by water or wind. Sheet erosion, hill erosion, gully erosion, stream bank erosion, stream bed erosion, or shoreline erosion are common types of erosion that creates sediment-laden runoff, which moves sediment to a point of deposition down-gradient from its point of origin.

d. "Impervious Surfaces" – are surfaces through which water cannot penetrate. These surfaces are mainly constructed surfaces – rooftops, sidewalks, roads, and parking lots – covered by impenetrable materials such as asphalt, concrete, brick, stone and compacted gravel. These materials seal surfaces, repel water and prevent precipitation and melted water from infiltrating soils. Soils compacted by urban development are also highly impervious.

e. "Low Impact Development (LID)" – is an innovative stormwater management approach with a basic principle that is modeled after nature: manage rainfall at the source using uniformly distributed decentralized micro-scale controls. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. Techniques are based on the premise that stormwater management should not be seen as stormwater disposal. Instead of conveying and managing

or treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas, LID addresses stormwater through small, cost-effective landscape features located at the lot level. This includes not only open space, but also rooftops, streetscapes, parking lots, sidewalks, and medians. LID is a versatile approach that can be applied equally well to new development, urban retrofits, and redevelopment/revitalization projects. *Note: This definition provided by the Low Impact Development Center, Inc. at www.lowimpactdevelopment.org*

f. "National Pollution Discharge Elimination System (NPDES)" – Section 402 of the Clean Water Act contains the NPDES regulations. The key aspect of this section is that any land disturbing activity that impacts one (1) acre or more is required to get a NPDES permit from the IDNR. The application process required that the applicant certify that an adequate Storm Water Pollution Prevention Plan (SWPPP) has been developed for the site. The applicant is responsible for all fees (permit or advertising).

g. "Pervious Surfaces" – includes ground cover through which water can penetrate at a rate comparable to that of water through undisturbed soils. Examples include turf systems and pervious pavers. Other examples of pervious surfaces include concrete pavers (ex: Eco-Stone), concrete open-cell pavers (ex: Turfgrid), or recycled plastic pavers (ex: Grasspave).

h. "Rain Garden" – are vegetated depressions used to promote infiltration of storm water runoff. Depth varies between 6 inches and 18 inches. Vegetation is vital to the proper function of a rain garden. The plants in the rain garden help to infiltrate the water and trap pollutants at a low cost. Rain gardens used and intended for storm water management should not be considered a "swimming pool."

i. "Statewide Urban Design and Specifications Manual (SUDAS)" – The Center for Transportation Research and Education at Iowa State University has developed Iowa's SUDAS manuals for public improvements. The manuals include design and construction details that are unique to specific jurisdictions across the state. They also address conditions, like materials availability and soil conditions that may vary among the six state Iowa DOT districts. The SUDAS manual can be referenced at www.iowasudas.org.

2. *Low Impact Development Provisions Not To Create Nonconformities*
At the effective date of this chapter, the application of low impact development standards to all properties within the City of Arnolds Park shall not be required if such low impact development standards render any such property nonconforming, in terms of use or lot size, in any zoning district.

3. *Low Impact Provisions in Parking Areas*.
The use of pervious surfaces, bio-retention and bio-swales are encouraged to direct runoff through a system that provides on-site infiltration and filtration. Please reference the SUDAS manual for on-site retention of stormwater on hard-surfaced parking areas. It is recommended that pervious paving surfaces are considered in parking areas that include more than 5 parking spaces and required to be hard surfaced parking. Furthermore, any parking area more than 5 parking spaces which is required to be hard surfaced shall allow an area equal to 5% of the parking lot for the inclusion of a low impact development project such as a rain garden or bio-retention cell.

4. *Low Impact Development during Construction*.
   Prior to the start of construction, or any land disturbance activities, a sediment control plan shall be designed and provided to the city for review, and installed to address erosion control measures on the property.

5. *Low Impact Development Standards*.
   Low Impact Development (LID) is a storm water control strategy that combines resource conservation, a hydrologically functional site design with pollution prevention measures to reduce development impacts and mimic predevelopment runoff conditions. LID practices relate to lower intensity rains that constitute the vast majority of annual precipitation and the "water quality volume" (WQV) which is defined as the size of storm that will equal or exceed 90% of all annual rainfall events.

   Except for in the C-1 Downtown Commercial District, whenever the impervious surface of a lot exceeds seventy percent (70%) of the total square footage of the lot, the property owner shall comply with the Statewide Urban Design and Specifications (SUDAS) and shall manage water quality volume of 1.25 inches by infiltration process according to the Iowa Stormwater Management Manual. In certain circumstances, and with the approval of the Planning Commission and Board of Adjustment, LID practices may be used in lieu of or as a variance to meeting the open space requirements identified in this chapter.

165.16.12. PLANNED UNIT DEVELOPMENT (PUD) – SPECIAL EXCEPTION

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

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

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

2. **Residential PUDs:** PUDs to be established on land zoned (R) residential on the city's zoning map shall be considered a residential PUD. The following standards shall apply:
   a. *Residential and Public/Civic Uses:* The Board of Adjustment may approve any residential and public/civic uses within residential PUDs. Permitted dwelling units shall include detached, clustered, semi-detached, attached, or multi-storied structures or combinations thereof. Customary accessory uses are also permitted.

   b. *Commercial Uses:* In addition to residential and public/civic uses, the Board of Adjustment may approve commercial uses within residential PUDs; provided that:
      i. A sufficient population within the PUD supports such uses;
      ii. Such uses are designed and located in such a manner as to protect the character of the affected project and surrounding land uses and natural assets; and
      iii. Such uses do not occupy in total more than 25 percent of the total land area in the PUD.

3. **Commercial PUDs:** PUDs to be established on land zoned (C) commercial on the city's zoning map shall be considered a commercial PUD. The following standards shall apply:
   a. *Residential and Public/Civic Uses:* The Board of Adjustment may approve any residential and public/civic uses within commercial PUDs; provided that the overall density of residential uses shall not exceed 16 units per acre.

   b. *Commercial Uses:* The Board of Adjustment may approve any commercial uses within commercial PUDs.

   c. *Industrial Uses:* The Board of Adjustment may approve any industrial uses within commercial PUDs.

4. **Mixed-Use PUDs:** PUDs to be established on land designated as either residential or nonresidential (commercial or industrial) on the city's zoning map shall be considered a mixed-use PUD. Those portions of a mixed-use PUD that have an underlying residential zoning designation shall be regulated in accordance with the residential PUD standards. Those portions of a mixed-use PUD that have an underlying commercial or industrial zoning designation shall be regulated in accordance with the commercial PUD standards.

