

# AMANA COLONIES LAND USE DISTRICT

## Land Use Plan, Phase II

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Passed and approved December 18, 1985  
Effective March 1, 1986

**Division 1.0 – Comprehensive Land Use Plan**

**Division 2.0 – Administration**

**Division 3.0 – Zoning and Subdivision Ordinances.**

Updated: February 17, 2014

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## SUMMARY

This report presents Phase II of the Land Use Plan for the Amana Colonies Land Use District. The report was prepared under the direction of the Board of Trustees which is responsible for the management and control of the Land Use District in accordance with Chapter 303, Code of Iowa, subsections 303.41 through 303.68.

Phase I, the Interim Land Use Plan, was adopted by the Board of Trustees on May 22, 1984, and was intended to provide temporary land use regulations pending the preparation and adoption of Phase II. Phase I is included in this summary on the following pages ii and iii. Phase I was amended by the board of trustees on July 23, 1985, by changing the date in Section IV from August 1, 1985 to December 31, 1985. Phase I was also amended on April 9, 1985, by the adoption of resolution No. 85-1 which provided interim sign regulations.

The Land Use Plan – Phase II includes three principal divisions, as follows:

- Division 1.0 – which presents land use plans and policies for the Land Use District and for each village
- Division 2.0 – which provides for administration of the Land Use District and appointment of the Land Use Administrator, Board of Adjustment and Historic Preservation Commission;
- Division 3.0 – which includes a comprehensive zoning ordinance and a subdivision ordinance. These ordinances provide detailed regulations to implement the land use plans and policies included in Division 1.0.

A schematic outline of the organization of the Land Use District and the Land Use Plan – Phase II is shown on the diagrams on pages iv and v.

Resolution 85-2 which adopted Divisions 1.0 and 2.0 and Resolution 85-3 which adopted Division 3.0 are included on pages vi and vii. The resolutions were adopted following a series of public meetings and hearings in the fall of 1985. The Land Use Plan may, from time to time, be amended in accordance with the procedures set fourth in the Plan and Divisions and as provided by Chapter 303, Code of Iowa.

AMANA COLONIES LAND USE DISTRICT  
Land Use Plan, Phase I

This Interim Land Use Plan constitutes the first phase of a multiphased comprehensive land use plan for the Amana Colonies Land Use District and hereinafter will be referred to as "Phase I." Phase I is designed to define and stabilize the present use of all land located within the district and to provide fair and reasonable land use control for the time period specified below or until such time as Phase II of the comprehensive land use plan is adopted.

- I. Commencing on May 22, 1984, the use\* of all land located within the prescribed boundaries of the Amana Colonies Land Use District shall be stabilized so as to conform with the use of said land as such use existed on the date of adoption of this Interim Land Use Plan (May 22, 1984) and/or as shown on "Existing Land Use Drawings" numbered E.L.U.D. - I through E.L.U.D. - IX which are a part of this Land Use Plan.
- II. A permit application for the erection, construction, reconstruction, relocation, alteration (except routine maintenance and /or repair) or demolition of a building or structure shall be submitted to the Board of Trustees for approval prior to commencing work on any building, project, or structure.
- III. Any person(s) aggrieved or affected by this Interim Land Use Plan may appeal in accordance with the procedures defined in the State of Iowa Land Use Statute, Iowa Code, Chapter 303; more specifically, Iowa Code Sections 303.57-.63 (1983 Code).
- IV. This Interim Land Use Plan shall remain in force and effect from the date of adoption until August 1, 1985 or until such time when Phase II of this Land Use Plan is adopted, whichever is sooner. This plan may be amended, rescinded, supplemented or changed at the discretion of the Amana Colonies Land Use District Board of Trustees prior to the date of termination in accordance with due process of law as defined in Iowa Code Chapter 303, Paragraph 303.52-.53 (Iowa Code).
- V. Non-conformance with this Interim Land Use Plan shall be subject to penalties or other legal actions as provided for by the law of Iowa.

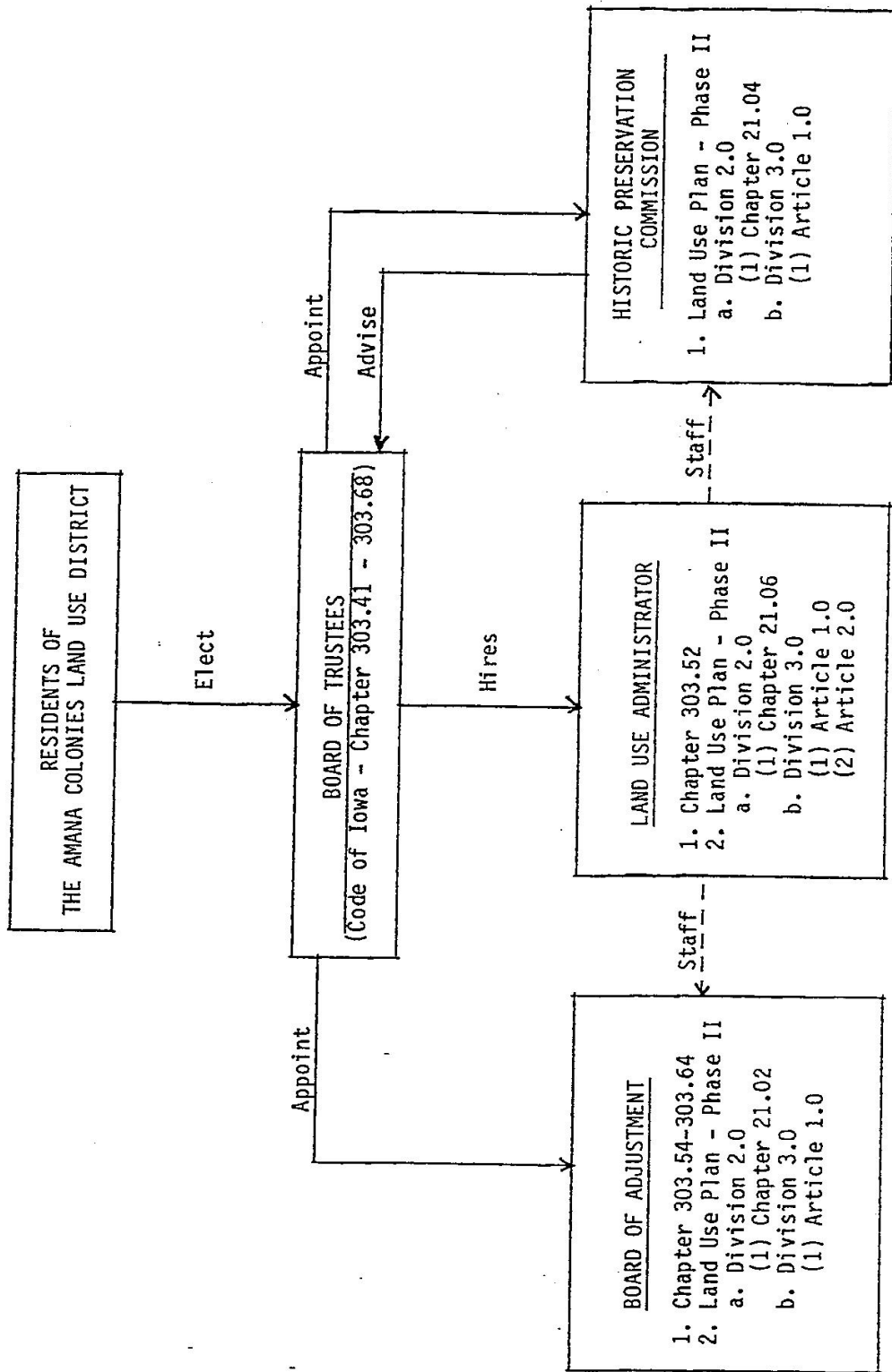
\* "Use is defined as "the purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained."