5. **General Regulations**. In order for PUD's to be eligible for consideration of a special exception use permit, certain regulations needs to be satisfied to preserve the integrity of the planned development and minimize any potential impact to adjacent properties.
   a. *Conformance with the Comprehensive Plan:* The proposed planned unit development is in conformance with the Arnolds Park Comprehensive Plan. At a minimum, the Board of Adjustment shall find that the planned unit development does not conflict with the comprehensive plan.

   b. *Minimum Site Area:* A planned unit development shall include no less than five (5) acres of contiguous land. Property shall be deemed to be contiguous so long as all parts are under unified control of the applicant, and all parts abut or are separated by only a road, easement or right of way. A minimum of two (2) or more principal structures must be proposed.

c. *Preservation of Natural Features:* Mature trees, vegetative cover, watercourses and other natural site features shall be preserved to the greatest extent possible. Abrupt changes in natural slope shall be avoided. Preservation shall be directed toward;

i. Protecting the natural environment;
ii. Providing buffering between new developments and surrounding properties;
iii. Handling of storm water flows in natural channels;
iv. Maintaining existing vegetation along stream corridors as water quality filters; and
v. Developing and sustaining low impact developments.

d. *Common Open Space:* A minimum of twenty-five (25) percent of every residential PUD shall be developed as public open space for the use and enjoyment of the residents. A minimum of fifteen (15) percent of the gross area of every commercial PUD shall be devoted to common open space. In the case of a mixed-use PUD, the greater requirement of minimum open space shall apply. Parking areas and vehicle access facilities shall not be considered in calculating open space requirements. Common open space may qualify wholly or partially as recreation areas, recreational buildings, pedestrian open space system (permanently maintained walks and trails), or environmental features such as natural habitats or environmentally sensitive areas.

e. *Maintenance of Common Open Space:* In the event that the owner or organization established to own and maintain common open space shall fail to maintain the land in reasonable condition, the Zoning Administrator shall serve written notice defining the maintenance deficiencies. If such deficiencies are not corrected after 30 days, the Zoning Administrator shall call upon any public or private agency to maintain the common open space. In such cases, the tax assessor shall assess the costs proportionally against all properties within the PUD that have the right of use of the common open space.

f. *Screening*: Additional buffering beyond minimum requirements of this ordinance, both around the parameter and interior of the planned unit development, shall be provided where appropriate to mitigate against adverse impacts of noise, glare, sound, or other influences on the proposed development or on adjacent land.

g. *Lighting:* All lighting from proposed developments shall be arranged to prevent direct glare or hazardous interference to adjoining streets or lands.

h. *Streets:* Principal vehicular access to PUDs shall be from primary arterial or collector streets. Any PUD containing over 50 dwelling units and/or 30,000 square feet of nonresidential floor space shall provide at least 2 access points, where feasible. Access points shall be designed to provide smooth flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic.

i. *Other Conditions:* The Zoning Administrator and the Board of Adjustment shall have the authority to impose such other conditions as are necessary to accomplish the purposes of this zoning ordinance and the comprehensive plan.

6. **Application and Approval**. PUD's shall be subject to the approval of a special exception use permit approved by the Board of Adjustment.

a. *Pre-Application Meeting.*
Prior to submitting a PUD plan to the Board of Adjustment, the applicant shall meet with the Zoning Administrator and Board of Adjustment to discuss the proposed project. This includes the procedures for a special exception use permit and preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion.

b. *Development Plan Documentation.*
The following information shall be submitted for application of the special exception use permit.

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

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

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

Within sixty (60) days of Board of Adjustment decision of the PUD development plan and the preliminary plat, the applicant shall file with the Zoning Administrator a final plat for that portion to be platted. The final plat shall contain those changes as recommended by the Board of Adjustment during the preliminary review. The final plat shall be submitted to the Dickinson County Recorder's Office by the developer within ninety (90) days. This shall include posting a performance bond or certified check with the City of Arnolds Park, Iowa, guaranteeing those required improvements will be constructed according to the approved implementation schedule. This shall be accomplished prior to the issuance of any zoning compliance permit. Once the development plan and final plat are approved, the city may

issue the zoning compliance permit for the area. Said area shall then be designated on the official zoning map.

e. *Enforcing Development Schedule.*
The construction and provision of common open space and public or recreation facilities shown on the development plan must proceed at the same rate as construction of the dwelling units. If the rate of construction of dwelling units is faster than the rate of open space or public facilities, this information will be forwarded to Board of Adjustment of which then the special exception use permit may be revoked.

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

165.17 SITE PLANS

165.17.1. Intent
165.17.2. Scale
165.17.3. Legal Information
165.17.4. Site Plan

165.17.1. INTENT.

Site plans are required for review and approval for construction of permitted or special exception uses and structures in any district, and shall comply with and illustrate the following. Accessory uses, accessory buildings, decks and patios as well as interior remodeling projects are exempt from site plan requirements, but are still required to obtain a zoning compliance permit.

165.17.2. SCALE.

All site plans shall be drawn at a scale not smaller than 1”=10’ for individual lot plans and not smaller than 1”=100’ for subdivision plans. If review is required by the Planning Commission and/or Board of Adjustment, twelve (12) copies of the site plan shall be submitted with the zoning permit application. Otherwise, 1 copy of the site plan shall be submitted to the city.

165.17.3. LEGAL INFORMATION.

The final site plan required shall include the following legal information:

a. Legal property owners name and description of property.
b. Appellant's name, requested land use and zoning.
c. If the appellant is other than the legal owner, the appellant's interest shall be indicated and the legal owners’ authority to appeal shall be submitted in a certified legal form.

165.17.4. SITE PLAN.

The final site plan shall clearly illustrate the following information:

a. Property boundary lines, dimensions and total area.
b. If substantial topographic change is proposed contour lines at intervals of not more than five (5) feet may be requested by city staff.
c. The availability and location of existing utilities.
d. The proposed location, size, shape and type of all buildings or structures.
e. The total square feet of building floor area, both individually and collectively.
f. The number of dwelling units, bedrooms, offices, etc.
g. Existing buildings, rights-of-way, street improvements, utilities, easements, or drainage ways.
h. Parking areas, number of parking spaces proposed, number of parking spaces required by this ordinance and type of surfacing to be used.
i. Walkways, driveways, outside lighting, walls, fences, signs, monuments, statues and other man-made features to be used in the landscape.
j. Location and type of landscaping to be used for screening purposes shall be illustrated in elevation as well as in the plan.
k. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation as well as plan view with proposed height and structural material to be used.
l. Traffic considerations, architectural themes, and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

165.18 OFF-STREET PARKING REQUIREMENTS

165.18.1. Intent
165.18.2. General Parking Area and Surface Requirements
165.18.3. Hard Surfacing Parking Lots
165.18.4. Off Street Parking Requirements
165.18.5. Computation of Parking Spaces
165.18.6. Location and Type of Parking
165.18.7. Off Street Loading Requirements

165.18.1. INTENT.

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

165.18.2. GENERAL PARKING AREA AND SURFACE REQUIREMENTS.

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

1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this ordinance shall provide parking as required under this section, unless a building permit has been issued and construction is begun at least six (6) months prior to the effective date of this ordinance;
2. The provisions of this section shall not apply to the “C-1” Downtown Commercial District;
3. A parking space shall be not less than one hundred eighty square feet (180 sq.ft.);
4. Enclosed parking areas or garages shall qualify to meet the minimum parking space requirements under this section;
5. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, easements, leases, or contract documents to establish such a joint use of area;
6. No off street parking shall be permitted within the required front yard in all residential districts, except that portion of the driveway lying within the front yard may be used to satisfy the off street parking requirements;
7. Willful failure to permanently maintain and provide parking spaces as required under this section shall be deemed in violation of this zoning ordinance and subject to the penalty listed in Section 165.23.1, Violation and Penalty.

165.18.3. HARD SURFACING PARKING LOTS.

The provisions of this section pertain to all commercial zoned districts inside the corporate limits of the city. Any required off-street parking lots and parking areas of more than five (5) parking spaces and related access driveways, or commercial driveways intersecting with city streets or highways shall conform to the following:

1. Such parking areas shall be hard surfaced with Portland concrete cement (PCC) or asphaltic concrete cement (ACC) to a depth of not less than four (4) inches, or shall have other surfaces as approved by the city council pursuant to recommendations made by the Planning and Zoning Commission. The commission may consult with the city engineer upon parking surfaces that provide a durable and dust free surface.
2. Such parking areas shall be first graded and drained so as to efficiently dispose of all surface water accumulation from the area. Such drainage plan shall be approved by the city council pursuant to consultation with the city engineer so as to retain surface water for a period of time acceptable for the storm sewer system servicing the area.
3. Such parking areas shall be so arranged and marked so as to provide for orderly and safe loading, unloading and parking of vehicles.
4. Failure to comply with the provisions of this section upon notification by the zoning administrator shall be deemed in violation of this ordinance and subject to the penalty listed in Section 165.23.1, Violation and Penalty. In an effort to enforce this chapter, the zoning administrator may seek alternative relief to include correction or abatement of the violation of this section and assessment of the cost of said abatement or correction against the property where such violation occurred.

165.18.4. OFF STREET PARKING REQUIREMENTS.

Except in the "C-1" Downtown Commercial District, at the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows.

1. Single Family Residential:	2 spaces
2. Two Family Residential (Duplex):	3 spaces
3. Multi-Family Residential: (includes condominiums and townhouses)	1.5 spaces per dwelling unit
4. Mobile/Manufactured Home Residential:	1 space per mobile/manufactured home and 1 space designated as a guest/visitor parking area
5. Hotel/Motel and Bed & Breakfast:	1 space per room
6. Resort Commercial:	1 space per rental room
7. Commercial Cottage (rental):	1 space for every three (3) persons of occupancy; or one (1) space for each bedroom, whichever is greater

8. Group Residential:	1 space for each two (2) bedrooms
9. Hospital/Healthcare facilities:	1 space for each four (4) beds, plus 1 space for each two (2) employees on the largest shift
10. Convalescent Services:	1 space for each eight (8) beds, plus 1 space for each two (2) employees on the largest shift
11. Public Assembly/Religious Assembly: - *Churches, Auditoriums, Movie Theaters, Community Center, etc.*	1 space for each four (4) seats of seating capacity provided
12. Bowling Alleys:	4 spaces per alley
13. General Retail Sales/ Professional Office:	1 space per 300 feet of gross floor area
14. Restaurants/Café's:	1 space for each four (4) seats, plus 1 space for each two (2) employees
15. Assembly Occupancy - *Teen Canteen, Juice Bar, Lounges, Bars, Cocktail Lounge, Beach Bar and alcoholic or non-alcoholic drink establishments, etc.*	1 space per 21 square feet of customer service floor area
16. Primary Educational Facilities: - *includes Preschools/Nurseries/Daycares*	1 space per regular employee or 1 space for every six (6) seats in the largest facility for public assembly, whichever is greater.
17. Secondary Educational Facilities: - *includes colleges and universities*	1 space per ten students enrolled or 1 space for every six (6) seats in the largest facility for public assembly, whichever is greater
18. Industry/Manufacturing/Research:	1 Space for every two (2) employees on the largest shift.
19. Salvage Yards/Scrap Yards/Junk Yards:	One (1) space per one hundred (100) sq. ft. of disp1ay or floor area
20. Commercial Docks/Marinas: - *Applies to commercial docks, marinas or rented boat slips, dock space or boat hoists*	One (1) space per one (1) dock slip or hoist.
21. Campgrounds, camp site or RV parks	One (1) space per one (1) camping or RV site
22. All Other Uses:	All other buildings having a gross floor area of more than two thousand (2,000) square feet shall provide one (1) off-street parking space for each one thousand (1,000) square feet of floor space on the same lot as the principal building.

165.18.5. COMPUTATION OF SPACES.

1. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the zoning administrator.

2. Where fractional spaces occur, the parking spaces required shall be construed to be the nearest whole number.

3. Whenever a building or use constructed or established after the effective date of this chapter is changed, altered, relocated, added to, or modified in any way to enlarge the building, structure or use in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

4. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

165.18.6. 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 being served.

1. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a building permit.

2. Off-street parking spaces may be located within the required front yard in any commercial, industrial or agricultural zoning districts, or in applications where multiple family, condominium or townhouse uses necessitate parking within the front yard to meet requirements. However, no off-street parking shall be permitted in the required front yard in all residential districts, aside from the aforementioned multiple family uses, except upon a driveway providing access to a garage, carport or parking structure for the dwelling.

3. Any lighting used to illuminate any off-street parking areas shall be arranged to reflect light away from adjacent lots and uses of land.

4. No part of any parking space shall be closer than five feet (5') from any street right-of-way. In cases where commercial or other non-residential parking lots adjoin a residential district, parking areas shall be at least five feet (5') from the property line and shall be effectively

screened immediately by the use of a fence, hedge, or other similar methods upon approval of the zoning administrator.

5. Parking in any district is not permitted on any public right-of-ways, which is not considered on-street parking.

6. Parking spaces must have adequate accessibility for individuals to easily enter and exit vehicles in order to be counted as individual parking spaces. Furthermore, when 5 or more parking spaces are required, and hard surface parking requirements apply, each parking space shall be no less than two hundred seventy square feet (270 sq.ft.) per parking space allowing for adequate ingress and egress of vehicles through the parking lot.

165.18.7. OFF STREET LOADING REQUIREMENTS.

At the time of construction, alteration, or enlargement of every commercial or industrial building hereafter erected; every hospital, hotel, institution, manufacturing, storage, warehouse, retail store, wholesale store, or other similar commercial or industrial building having secondary access from an alley, side street or otherwise shall have one (1) permanently maintained loading space for buildings in excess of ten thousand (10,000) square feet.

1. Each loading space shall be no less than twelve feet (12’) in width, forty feet (40’) in length.

2. No truck or trailer, for purposes of loading, unloading or parking will be permitted to be located on any street or other public right-of-way.

3. Such space may occupy all or any part of any required yard or open space, except where adjoining a residential district. If the loading space is adjacent to a residential district, it shall be set back at least ten feet (10’) from said district and be effectively screened from view.

165.19 SIGN REGULATIONS

165.19.1. Intent
165.19.2. Definitions
165.19.3. Parking Requirements
165.19.4. Special Exceptions
165.19.5. Additional Regulations
165.19.6. General Sign Provisions
165.19.7. Permits Required
165.19.8. Exempt Signs
165.19.9. Unsafe Signs and Removal of Signs
165.19.10. Nonconforming Signs

165.19.1. INTENT.

This section is established to protect and promote health, safety, general welfare and order within the city 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 section are intended to encourage opportunity for effective, aesthetically compatible, or 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 section.