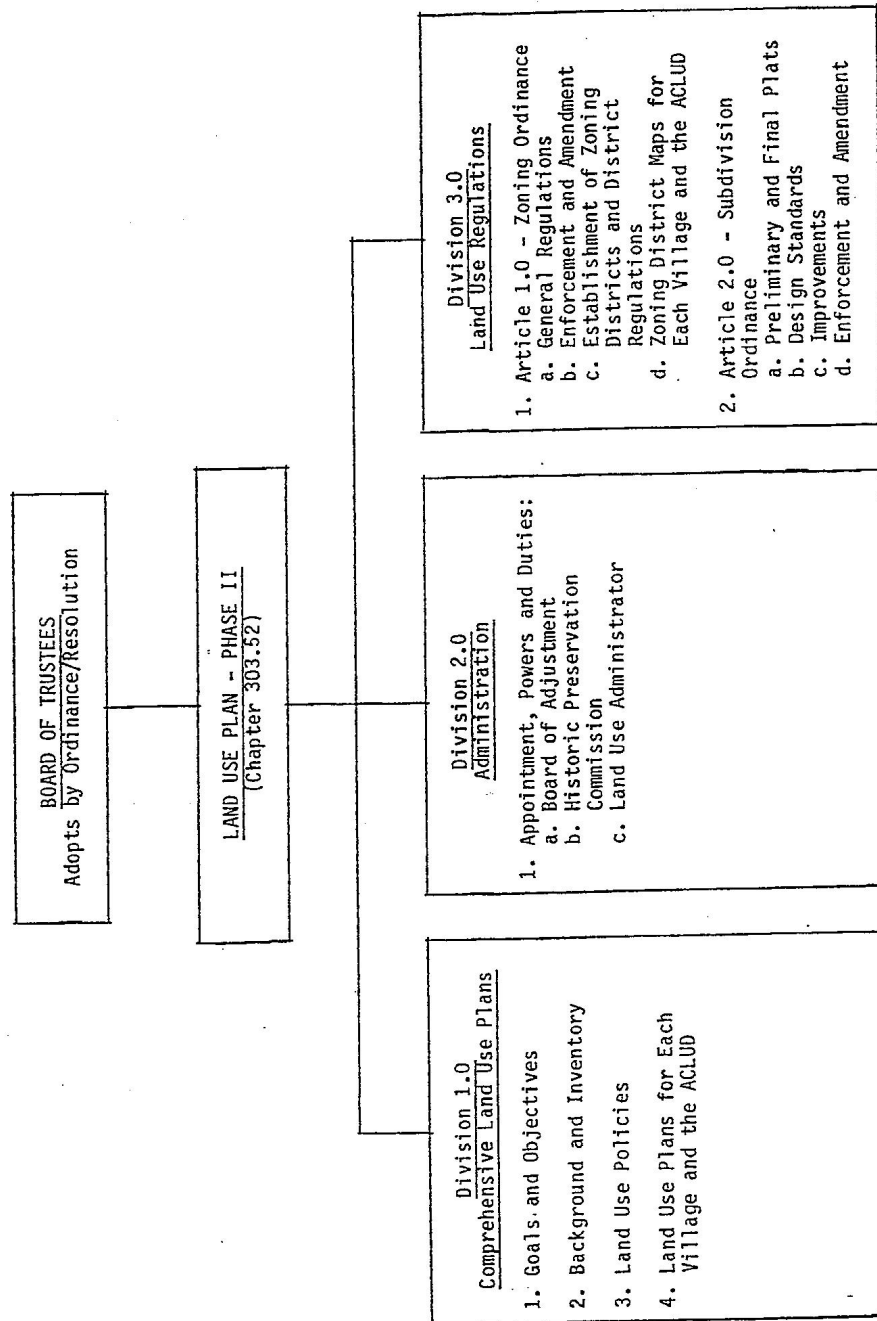


## AMANA COLONIES LAND USE DISTRICT

### CLASSIFICATION LEGEND

LEGEND DESIGNATION	DESCRIPTIVE USE
R-1 =	Single family residence (occupant owned or rented).
R-2 =	Multiple family residence-up to 3 family units (occupant owned or rented).
R-3 =	Apartment or rooming house (4 to 10 units).
R-4 =	Residence/home occupation or office. (a) Professional offices (e.g. doctors, lawyers, dentists, engineers, accountants, realtors, insurance agencies, beauticians, barbers, etc.) (b) Any office located within a residence which office is used for the purpose of conduction a business. (c) Arts, crafts and home occupations which may generate wholesale and/or retail sales (e.g. carpentry, woodworking, furniture finishing or refinishing, chair caning, furniture upholstering, tinsmithing, woodcarving, basket making, etc.)
R-5 =	Residence/retail, wholesale and/or limited manufacturing. Must be primary occupation for one or more persons. Must include display room(s) or sales area with separate (non-residential) entryway and advertised, regular hours of operation. B-1= Retail and/or wholesale-limited manufacturing- (may include living quarters which are coincidental or of a secondary nature when compared with the on-premise business) e.g. restaurants, gift shops, motels, meat shops, wineries, pastry shops, bakeries, service stations, automotive repair, furniture shops, lumber yards, antique shops, etc.
C-1 =	Religious institutions and properties, clubs, lodges, museums. (May include living quarters which are coincidental or of a secondary nature.)
M-1 =	General manufacturing, textile and appliance manufacturing, construction and/or equipment storage/repair.
S-1 =	(Public service oriented) schools, nursing homes, clinics, pharmacies, banks, office buildings, fire stations, post offices.
U-1 =	Utilities, substations, utility service facilities.
A-1 =	Tillable farmland, timber, timber pasture, pasture.
A-2 =	Agri-buildings-barns, feeding operations, grain storage, etc.
A-3 =	Agri-business-Feed Mill, Sawmill, Implement, etc.





RESOLUTION NO. 85-2

Amana Colonies Land Use District

Land Use Plan – Phase II, Divisions 1.0 and 2.0

A RESOLUTION APPROVING AND ADOPTING DIVISIONS 1.0 AND 2.0 OF THE LAND USE PLAN – PHASE II FOR THE AMANA COLONIES LAND USE DISTRICT; AND REPEALING ALL OTHER PLANS AND PARTS OF PLANS REVIOUSLY ADOPTED AND IN CONFLICT THEREWITH.

WHEREAS, the Board of Trustees of the Amana Colonies Land Use District at a meeting held on October 3, 1985, set down for hearing a proposal to adopt Divisions 1.0 and 2.0 of the Land Use Plan – Phase II for the Amana Colonies Land Use District, and

WHEREAS, a hearing on said Divisions 1.0 and 2.0 was held on October 28, 1985, after publication notice, and

WHEREAS, the Board of Trustees has duly considered said proposal and has heard and considered the objections and suggestions presented at said hearing,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES that this Board approve and adopt Divisions 1.0 and 2.0 of the Land Use Plan – Phase II of the Amana Colonies Land Use District, dated August, 1985, prepared by Veenstra & Kimm, Inc., Engineers & Planners, as amended and as set out in the attached report and that the President and Clerk of this Board of Trustees be instructed to execute the appropriate certificated thereon; and be it further