165.19.2. DEFINITIONS.

The following terms, for the purposes of this section, have the meanings stated herein:

1. AWNING: A device made of cloth, metal, or other material affixed to and projecting from a building in such a manner that the device is either permanently fixed or so erected as to allow it to be raised or retracted and return to a flat position against the building when not in use.

2. ERECT: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.

3. FACING (or SURFACE): The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.

4. INCOMBUSTIBLE MATERIAL: Any material that will not ignite at or below a temperature of 120° F and will not continue to burn or glow at that temperature.

5. PERSON: Any one being, firm, partnership, association, corporation, company or organization of any kind.

6. SIGN: The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.

    a. ABANDONED SIGN: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product, or activity conducted on the premises where such sign is displayed.

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

c. ANIMATED SIGN: Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

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

e. 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.

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

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

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

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

j. FREE STANDING SIGN: Any immovable sign not affixed to a building or any other structure. This shall not include trailer signs as defined in this section

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

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

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

n. 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.

o. NON-CONFORMING SIGN: A sign which lawfully existed at the time of the passage of this ordinance or amendments thereto but which does not conform to the regulations contained herein.

p. PORTABLE SIGN: Any sign not permanently attached to a building, structure, or the ground, capable of being moved at periodic intervals.

q. PROJECTING SIGN: A sign, other than a wall sign, that is wholly or partly dependent upon a building for support and which projects more than twelve inches (12”) from such building perpendicular to the wall surface.

r. REAL ESTATE SIGN: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.

s. ROOF SIGN: A sign erected upon or above a roof or parapet of a building or structure.

t. SWINGING SIGN: A sign installed on an arm or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

u. TRAILER SIGN: Any sign mounted on a vehicle normally licensed by the State of Iowa as a trailer and used for advertising or promotional purposes.

v. WALL SIGN: All flat signs of solid face construction placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure. Such signs may extend no more than twelve (12) inches from the surface of the building or structure to which they are attached. Wall signs are also known as "flush mounted signs".

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

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

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

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

11. TEMPORARY SIGN: Any sign which is erected or displayed for a specified period of time. The temporary use of portable or moveable signs, search lights, banners, pennants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this section for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year.

165.19.3. 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.

1. *All Residential Districts (R-1, R-2, R-3 & MH).*
   Signs pertaining to principal permitted uses are allowed in residential districts subject to the following regulations.

a. Home occupation signs are permitted pursuant to Section 165.16.9 of this ordinance.

b. Signs, for non-residential businesses located in residential areas, shall be limited to no more than forty (40) square feet on one (1) free standing sign not to exceed a height of five (5) feet from the ground to the top of the sign structure. One (1) additional wall mounted sign not to exceed four (4) square feet is also permitted for non-residential businesses.

c. One (1) on-site sign promoting the sale, lease or rent of the land or building shall be allowed per residential property. Double frontage lots including, but not limited to lakeshore lots, golf course lots, through lots and corner lots shall be permitted to have two (2) on-site signs promoting the sale, lease or rent of the property (one for each frontage).

d. Prohibited Signs:

   1. Flashing type signs are prohibited.

e. Permitted Signs:
   1) Address signs (not to exceed 1 square foot)
   2) Real Estate signs (not to exceed 6 square feet)
   3) Government signs
   4) Campaign signs (not to exceed 4 square feet)
   5) Joint Identification signs (not to exceed 12 square feet)
   6) Construction signs (not to exceed 32 square feet)
   6) Ground signs
   7) Wall signs

2. *Downtown Commercial Districts*. Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

   a. Signs shall be limited to those (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) advertising the sale or lease of property; (iv) identifying the commercial enterprise by name or symbol.

   b. The total aggregate area of all signs shall not exceed 200 square feet, of which the total sign area shall be calculated by
   (i) For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign; or
   (ii) For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

   c. All signs shall be fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.

   d. Wall-mounted signs shall not project more than four (4) feet above the roofline.

   e. Only one (1) permanent type sign intended to be read from off the premises will be permitted for each principal use, except for corner lots or double frontage lots in which case one permanent sign shall be permitted per each street or lake frontage.

f. Permitted signs:
   1) Address signs (not to exceed 1 square foot)
   2) Real Estate signs (not to exceed 24 square feet)
   3) Government signs
   4) Campaign signs (not to exceed 8 square feet)
   5) Informational signs (not to exceed 2 square feet)
   6) Directional signs
   7) Joint Identification signs
   8) Wall signs (not to exceed 1 square foot for each linear foot of building frontage)
   9) Projecting signs (not to exceed 24 square feet)
   10) Roof signs (not to exceed 1 square foot for each linear foot of building frontage)
   11) Temporary signs (not to exceed 9 square feet)
   12) Construction signs (not to exceed 32 square feet)

3. *General Commercial, Highway Commercial, and Resort Commercial Districts*. Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

   a. Signs shall be limited to those (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) advertising the sale or lease of property; (iv) identifying the commercial enterprise by name or symbol.

   b. The total aggregate area of all signs shall not exceed 200 square feet, of which the total sign area shall be calculated by
   (i) For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign; or
   (ii) For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

   c. All signs shall be fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.

   d. Wall-mounted signs shall not project more than four (4) feet above the roofline.

   e. Free standing signs must not impair sight distance or create a traffic hazard.

   f. Free standing signs must be located no more than 100 feet from the business, product or service advertised on said sign.

   g. Only two (2) permanent type signs will be permitted per development, except for corner lots or double frontage lots in which case one (1) additional permanent sign shall be permitted on the side or rear frontage.

   h. Permitted signs:
      1) Address signs (not to exceed 1 square foot)
      2) Real Estate signs (not to exceed 24 square feet)
      3) Government signs
      4) Campaign signs (not to exceed 8 square feet)
      5) Informational signs (not to exceed 2 square feet)
      6) Directional signs

7) Joint Identification signs (not to exceed 12 square feet)
8) Wall signs (not to exceed 1 square foot for each linear foot of building frontage)
9) Projecting signs (not to exceed 24 square feet)
10) Free standing signs (not to exceed 100 square feet)
11) Temporary signs (not to exceed 9 square feet)
12) Construction signs (not to exceed 32 square feet)

4. *Agricultural/Conservation and Limited Industrial Districts*. Signs and billboards in conjunction with principal permitted uses are allowed subject to the following regulations.

   a. Signs shall be limited to those (i) identifying uses conducted within the building; (ii) necessary for directional purposes; (iii) advertising the sale or lease of property; (iv) identifying the commercial enterprise by name or symbol.

   b. The total aggregate area of all signs shall not exceed 200 square feet, of which the total sign area shall be calculated by
   (i) For freestanding letters, be computed by taking the area enclosed within the smallest rectangle needed to completely encompass each word or insignia of the sign; or
   (ii) For signs other than freestanding letters, be computed by taking the total area of the facing or the total area within the outer edge of any existing border of the sign.

   c. All signs shall be fixed and not moving or audible. No illumination shall be intermittent or flashing. Sign that are internally illuminated for purposes of a scrolling marquee for information or advertising purposes is permitted; as long as the message is not flashing.

   d. Wall-mounted signs shall not project more than four (4) feet above the roofline.

   e. Free standing signs must be located no more than 100 feet from the business, product or service advertised on said sign.

   f. Permitted signs:
      1) Address signs (not to exceed 1 square foot)
      2) Real Estate signs (not to exceed 24 square feet)
      3) Government signs
      4) Campaign signs (not to exceed 16 square feet)
      5) Directional signs
      6) Joint Identification signs (not to exceed 36 square feet)
      7) Wall signs (not to exceed 1 square foot for each linear foot of building frontage)
      8) Free standing signs (not to exceed 100 square feet)
      9) Temporary signs (not to exceed 9 square feet)
      10) Construction signs (not to exceed 32 square feet)

165.19.4. SPECIAL EXCEPTIONS.

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

165.19.5. ADDITIONAL REGULATIONS.

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

165.19.6. GENERAL SIGN PROVISIONS.

1. *Ground Signs and/or Free Standing Signs.*

   a. *Letters, etc. to be secured.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

   b. *Premises to be kept free of weeds, etc.* All ground and free standing signs and the premises surrounding the sign structure shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.

2. *Bulletin Boards and Announcement Signs:* These shall be permitted on the premises of charitable, religious and public institutions but may not exceed 32 square feet in size and 5 feet in height, and must be a minimum of fifteen feet (15 ft.) from all right-of-way lines.

3. *Safety*

   a. *Safe Ingress and Egress.* No sign shall be erected, located or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

   b. *Face of sign shall be smooth.* All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude there from, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

   c. *Signs not to constitute a traffic hazard.* No sign or other advertising structure as permitted by this chapter shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No signs shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision. No private sign shall contain words which might be construed as traffic controls, or be confused with any authorized traffic sign, signal or device; or which makes use of the words “STOP”, “LOOK”, “WARNING”, “CAUTION”, “DANGER”, or any other word, phrase, symbol or character in such manner as to mislead or confuse traffic. No sign or advertising structure regulated by this chapter shall have posts, guides or supports within any street or alley.

4. *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 fire fighting equipment or personnel, or any electric light, power, telephone, fiber optic, or cable wires or supports thereof.

5. *Signs in Right-of-Way:* No signs other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.

6. *Clearance:* All signs located over public rights-of-way or any public or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade.

7. *Signs Required by Law:* All signs required by law shall be permitted in all districts.

8. *Back to Back Signs:* If a free standing sign or sign structure is constructed so that the faces are not back to back, the angle shall not exceed thirty (30) degrees. If the angle is greater than thirty degrees, the total area of both sides added together shall be the calculated sign area. Back to back signs (when less than thirty degrees) shall be considered as one sign when debited against the total number of signs permitted on one zoning lot.

9. *Illumination:* All externally illuminated signs shall be constructed so as to direct the source of light away from adjacent properties or public streets.

10. *Animated Signs:* Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.

11. *Double Frontage:* Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of signs per frontage may be viewed simultaneously.

165.19.7. PERMITS REQUIRED.

No sign, except "exempt" signs as identified herein shall be erected, altered, constructed, modified or relocated without first receiving a valid sign permit from the city and making payment of the fee required by this section.

1. *Sign Permit Application.* Application for sign permits shall be made available upon request by the Zoning Administrator and contain or have attached thereto the following information:
   - Name, address and telephone number of the applicant.
   - Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
   - One sketch of the plan, method of construction, and attachment to the building or ground.
   - Name of person, firm, corporation or association erecting structure.
   - Inscription of what the sign will say.
   - Such other information as the zoning administrator shall require showing full compliance with this ordinance and all other ordinances of the city.

2. *Permit Issued.* It shall be the duty of the zoning administrator to examine such plans and other data and the premises upon which it is proposed to erect the sign. The sign permit shall be issued if it appears the proposed structure is in compliance with all the requirements of this chapter. The sign permit shall become null and void if the work authorized under such permit has not been completed within one (1) year after date of issuance.

3. *Permit Fees.* Every applicant, before being granted a sign permit, and to defray administrative costs of processing requests for sign permits, shall pay to the city clerk, a fee in the amount established by the city council.

4. *Permit Revocation.* Any permit holder who fails to comply with a valid order of the zoning administrator within the allotted time period, or who fails to pay reasonable removal or repair expenses shall have such sign permit revoked, and another permit for the erection or maintenance of such sign shall not be issued to permit holder for one (1) year from the date of revocation.

165.19.8. EXEMPTIONS.

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

1. **Real estate signs (on-site)** advertising for sale, rental, or lease the premises, lots or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed four (4) square feet in residential districts and twenty-four (24) square feet in all other districts. Only one (1) real estate sign may be allowed per zoning lot. Illuminated real estate signs are not permitted. At the date of closing, signs shall be removed within forty-eight (48) hours.

2. **Integral signs, Memorial signs or Professional name plates** not exceeding two (2) square foot in area, and attached to the building, including names on buildings, date of construction, commemorative tablets and the like, which are a part of the building or structure.

3. **Address Signs** identifying street address only, whether in written or numerical form.

4. **Construction Signs** as a non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building are permitted (but not including any advertising of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) one (1) year of the date of issuance of the building permit or when the project is completed, whichever is later. One (1) sign, not to exceed 32 sq. ft. shall be permitted on each major street the project abuts.

5. **Campaign signs** as allowed by Section 68A.406-yard signs, Code of Iowa.

6. **Government signs** of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like.

7. **Directory signs** which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per lot not to exceed two (2) square feet of area per business or resident occupant.

8. **On-site Directional and Parking Signs** intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

9. **Temporary Signs** including portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this chapter for continuous periods of thirty (30) consecutive days. No business proprietor shall be allowed more than three such periods in any calendar year, not running consecutively.

165.19.9. UNSAFE SIGNS AND REMOVAL OF SIGNS.

All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. Signs shall also maintain a neat and orderly appearance in which the sign is easily read. Additionally, 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 within thirty (30) days after written notice by the City of Arnolds Park. Such notice shall

include a statement explaining the alleged violations and deficiencies; an order to repair or remove said sign and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order, said sign or other advertising structure may be removed or altered to comply by the zoning administrator at the expense of the permit holder, or owner of the property on which it is located. The permit holder may appeal the order of the zoning administrator to the board of adjustment and, if such an appeal is on file, the compliance period shall be extended until following the board of adjustment's decision on the matter. If, however, the zoning administrator finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, the removal of such sign may be ordered without notice to the permit holder.

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

165.19.10. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance at the time of replacement of such nonconforming sign. Such replacement of sign may be due to a change of ownership, change of business use or change from the age or condition of such nonconforming sign.

165.20 BUFFERS REQUIRED

165.20.1. Intent
165.20.2. Conditions Requiring a Buffer
165.20.3. Permissive Buffers
165.20.4. Burden of Provision of a Buffer
165.20.5. Waiver of Buffer Requirements

165.20.1. INTENT.

It is recognized that the transition from one district to another district or from one use to another use of contrasting and conflicting uses is across a barrier and line in theory and not in existence. Therefore, it shall be the intent of this section to require the actual provision of a physical barrier so as to reduce any possible harmful or detrimental influence one district or use may or may not have to abutting and conflicting uses.