RESOLVED that said Divisions 1.0 and 2.0 of the Land Use Plan – Phase II are adopted as a guide to the immediate and long range growth of the Amana Colonies Land Use District, and be it further

RESOLVED that the Land Use Plan – Phase I, adopted May 22, 1984, as amended, shall remain in full force and effect until such time as Division 3.0 of the Land Use Plan – Phase II is approved and adopted, as provided by law, and be it further

RESOLVED that this resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved the 4<sup>th</sup> day of November, 1985.  
Effective March 1, 1986.

ATTEST:

By /s/ Reynold Moessner  
Clerk

Board of Trustees  
Amana Colonies Land Use District  
By /s/ Harold Pitz  
President

Resolution NO. 85-3

Amana Colonies Land Use District

Land Use Plan – Phase II, Division 3.0

A RESOLUTION APPROVING AND ADOPTING DIVISIONS 3.0 OF THE LAND USE PLAN – PHASE II FOR THE AMANA COLONIES LAND USE DISTRICT; AND REPEALING ALL OTHER PLANS AND PARTS OF PLANS REVIOUSLY ADOPTED AND IN CONFLICT THEREWITH.

WHEREAS, the Board of Trustees of the Amana Colonies Land Use District at a meeting held on October 23, 1985, set down for hearing a proposal to adopt Division 3.0 of the Land Use Plan – Phase II for the Amana Colonies Land Use District; said Division 3.0 consisting of Article 1.0, Ordinance No. Z0-12-18-85, the Zoning Ordinance, and Article 2.0, Ordinance No. SO 12-18-85, the Subdivision Ordinance; and

WHEREAS, a hearing on said Division 3.0, Article 1.0 and Article 2.0 was held on December 5, 1985, after publication of notice, and

WHEREAS, the Board of Trustees has duly considered said proposal and has heard and considered the objections and suggestions presented at said hearing,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES THAT THIS Board approve and adopt Division 3.0, Article 1.0 and Article 2.0 of the Land Use Plan – Phase II of the Amana Colonies Land Use District, dated August, 1985, prepared by Veenstra & Kimm, Inc., Engineers and Planners, as set out in the attached report and amendments attached herto, and that the President and Clerk of the Board of Trustees be instructed to execute the appropriate certificates thereon; and be it further

RESOLVED that said Division 3.0, Article 1.0 and Article 2.0, is adopted to provide detailed land use controls and regulations to implement the land use plans and policies included in Division 1.0 and Division 2.0, and that said Division 1.0, Division 2.0 and Division 3.0 are hereby established as the Land Use Plan of the Amana Colonies Land Use District as provided by Chapter 303.52, Code of Iowa, and be it further

RESOLVED that the Land Use Plan – Phase I, adopted May 22, 1984 and all amendments thereto, shall remain in full force and effect until March 1, 1986, at which time it shall be repealed in its entirety and replaced by the Amana Colonies Land Use District Land Use Plan – Phase II, Divisions 1.0, 2.0 and 3.0 which shall be in full force and effect from that day forward (March 1, 1986), and be it further

RESOLVED that this resolution shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved the 18<sup>th</sup> day of December, 1985.