165.20.2. CONDITIONS FOR REQUIRING A BUFFER.

The following conditions shall require a buffer:

1. All industrial districts that abut a residential district shall be buffered as required in this section.
2. Any lot located in any commercial or industrial district having both its front and rear lines abutting a public thoroughfare (a double frontage lot) shall be buffered from the thoroughfare abutting its rear line by one of the buffer methods set forth in this article.
3. Any storage facility or yard, loading yard, or equipment storage/staging area in any commercial or industrial district which abuts a public street shall be restricted from public view by a buffer.
4. Any other uses or districts abutting residential properties determined to be more intensive in nature or as recommended by the Board of Adjustment.

165.20.3. PERMISSIVE BUFFERS.

Buffers required under the provisions of this article or elsewhere in this ordinance shall be accomplished by any one or approved combination of the following methods:

1. *A Man-made Buffer:*
   Shall be not less than six (6) feet in height and constructed of a permanent low maintenance material. The wall shall be designed for both structural adequacy and aesthetic quality. The use of weather resistant wood, metal, concrete, brick, tile, or other manufactured substitutes shall be used as a primary material for aesthetic quality, as long as the buffer is opaquely screened.

2. *A Natural Buffer:*
   a. *Natural Buffer Park:* Such park shall be not less than sixty (60) feet in width; designed and landscaped with evergreen type trees, shrubs and plants so as to assure year around effective screening.

   b. *Natural Buffer Screen:* Such natural screen shall not be less than 6 feet in height and comprised of natural plantings; and shall maintain an immediate density of plantings adequate to serve as a solid and impenetrable screen.

c. *Natural Buffer Berm:* Such natural berm or berm in combination with natural plantings shall not be less than 6 feet in height. If a berm is used in combination with natural plantings, the earthen berm shall be at least 3 feet in height.

165.20.4. BURDEN OF PROVISION OF A BUFFER.

The burden of' provision and selection of the buffer shall be as follows:

l. Where two different districts that require a buffer between them are both in an existing improved condition the above requirement is not retroactive, and should a buffer be desired, it shall be by mutual agreement between property owners or as otherwise provided by law. However, in the event of any or all of the improved property is abandoned, destroyed, demolished, etc., for the purpose of renewal, redevelopment, etc., that portion of such property being renewed, redeveloped, etc. shall be considered vacant land subject to the requirements herein.

2. Where one of two different districts that require a buffer between them is partially developed the developer of the vacant land shall assume the burden.

3. Where both districts that require a buffer between them are vacant or undeveloped, except for agricultural use, the developer shall assume the burden as the land is improved or developed.

165.20.5. WAIVER OF BUFFER REQUIREMENT.

Where the line between two districts requiring a buffer follows a highway or other principal arterial route, railroad, stream, or other similar natural or man-made barrier, the requirement for a buffer may be waived.

165.21 NONCONFORMITIES

165.21.1. Intent
165.21.2. Nonconforming Lot of Record
165.21.3. Nonconforming Structures
165.21.4. Nonconforming Uses of Land
165.21.5. Nonconforming Uses of Structures and Land
165.21.6. Repairs and Maintenance
165.21.7. Uses under Exception Provisions Not Nonconforming Uses
165.21.8. Change of Tenancy or Ownership

165.21.1. INTENT.

It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival. It is recognized that there exists within the districts established by this chapter and subsequent amendments lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding additional signs, other structures or uses prohibited elsewhere in the same district.

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

165.21.2. NONCONFORMING LOT OF RECORD.

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

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

165.21.3. 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 chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structure may be enlarged or altered in a way which does not increase its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.21.4. NONCONFORMING USES OF LAND.

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

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such nonconforming use shall be able to increase its nonconformity in intensity, volume, product, service or substantially change the type of nonconforming use being allowed to operate on such premises.
3. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
4. If such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

165.21.5. NONCONFORMING USES OF STRUCTURES AND LAND.

Where a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this zoning ordinance that would not be permitted in the district under the terms of this chapter, 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 chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this zoning 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 structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Adjustment 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 conditions and safeguards in accord with the purpose and intent of this ordinance. Where such nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for a period of more than one (1) year, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165.21.6. REPAIRS AND MAINTENANCE.

Any nonconforming building or structure damaged more than fifty (50) percent of its replacement value exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God shall not be restored or reconstructed and used as before such happening. On any building devoted in whole or in part to any nonconforming use, if less than fifty (50) percent of the replacement value of the building is damaged it may be restored, work may be done on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring, or plumbing of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this zoning ordinance is not increased. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety upon orders of such official.

165.21.7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES.

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

165.21.8. CHANGE OF TENANCY OR OWNERSHIP.

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

165.22 ZONING ENFORCEMENT

165.22.1. Administrative Officer
165.22.2. Zoning Compliance
165.22.3. Zoning Permits Required
165.22.4. Application for Zoning Compliance Permit
165.22.5. Construction and Use to be provided in Application, Plans, and Permit
165.22.6. Fees
165.22.7. Special Exceptions

165.22.1. ADMINISTRATIVE OFFICER.

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

165.22.2. ZONING COMPLIANCE.

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

165.22.3. ZONING PERMITS REQUIRED.

Buildings or other structures shall not be erected, moved, relocated, added to, placed or structurally altered without a permit issued by the zoning administrator. Zoning permits shall be issued in conformance with the provisions of this ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within six (6) months from date of issuance.

165.22.4. APPLICATION FOR ZONING COMPLIANCE PERMIT.

Application for zoning compliance permits may be obtained from the zoning administrator prior to starting or proceeding with the erection, construction, moving into, placement or otherwise structural alteration of a building or structure, including billboards. Approved permits shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building(s) affected. Zoning compliance permits shall be issued to complying applicants within seven (7) days after application is made. Each application for a zoning permit involving the construction of a new principal building or structure or addition to an existing building or structure that alters the footprint of the original building shall be accompanied by a site plan prepared in accordance with Chapter 165.17. In the case of moving an existing building, the application shall be accompanied by a site plan and photos of the structure to be moved.

165.22.5. CONSTRUCTION & USE TO BE AS PROVIDED IN APPLICATION, PLANS & PERMIT.

Zoning compliance permits issued on the basis of plans and applications, approved by the zoning administrator, authorize only that use, arrangement and construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this chapter and punishable as provided by Section 165.23.1, Violation and Penalty.

165.22.6. FEES.

Before receiving a zoning compliance permit the owner or the owner's agent shall pay to the city the permit fee as provided by resolution of the council. Fees shall be double for those compliance permits issued after the construction, moving, placement or alteration of such structures has begun, in which a zoning compliance permit was required but not obtained. The city, county, state and federal governments shall be exempt from paying any scheduled fees.

165.22.7. SPECIAL EXCEPTIONS.

A zoning compliance permit for a special exception may be issued by the zoning administrator after review by the Planning and Zoning Commission and upon order of the Board of Adjustment.

165.23 VIOLATION AND PENALTY

165.23.1. Violation and Penalty
165.23.2. Restraining Order

165.23.1. VIOLATION AND PENALTY.

Unless provided elsewhere in this chapter or the city's municipal code, any person failing to perform a duty, obtain a zoning permit, or violating the Arnolds Park Zoning Ordinance, or any rule or regulation adopted by reference shall be guilty of a municipal infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists enforcement of this chapter, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction as defined by per Chapter 3 of the Arnolds Park Municipal Code, and punishable by civil penalty as provided herein. *(Code of Iowa, Sec. 364.22[3])*

A municipal infraction in the City of Arnolds Park is punishable under the following civil penalties: *(Code of Iowa, Sec. 364.22 [1])*

Standard Civil Penalties

1. First Offense – Not to exceed $200.00
2. Second Repeat Offense – Not to exceed $750.00
3. Each Additional Repeat Offense – Not to exceed $1,000.00

Each day that a violation occurs or is permitted to exist constitutes a separate offense. Special civil penalties are punishable under separate fines and penalties. Please refer to Chapter 3 of the Arnolds Park Municipal Code for fines applied to special civil penalties.

165.23.2. RESTRAINING ORDER.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this chapter, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversions, maintenance, conduct, business or use in or about said premises.

165.24 BOARD OF ADJUSTMENT

165.24.1. Confirmation of the Board of Adjustment
165.24.2. Proceedings of the Board of Adjustment
165.24.3. Hearings, Appeals, and Notice
165.24.4. Stay of Proceedings
165.24.5. Powers and Duties
165.24.6. Variances
165.24.7. Decisions of the Board of Adjustment
165.24.8. Appeals from the Board of Adjustment

165.24.1. CONFIRMATION OF BOARD OF ADJUSTMENT.

The members of the Board of Adjustment are hereby confirmed to continue their appointed terms of office. Members of the Board of Adjustment shall be appointed by the city council for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the city council for cause upon written charges and after a public hearing. Vacancies shall be filled by the city council for the unexpired term of any resigning or removed member.

165.24.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall adopt rules necessary to conduct its affairs, and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The zoning administrator may be an ex-officio member and/or 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 in the office of the zoning administrator. The presence of three (3) members, shall constitute a quorum, even in the instance of absentee members or during conflicts of interest.

165.24.3. HEARINGS, APPEALS, AND NOTICE.

Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the city affected by a decision of the zoning administrator. Such appeals should be taken within a reasonable time, not to exceed sixty (60) days, by filing with the zoning administrator and the Board of Adjustment, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record from which the action was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee to be determined by resolution of the city council shall be paid to the zoning administrator at the time the notice of appeal is filed, which the zoning administrator shall forthwith pay to the credit of the general revenue fund of the city.

The Board of Adjustment shall act on the appeal within 30 days following the closing of the public hearing. In exercising the powers set out in this section, the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement,

decision, or determination as ought to be made, and to that end shall have all the powers of the zoning administrator from whose action the appeal was taken. The board shall notify the appellant of its decision by mail.

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, or to decide in favor of the applicant for any matter upon which it is required to pass under these provisions. The lack of three (3) members of the board voting in the affirmative shall constitute denial of the motion (i.e. two votes for and two votes against and 1 absent or abstaining)

165.24.4. STAY OF PROCEEDINGS.

An appeal stays all proceedings in furtherance of the action which was appealed, unless the zoning administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the zoning administrator's 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 zoning administrator from whom the appeal is taken and on due cause shown.

165.24.5. POWERS AND DUTIES.

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

1) Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter.

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 chapter, and as provided for in Section 165.26, Special Exceptions.

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

165.24.6. VARIANCES.

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

1. A written application for the variance shall be filed with the zoning administrator. The application shall include the following:
   a. Name and address of the owner and applicant.
   b. Address and legal description of the property.
   c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
   d. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in this section.

e. The property address, name and mailing address of the owner of each lot immediately adjacent to the property requesting a variance, and to those properties within 100 feet of the subject property.

2. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.

3. Notice of public hearing shall be given to property owners and residents within two hundred feet (200') of the property requesting such variance.

4. The public hearing shall be held. Any party may appear in person or by agent or attorney.

5. The Board of Adjustment may grant a variance if it makes affirmative findings of fact on each of the following criteria.

   a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

   b. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

   c. Special conditions and circumstances do not result from the actions of the applicant;

   d. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter 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.

6. 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.

7. 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 chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

8. A fee to be determined by resolution of city council shall accompany the application for a variance.

Additional Variance Conditions: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23.1, Violation and Penalty.

Lapse of Variance: Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and shall become void six (6) months following the date on which the variance became effective, unless prior to the expiration of six (6) months a zoning

compliance permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application.

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

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

165.24.7. DECISIONS OF THE BOARD OF ADJUSTMENT.

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

2. The action of the Board shall not become effective until it has a written decision describing such action, the vote of each member participating therein and the reasons for such action, specifying the manner in which the applicant either satisfied or failed to satisfy each of the applicable standards, conditions or elements set forth in this chapter. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

3. Any taxpayer or any officer, department, board, or bureau of the city or persons jointly or severally aggrieved by any decision of the board may present to a court of record a petition for writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 30 days after the filing of the decision in the office of the board. All decisions of the board, except decisions granting use variances or a variance from any separation requirement shall be final immediately upon filing. Upon petition from the applicant, a decision granting or denying a variance may be referred to the city council for review pursuant to Chapter 414.7, Code of Iowa.

165.24.8. APPEALS FROM THE BOARD OF ADJUSTMENT.

Any person or persons, or any board, 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.

165.25 SPECIAL EXCEPTIONS

165.25.1. Requirements
165.25.2. Jurisdiction
165.25.3. Application for a Special Exception Permit
165.25.4. Procedures
165.25.5. Standards
165.25.6. Revocation
165.25.7. Supplemental Standards

165.25.1. REQUIREMENTS.

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

165.25.2. JURISDICTION.

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

165.25.3. APPLICATION FOR SPECIAL EXCEPTION PERMIT.

A request for a special exception use permit for a special exception use or modification of a special exception use may be initiated by a property owner or an authorized agent by filing an application with the zoning administrator upon forms prescribed for the purpose. The application shall be accompanied by a site plan 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 as determined by resolution of the city council.

Application for a special exception use permit shall be filed with the zoning administrator. The application shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement 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 feet (200’) of the subject property.
5. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application.
6. Site plan as prepared in accordance with Section 165.17.

165.25.4. PROCEDURES.

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

1. The Planning and Zoning Commission shall provide the Board of Adjustment with a review and recommendation of a special exception application.
2. After receipt of the Planning and Zoning Commission's recommendations, the Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given of the public hearing as required by state statute by publication in a newspaper of general circulation in the city at least seven (7) days prior to the public hearing. Notice shall be given in writing to a complete list of persons provided by the applicant who are all of the owners of property and residents within two hundred feet (200') of the property in question;
3. The Board of Adjustment shall determine that it is empowered under this chapter to grant the special exception as described in the application, and that the granting of the special exception will not adversely affect the public interest pursuant to testimony presented at the public hearing.
4. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards, including the use of low impact development standards, in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.23.1, Violation and Penalty.
5. The concurring vote of three (3) members of the whole Board of Adjustment grants a special exception use permit, even in the event of absentee members or conflicts of interest.
6. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced.