Effective March 1, 1986.

ATTEST:

By /s/ Reynold Moessner  
Clerk

Board of Trustees  
Amana Colonies Land Use District  
By /s/ Harold Pitz  
President

## PART 1 – INTRODUCTION

### PURPOSE AND INTENT

The purpose of this Division is the development of a series of Land Use Plans for the Amana Colonies Land Use District (ACLUD) that will serve to guide and direct the conservation and preservation of the historical and cultural character of the Amana Colonies and provide for the orderly growth and development of the ACLUD in harmony with its historical and cultural heritage.

The overall direction of the study is guided by the statement of intent set forth in Chapter 303, Code of Iowa, which provides for the establishment of the ACLUD:

“... to conserve the distinctive historical and cultural character and peculiar suitability of the area for particular uses with a view to conserving the value of all existing and proposed structures and land and to preserve the quality of life of those citizens residing within the boundaries of the contiguous area by preserving its historical and cultural quality.”

### SCOPE

The Comprehensive Land Use Plan report (Division 1.0) was directed towards preparation of base maps, inventory and analyses of existing land use and physical characteristics; review and estimates of population trends; the formulation of goals and objectives and policy statements; and the development of land use plans for each village and the District. The policy approach has been emphasized in this study in the formulation and development of the land use plans. Essentially, the policy statement defines the direction and character of future community development. The intentions of the community are identified and thereby function to guide day-to-day decision making by local officials, administrator, and the general public.

The planning area for this study includes the ACLUD, including the seven villages. An approximate planning period of 20 years is considered in this study.

### PLANNING HISTORY

The Amana Colonies have a long and unique history of land use regulation. Beginning with the purchase of 18,000 acres of land along the Iowa River by the Ebenezer Society in 1854, the Amana Colonies have been involved with some form of land use planning. A chronological listing of key events preceding the preparation of this Land Use Plan is set forth in the following summary. The past events and studies relate directly or indirectly to the current planning efforts and to the future growth and development of the ACLUD. The year indicates the date of the event or study undertaken.

1854 – The Ebenezer Society purchased 18,000 acres of land along the Iowa River.

1859 – The Community of True Inspiration incorporated under the name Amana Society.

1855-1861 – The Amana Society established six villages: Amana, West Amana, South Amana, High Amana, East Amana, and Middle Amana

1861 – All land and structures within the Amana Colonies were owned and controlled by the Amana Society.

1931 – The Amana Society abandoned communalism and established separate religious and business functions. The Amana Church Society received ownership of all church, cemetery and school properties. The Amana Society incorporated as a profit corporation

and retained ownership of all other properties. Each village was platted and the assets and liabilities of the Society appraised. Communal homes were sold at the appraised rate, usually to the families living in them. Deed restrictions controlling non-residential use of all properties were included in all sales.

1950 – Period of substantial residential and non-residential growth primarily in Amana 1984 and Middle Amana, but occurring to a limited extent in each village.

1966 – The United States Department of Interior designated the Amana Colonies as a National Historic Landmark.

1971 – The Amana Society adopted guidelines for granting business permits including requirements for parking restrooms in new businesses.

1974 – Amana Historic Landmark Committee was established with the announced purpose “to preserve the unique visual, cultural, and historic heritage of the Amana Colonies and to provide for the maintenance and enhancement of the quality of life in Amana.” The Committee identified all buildings constructed prior to 1932 on a set of maps.

1974 – The Amana Society declared a temporary moratorium on the issuance of building permits.

1976 – The Society adopted specific standards for issuing business permits.

1976 – Amana Society went to court to stop eight businessmen from operating in defiance of permits issued by the Society. The district court upheld the Amana Society regulations.

1976 – Historic Landmark Committee conducted a survey in which 85% of Amana residents favored the preparation of a master plan that would address various development concerns and provide solutions.

1977 – Village meetings were held which reinforced the need for plan development.

1977 – An inventory and historic preservation plan for the Amana Colonies was prepared by a consultant for the Iowa Division of Historic Preservation in cooperation with the Amana Historic Landmark Committee. The report entitled *Culture and Environment, A Challenge for the Amana Colonies* was prepared by Land and Community Associates, Charlottesville, Virginia.

1982 – The Iowa Supreme Court overturned the 1976 decision of the district court which had upheld the Amana Society regulations over private businesses.

1983 – A bill was introduced and passed by the Iowa legislature providing for establishment of land use districts administered by a board of trustees, elected by residents of the district.

1984 – Residents of the Amana Colonies Land Use District elected a seven member Board of Trustees.

1984 – The Board of Trustees adopted Phase I, and Interim Land Use Plan for the Amana Colonies Land Use District. The Phase I plan is effective until August 1, 1985 or until such time as Phase II, the permanent Land Use Plan is adopted.

1984 – The Amana Society donated 15 acres of land located north of the Amana School to a non-profit housing development organization to develop medium-priced housing aimed at attracting young families to the area.



1984 – The Board of Trustees authorized preparation of Phase II of the Land Use Plan.

The review and analyses of the above events and studies provide a valuable source of background material and information that has been utilized, as appropriate, along with the background and inventory data included in this report in the development of the Phase II Land Use Plan.

### GOALS AND OBJECTIVES

The following goal statements were prepared to guide the formulation and development of the Land Use Plan. Throughout the planning program, the Board of Trustees has utilized the goal statements as the framework for developing the Land Use Plan through the preparation of detailed policy statements and technical plans to implement the goals.

#### Economic Growth Statement

Goal No. 1-To provide for the economic growth and development of the Amana Colonies through the adoption and implementation of plans and policies that meet the following objectives:

- A. Preserve the historical and cultural quality of the existing ACLUD community.
- B. Encourage growth at a rate that is compatible with the ability to provide essential public services at a reasonable cost.
- C. Recognize and encourage the interrelationship of economic activity between the surrounding urban communities, rural areas and the ACLUD.
- D. Encourage economic development that will expand the tax base but not conflict with the historical and cultural values of the community.
- E. Encourage development that will provide new employment opportunities.
- F. Recognize realistic economic and population growth based on historical trends in the ACLUD community.

Goal No. 2-To provide for the economic growth of the ACLUD through the adoption of plans and policies that will serve to protect and enhance the attractions of the ACLUD to residents, tourists and visitors, which serve to support and stimulate business and industry.

#### Land Use Management and Control Statement

Goal No. 1-To provide for and manage residential land use development through the implementation of plans and policies that recognize:

- A. The conservation, protection and improvement of existing neighborhoods.
- B. Those certain areas of the Amana Villages are adversely affected by the intrusion of incompatible structures and land uses that discourage the preservation and development of the neighborhood. To protect these neighborhoods, the Board of Trustees will develop and support land use policies and regulations that will help to reduce and/or eliminate such intrusions.
- C. That the location and density of new development must be coordinated with the ability of public and private agencies to provide street and utility services along with other community facilities.
- D. The need to encourage orderly growth by extending out from existing developed areas.
- E. Innovative planning techniques such as the planned unit development.

- F. The need to provide for a variety of types of housing.
- G. The mobile home (manufactured housing) as a source of housing for a limited segment of the population.

Goal No. 2-To provide for and manage commercial land use development through the implementation of plans and policies that recognize:

- A. Economic growth statement goals set forth previously.
- B. The problems that develop with excessive strip commercial land along major streets and highways, while recognizing that certain commercial activities should be located adjacent to major streets.
- C. The need to regulate the location, type, and function of new commercial development through effective zoning controls and site planning requirements.
- D. That the villages of Amana and Middle function as a form of central business district, serving as the primary retail and service center of the ACLUD and tourist trade area.

Goal No. 3-To provide for and manage industrial land use development through the implementation of plans and policies that recognize:

- A. Economic growth statement goals set fourth previously.
- B. The need to regulate the location, type and function of new industrial development through effective zoning controls and site planning requirements.
- C. That industrial and residential land development should not be mixed and each should be protected from the other.

Goal No. 4-To preserve and protect agricultural land in the ACLUD planning area from uncontrolled urban development through the implementation of plans and policies that recognize:

- A. Agricultural land as a primary natural resource of the ACLUD. Preservation of agricultural land through land use regulations that provide for realistic control of urban development should receive a high priority in the planning process.
- B. Urban development in agricultural areas, where permitted, should be controlled to minimize conflicts with agricultural uses.
- C. Performance and design standards for urban development in agricultural areas should be established to mitigate the effects of such development on agricultural land. Such standards should include provisions for the following:
  1. Prohibit development of the floodplains.
  2. Provide for protection of water resources and timberlands.
  3. Provision for separation of non-farm residential development from certain agricultural uses such as livestock feed lots.
  4. Provision for evaluation of soil suitability for crop production.
  5. Provision for drainage and erosion control.
  6. Provisions for water supply and waste treatment and disposal.
  7. Provision for streets, either public or private, that meet the design standards of the ACLUD and Iowa County.

### Transportation Statement

Goal No.1 -To provide for an adequate system of local streets and highways to meet the needs of the Amana Villages and ACLUD planning area through the implementation of plans and policies that meet the following objectives:

- A. Coordination of State, County and local street and road improvements within the Amana villages and the ACLUD planning area.
- B. Encourage improvements that will provide improved traffic and pedestrian safety and circulation.
- C. Discourage improvements that will adversely affect historic preservation areas and established residential areas.
- D. Provide for future streets and street extensions in an orderly manner.
- E. Provide for and recognize alternative forms of transportation such as bicycles and pedestrian movements.

### Environmental Controls Statement

Goal No. 1-To provide for the development and implementation of plans and policies that recognize the protection of the environment, including:

- A. The preservation of critical environmental areas including those of; aesthetic quality; archeological, historic and cultural value; and the woodlands and wetlands.
- B. Encouragement and support of the establishment of historical preservation districts, in appropriate areas of each Amana village, which protect that which is historically and culturally significant from the past in order to enhance the future.
- C. The floodplains of the planning area as natural resources that should be preserved for use as: permanent open space; park and recreational uses; and wildlife protection
- D. Regulation of development in the floodplains to: protect life and property; prevent water pollution; and reduce costs to the general taxpayer.

Goal No. 2- To provide for the implementation of plans and policies that:

- A. Recognize the responsibility of the ACLUD to develop regulations to control noise, odor, air and water pollution within the limits of existing enabling legislation.
- B. Encourage land use development that includes provisions for preservation of open spaces.
- C. Recognize solar energy as a potential source of fuel for heating and cooling that may require regulations to protect access of sunlight, reflection and transference.

### Community Facilities Statement

Goal No. 1- To provide for the development and implementation of plans and policies regarding parks, recreational areas and school facilities that recognize the need to:

- A. Coordinate School Board policy and planning with ACLUD planning, land use

policies, zoning and other community activities.

- B. Enhance and expand the cooperative use of school and community facilities for community programs, activities and projects.
- C. Take advantage of and expand community use of the wetlands and floodplains of the ACLUD and planning area for recreational facilities.
- D. Encourage and support planning for recreational facilities that are easily accessible to all areas of the Amana community.
- E. Integrate park and recreation policies and programs with private sector recreation activities and facilities.
- F. Coordinate ACLUD planning and land use policies with those private sector organizations dedicated to the preservation of the historical and cultural quality of the ACLUD.

#### Utilities Statement

Goal No. 1- To provide for the development and implementation of plans and policies regarding existing and proposed public and private utility systems (water, sanitary sewer and storm sewer) that:

- A. Recognize the need to maintain coordination with existing utility systems and provide for additions to the systems in an orderly and efficient manner.
- B. Recognize that the extension of public utility systems has direct impacts on land use development. Proposals for utility system expansion should be evaluated with regard to timing and impacts on land use changes.
- C. Recognize the continuing need to coordinate utility system development in new subdivisions through effective subdivision regulations.