165.25.5. STANDARDS.

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

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

6) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

7) The use shall not include noise that is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

8) The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.

9) The use shall not include vibration which is discernable without instruments on any adjoining lot or property.

10) The use shall not involve any malodorous gas or matter which is discernable on any adjoining property.

11) The use shall not involve any pollution of the air by fly-ash, dust vapors, or other substance which is harmful to health, animals, vegetation or other property or which causes soiling, discomfort or irritation.

12) The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

13) The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

14) The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

15) Such proposed use shall be analyzed in relation to the city's comprehensive plan and the future goals of the community.

16) The use shall not interfere with the use or enjoyment of neighboring permitted uses. If such interference is found, provisions must be made for increased setbacks from property lines or screening of incompatible use by the use of fences or hedges.

17) The ground coverage shall be such that no additional dust or storm water run-off is generated by the special exception use.

18) The use shall not create a hazard to vehicular traffic. If any such hazard is determined, provisions must be made to increase the required setback in regard to open-air storage.

19) The use shall not cause any permanent, irreparable environmental damage to the parcel or neighboring lands.

20) The special exception use permit may be reviewed after a specified period of time for compliance and for possible additional conditions.

21) Residential uses listed as special exceptions in commercial districts may be required to provide the setbacks required in the R-2 District for the safety and comfort of residents and for the provision of open space and off-street parking.

In addition to the general standards outlined above, specified uses shall adhere to these standards and operate only after the issuance of a special exception use permit.

165.25.6. REVOCATION.

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

165.25.7. SUPPLEMENTAL STANDARDS.

In addition to the general standards outlined in Section 165.25.5 above, certain specified uses shall only be permitted upon approval of a special exception permit and adhere to specific standards as follows. Within these circumstances, the application for a special use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

1) *Salvage Yards*: All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Limited Industrial (LI) district under special exception use permit.

   a. These yards shall be at least three hundred feet (300’) in all directions from any residential building;

   b. The outdoor yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height, or in lieu thereof, a landscape buffer strip fifty (50) feet wide with deciduous and evergreen trees and large shrubs to provide an immediate landscape screen at least ten (10) feet high, may be planted;

   c. An off-street parking or service area in connection with the yards may be located outside of the screened-in area.

2) *Open-air Sales Display and Storage*: All open-air sales display and storage, including new and/or used auto sales and storage, new and/or used farm implement and equipment sales and storage, boat trailer and/or boat hoists storage, new and used truck, machinery, or equipment sales and storage, shall require a special use permit. The application shall be accompanied with drawings and other documents describing the intent, layout, and construction or installation in accordance with the following minimum requirements.

   a. The sides and rear lot lines, when abutting properties used for residential dwellings, shall be required to be screened with a wall or fence with its surface at least fifty (50) percent solid and at least seven feet (7’) in height. The fence shall not be required to extend beyond the front yard set back line;

   b. All lighting and lighted facilities shall be designed and arranged so that they do not focus or glare directly on adjacent residential properties, or public streets thereby creating a traffic hazard;

c. No lighted flashing signs, or revolving beacon lights shall be permitted;

d. The open-air storage yard or display area shall be maintained to be reasonably free of weeds, debris, trash and other objectionable materials.

3) *Boat and Marine Accessory Storage:* Boats, Personal Watercraft, trailers, boat hoists, or other marine accessories may be stored on the owner's lot for no longer than nine (9) consecutive months in the same location. Multiple boats, personal watercraft, trailers, boat hoists, or other marine accessories stored on a parcel, lot or group of lots for longer than nine (9) consecutive months for private, commercial or monetary purposes shall conform to the requirements of section 2 "Open-air Sales Display and Storage" above.

165.26 CHANGES AND AMENDMENTS

165.26.1. Procedures
165.26.2. Initiation
165.26.3. Application for Change in Zoning District Boundaries
165.26.4. Public Hearing
165.26.5. Protest Provision
165.26.6. New Application

165.26.1. PROCEDURES.

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

The Planning and Zoning Commission shall have forty-five (45) days from receipt of the requested amendment in which to submit its recommendation to the city council. Prior to making recommendation to the city council, the Planning Commission shall hold at least one public hearing on the text amendment or rezoning request. At least once during the public hearing process, either at the Planning Commission or city council meeting, property owners within two hundred feet (200') of the subject property shall be notified by mail. If the commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

Not more than 30 days following receipt of the recommendation of the Planning and Zoning Commission, the city council shall hold at least one public hearing on the text amendment or a rezoning request. Within 30 days following the closing of a public hearing, the city council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the city council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate.

If the city council finds that the change is not consistent, it shall deny the application. The city council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the commission on the modification. Failure of the commission to report within 30 days after receipt of the city council request shall be deemed concurrence.

165.26.2. INITIATION.

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

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

165.26.3. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

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

4. Each application shall be filed and accompanied by a fee as determined by resolution by the city council.
   a. The name and address of the owner and applicant.
   b. The legal description and local address of the property.
   c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
   d. The present zoning classification and the zoning classification requested for the property.
   e. The existing use and proposed use of the property.
   f. The names and addresses of the owners of all property and residents within two hundred feet (200') of the property for which the change is requested.
   f. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
   g. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

2. All fees shall be deposited to the general revenue fund of the city. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

3. Upon receipt of the application by the zoning administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The commission shall, prior to making a recommendation, determine the following:
   a. Whether or not the current district classification of the property to be rezoned is valid.
   b. Whether there is a need for additional land zoned for the purpose requested.
   c. Whether the proposed change is consistent with the current land use plan, considering such factors as:
      i. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
      ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
   d. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
   e. The Planning Commission may require additional information or maps if they are necessary to determine whether the change is consistent with the objectives of this zoning ordinance.

165.26.4. PUBLIC HEARING.

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

165.26.5. PROTEST PROVISION.

In case the Planning and Zoning Commission does not approve 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 percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred feet (200') of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all members of the city council, even in the instance of absentee members or during conflicts of interest.

165.26.6. NEW APPLICATION.

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

165.27 EFFECTIVE DATE

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

165.28 ADOPTION

ORDINANCE NO. _____

ZONING REGULATIONS OF THE CITY OF ARNOLDS PARK, IOWA

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

Passed and approved this _____ day of _____ , 2009.

_____
Mayor, City of Arnolds Park

_____
Arnolds Park City Administrator

I hereby certify that the foregoing was published as ordinance no. _____ in the City of Arnolds Park, Iowa on the _____ day of _____, 2009.

EDITOR'S NOTE	
The following ordinances have been adopted amending the official Arnolds Park zoning ordinance or zoning map and have not been included as a part of this ordinance, but have been specifically saved from repeal and are in full force and effect.	
AMENDMENT ORDINANCE NUMBER	**DATE ADOPTED**