Goal No. 2- To provide for the development and implementation of plans and policies regarding private and semi-public utility systems that provide for coordination with ACLUD development policies, timing of construction and compatibility with standards and specifications of the ACLUD.

#### Annexation and Coordination Statement

- A. Goal No.1- To provide for the development and implementation of plans and policies regarding annexation, de-annexation and cooperative planning agreements that will lead to:
- B. The establishment of reasonable future boundaries of the ACLUD.
- C. Coordination of land use development in currently unincorporated areas of Iowa and Johnson County with land use within the ACLUD.
- D. Agreement and understanding with Iowa and Johnson Counties with regard to development, development review and application of regulations in unincorporated areas near the ACLUD.
- E. Development of criteria for evaluating future annexations and boundary adjustments to the ACLUD.

Goal No. 2- Recognize that the land use decision making process should rely heavily on citizen input and involvement. Practices and procedures shall be developed which will encourage and facilitate citizen participation.

## PART 2 BACKGROUND AND INVENTORY

### GENERAL

Analyses of the physiography of the area, population and existing land use are important elements of the planning study. Data for these analyses were compiled from various available sources.

Detailed land use field surveys were conducted by the Board of Trustees during the preparation of the Phase I-Interim plan. This data has been updated, as necessary, to reflect recent construction and utilized in this study. The existing land use maps were reviewed by the Board of Trustees and have been revised as necessary to accurately indicate existing land use characteristics and distribution in the ACLUD.

### LOCATION

The Amana Colonies Land Use District, located in east-central Iowa along the Iowa River in Iowa County, includes approximately 24,000 acres. The Amana Society, the principal land owner in the District, also owns land that extends beyond the District boundaries including land located in adjacent Johnson County. Highways 149/151, 6 and 220 are the major arterials serving the District. The ACLUD is located about five miles north of Interstate 80. Principal access routes from Interstate 80 to the District are existing Highway 149 and relocated Highway 149/151.

Relocated Highway 149/151 is scheduled to be paved in the fall of 1985.

The main line tracks of the Iowa Interstate Railroad Company (formerly the Chicago, Rock Island and Pacific Railroad) extend east and west through the south part of the District and the tracks of the Cedar Rapids and Iowa City Railway Company (CRANDIC) extend north-southwesterly through the east part of the ACLUD. The CRANDIC tracks were formerly owned by the Chicago, Milwaukee, St. Paul and Pacific Railroad. CRANDIC recently donated the old railroad depot located in Amana to the Amana Preservation Foundation.

### HISTORY

A detailed historic account and inventory of the formation and development of the Amana Colonies is included in the 1977 report, entitled Culture and Environment, A Challenge for the Amana Colonies. The 1977 study and its bibliography should be consulted for detailed historic analyses.

Six of the seven Amana villages were established by the Amana Society in the period between 1855 and 1861. The village of Homestead was purchased by the Society in 1861. The villages consisted primarily of communal residences and specialized buildings which met the religious, educational, agricultural, commercial and industrial needs of the villages. The buildings, constructed primarily of wood, brick and some of stone, were uniform in appearance.

Following the change from communalism in 1932 and especially since World War II, contemporary architecture for residential, commercial and industrial uses was introduced in the villages. More recent construction, primarily residential, and several new commercial uses have retained some elements of the traditional architecture. Most of the recent development has occurred in the villages of Amana, Middle Amana and Homestead.

## PHYSICAL CHARACTERISTICS

### Climate

The climate of Iowa County is characterized by seasonal contrasts and highly variable weather typical of the humid continental region. The average yearly temperature is 49 degrees F. The average monthly temperature varies from 23 degrees F. in January to 75 degrees F. in July. The temperature extremes have varied from a low of -36 degrees F. to a high of 110 degrees F. Precipitation averages about 33 inches annual. The average seasonal snowfall is approximately 30 inches per year. Summer winds are commonly from the southern quadrant, dominated by tropical air masses from the Gulf of Mexico. Polar air masses from the north-northwest are typical during the winter months.

### Geology

The geologic formations in Iowa County include bedrock primarily of limestones, dolomites and shales of the Devonian system. The bedrock is overlaid with thick deposits of loess, alluvium and glacial drift ranging from 20 feet of loess in the uplands to 400 feet or more of glacial drift in the valleys. The Amana Colonies Land Use District is situated in and adjacent to the Iowa River Floodplain and includes primarily glacial drift and alluvial deposits overlaying shale and sandstone bedrock of the Lime Creek Formation of the Devonian system. There is also a pocket of shale and sandstone bedrock of the younger Des Moines series of the Pennsylvanian system. The sand and gravel deposits within or at the base of the glacial drift serve as aquifers for water supply.

### Soils

An inventory of soils in Iowa County was completed by the Soil Conservation Service (SCS) in 1965 and the data published in 1967. The soils are primarily of alluvial origin and are classified in the Colo-Bremer-Nevin-Nodaway Soils Association in the north part and the Chelsea-Fayette-Hagener-Tama Association in the south part of the District. Soil associations are named for the principal soils found in the area. Soil types in combination with other factors such as topography, drainage, vegetation and erosion identify the characteristics of each soil.

The Colo-Bremer-Nevin-Nodaway Association soils are found primarily on nearly level or undulating bottomlands. Chelsea-Fayette-Hagener-Tama Association soils are found along hilly and undulating land located adjoining the bottomland soils.

The principal soils in the District include Amana silt loam, Bremer silty clay loam and alluvial land along the Iowa River in the floodplains and various soils of silt loam and silt clay loam composition in the uplands including the seven villages.

The following paragraphs include a brief description of the principal characteristics of the major soils found in the District.

#### Bottomland Soils

*Amana silt loam* found on bottomlands, consists of moderately well-drained to poorly drained soils formed from moderately fine-textured alluvium.

*Bremer silty clay loam*, consists of dark colored, poorly drained soils formed in moderately fine textured silty alluvium. The soils are slowly permeable.

*Alluvial land* designates freshly laid river deposits that have not developed distinct horizons. The texture varies but is mostly of loam and silt loam composition. The alluvial land is found directly adjacent to the Iowa River and includes numerous small ponds, oxbows and sloughs. This land is frequently subject to flooding. Most alluvial land is in timber.

#### Upland Soils

*Fayette silt loam* soils are generally well-drained soils formed from loess on the uplands. The soils are subject to moderate to severe erosion depending on the steepness of the slopes. Fayette silt loam soils are the predominant soils in East Amana, West Amana, High Amana, Amana and Middle Amana.

*Nodawa silt loam* soils consist of moderately well-drained soils that developed from stratified alluvium. These soils are found primarily along channels of streams. The soils are found in Amana along Price Creek.

*Atterberry silt loam* soils consist of relatively poorly drained, moderately dark colored silty soils that formed from loess. The soils are found on divides and benches on uplands in association with Fayette and Downs soils. These soils are found in the southwest part of Amana and north of Middle Amana.

*Wiota silt loam* soils consist of well drained dark colored soils that formed from silty alluvium. These soils are predominant south of East Amana in the upper bottomlands.

*Waukegan silt loam* soils consist of dark colored, well drained soils. These soils are found primarily along stream terraces. These soils are common in the Homestead area.

*Tama silty clay loam* consists of dark well drained upland soils that formed from loess. The soils found primarily on broad sideslopes are subject to slight to moderate erosion. These soils are typical in the South Amana area.

Except for alluvial land, soils within the bottomlands are moderately to highly productive for cultivation of crops subject to limitations of drainage and flooding. The uplands, because of undulating topography and soils subject to moderate to severe erosion, are less productive and are generally utilized as pasture and/or have been retained in timber.

According to the SCS, the upland soils depending on slopes and erosion characteristics have moderate limitations for urban development.

The SCS report should be consulted for detailed interpretation of soil characteristics and suitability for agricultural use and urban development.

### Topography and Drainage

The topography of the District varies from level land with little grade variation in the floodplains to undulating uplands. Elevation difference between the high and low points is about 200 feet; from a low point of about 700 feet above mean sea level located along the Iowa River in the east part of the District, to a high of 900 feet above mean sea level in the bluffs area located north of West Amana and in Upper South Amana. The uplands, north and south of the Iowa River floodplain include numerous, well-defined drainage courses that discharge to creeks and channels tributary to the Iowa River.

The Iowa River flows in a general easterly direction through the center of the District. Flows downstream of the District are controlled by the operation of the Coralville Dam and Reservoir located in Johnson County just north of Iowa City.

The dam was completed by the U.S. Army Corps of Engineers in 1958 and controls flow from a drainage area of 3,115 square miles. The reservoir has a total capacity of 490,000 acre-feet. The surface area of the reservoir normally varies from about 4,900 acres in mid-summer to about 1,800 acres in early spring prior to anticipated high amounts of runoff. At the spillway crest elevation, the reservoir has a surface area of about 25,000 acres. The conservation pool of the reservoir at elevation 670 does not appear to extend into the District. To accommodate the spillway crest tailwater from the reservoir (elevation 712), the Corps of Engineers has obtained perpetual flowage easements over low lying land in the District



generally to elevation 717. Construction of dwellings is prohibited within the easements and construction of other structures is subject to approval by the Corps of Engineers.

Except for certain low-lying areas in Amana, Middle Amana, and High Amana, the villages are located on high ground and are not subject to flooding. In Amana, a levee has been built along Price Creek to protect the woolen mill and other industrial uses from flooding.

According to Corps of Engineers data, the 100-year frequency flood elevation along the Iowa River is about elevation 732 at the west boundary of the District and at elevation 713 at the east boundary of the District. The 100-year frequency flood has a one percent probability of occurring in any given year. The 100-year flood flows for the Iowa River in the District are about 44,000 cubic feet per second (cfs).

Corps of Engineers general operating procedures for the Coralville Dam provide for minimum low flow in the river at Iowa City of 150 cubic feet per second. Normal release rates vary throughout the year, from about 1,000 cfs to 10,000 cfs, depending upon seasonal and downstream river conditions. Maximum design flow from the reservoir is about 20,000 cfs; however, normal flood control operations limit the maximum discharge to 10,000 cfs.

The topography and approximate 100-year frequency flood boundaries in the District are shown on Figure 1.

#### Critical Environmental Areas

Critical environmental areas are generally defined to include cultural, historic, scientific, aesthetic and natural areas. These may include parks, lakes, streams, wildlife habitats, unique scenic and historic sites, floodplains, and geologic formations and outcroppings. These areas generally are protected from development. A detailed inventory of critical environmental areas is not included in this study, but would include the floodplains of the Iowa River, woodlands along the bluffs, the scenic vistas and the historic (pre-1932 period) buildings and sites located in each village.

#### Population

Detailed historic population data for the Amana Colonies is not directly available from U.S. Census Data. Population of the Colonies, as reported in the 1977 land and Community Associates Study, indicated the following.

Population	
1864	240
1881	1,813
1932	1,365

Population of the Colonies increased from about 240 persons following the establishment of the villages to a peak of 1,813 in 1881. The population reportedly remained stable or slightly declined during the early 1900's. During the year of the Great Change, population was reported to include 365 residents. During the post-World War II period, especially in the 1950's and 1960's population apparently increased.

The U.S. Census Bureau, which reports population figures for county subdivisions such as townships, indicates the following for Washington, Lenox, Hilton and Iowa Townships which include the Colonies:

<b>Township</b>	<b>1940</b>	<b>1950</b>	<b>1960</b>	<b>1970</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>2004 (est.)</b>
<b>Hilton (Upper South Amana)</b>	779	735	741	631	710	NA	NA	NA
<b>Iowa (Homestead)</b>	725	701	662	597	620	NA	NA	NA
<b>Lennox (High Amana, Middle Amana, East Amana)</b>	1,213	1,240	1,466	1,493	1,503	NA	NA	NA
<b>Washington• (West Amana, South Amana)</b>	693	657	719	652	702	NA	NA	NA
<b>Total*</b>	3,410	3,333	3,588	3,373	3,535	NA	NA	NA
<b>Iowa County</b>	17,016	15,835	16,396	15,419	15,429	14,630	15,671	16,030

Source: U.S. Census Bureau

\*Excludes City of Marengo

As indicated by the above figures, except for Lenox, the population of the townships which include the Amana Colonies has remained relatively stable over the last 40 years. Lenox Township, which includes the villages of Amana, High Amana, Middle Amana and East Amana has realized a relatively significant population increase during the 40-year period. The increase was most pronounced in the period between 1950 and 1960. This increase is assumed to have occurred primarily in the Amana villages and corresponds to the reported residential development activity in the villages during this period. Between 1970 and 1980, all the townships realized some population growth with the largest increases occurring in Hilton and Washington Townships which include West Amana and South Amana.

Based on records of the Amana Service Company, the 1982 population of the District was 1,565 including a total of 671 households. The population and number of households in each village was reported as follows:

		<b><u>Number of Households</u></b>	<b><u>Average Number of Persons Per Household</u></b>
<b>Amana</b>	531	234	2.27
<b>East Amana</b>	69	39	1.77
<b>Middle Amana</b>	372	136	2.32
<b>High Amana</b>	140	52	2.69
<b>West Amana</b>	127	61	2.08
<b>South Amana</b>	157	80	1.96
<b>Homestead</b>	169	69	2.45
<b>Total</b>	<b>1,565</b>	<b>671</b>	<b>2</b>

The age group composition of the Amana population is not known. The U.S. Census indicated that in Lenox Township, of which about 74% of the population resides in Amana villages, the median age is 36.7 years. About 22.7% of the Lenox Township population is under 18 years of age and 17.2% over 65 years of age. In Washington Township, where about

26% of the population is from West and South Amana, the median age is 31.4 years. About 25.7% of this population is under 18 years of age and 14.0% is over 65 years.

In 1980, the median age in Iowa County was 33.4 years and for the State, 30.0 years. This compares to a median age of 36.7 years in Lenox Township and 31.4 years in Washington Township. In general, which the median age of the State population has remained relatively constant since 1970, that of Iowa County has increased. There has been a general decrease in the under 18 age group and an increase in the 65 and over age group in both Iowa County and the State. The decrease in the number of 18 age group in Iowa County is attributed to similar trends in the State and nationally resulting from a lower birth rate during the last 20-year period.

#### Future Population

Population projections for counties and the State are prepared periodically by the State Office for Planning and Programming (OPP). The current projections for Iowa County indicate relatively little change in population between 1980 and the year 2000. The Iowa County population has been projected to decrease from 15,429 in 1980 to 15,000 in 2000. The State population is projected to slightly increase (about 1.8%) during the same period. The OPP population projections utilize the cohort-component method whereby 5-year age groups are projected in 5-year increments based on assumed rates of births, deaths and net migration.

Contrary to the trend of a declining Iowa County population, population of the townships which include the Amana Colonies have increased since 1970. If this trend continues, population of the District may increase from 1,565 in 1982 to about 1,700 by the year 2000 and 1,750 by 2005.

The OPP projections for Iowa County in relation to Amana Colony population estimates are summarized as follows:

Year	Iowa County	<u>Amana Colonies</u>	% of County
1980	15,429**	NA	N/A
1982	15,316**	1,565	10.2
1985	15,100	1,600	10.6
1990	15,000	1,630	10.9
1995	15,000	1,670	11.1
2000	15,000	1,700	11.3
2005	15,000	1,750	N/A

- Projections by Iowa Office for Planning and Programming

••U.S. Census Bureau

The actual population growth in the District will be influenced to a significant degree by the policies of the Board of Trustees in encouraging urban development and by the Amana Society, the principal owner of undeveloped land in the District, in undertaking such development.

### EXISTING LAND USE

A principal element of the planning study is the inventory and analyses of existing land use. The land use analyses establish the relationship of existing land uses and development trends in a community.

An inventory of land use in each village was made by the Board of Trustees during the preparation of Phase I and has been updated in this study as necessary. The updated land use inventory has been reviewed by the Board of Trustees for accuracy. The existing land use inventories of each village are shown on Figure 1 and Figures 2A through 2G of Map Atlas I which is submitted under separate cover.

Existing land use has been identified in accordance with the land use classification system used in the Phase I Interim Land Use Plan.

The land use designations used in the inventory include the following: Residential

R-1-Single family residence (occupant owned or rented)

R-2-Multiple family residence-up to 3 family units (occupant owned or rented). R-3-Apartment or rooming house (4 to 10 units).

### Home Occupation

R-4-Residence/home occupation or office.

- A. Professional offices (e.g. doctors, lawyers, dentists, engineers, accountants, real estate agents, insurance agencies, beauticians, barbers, etc.)
- B. Any office located within a residence which office is used for the purpose of conducting a business.
- C. Arts, crafts and home occupations which may generate wholesale and /or retail sales (e.g. carpentry, woodworking, furniture finishing or refinishing, chair caning, furniture upholstery, tinsmith, woodcarving, basket making, etc.)

### Commercial

R-5-Residential/retail, wholesale and/or limited manufacturing. Must be primary occupation for one or more persons. Must include display room(s) or sales area with separate (non-residential) entryway and advertised, regular hours of operation.

B-1- Retail and/or wholesale - limited manufacturing - (may include living quarters which are coincidental or of a secondary nature when compared with the on-premise business) e.g. restaurants, gift shops, motels, meat shops, wineries, pastry shops, bakeries, service stations, automotive repair, furniture shops, lumber yards, antiques shops, etc.

### Industrial

M-1- General manufacturing, textile and appliance manufacturing, construction and/or equipment storage/repair.

### Public and Semi-Public

S-1- (Public service oriented) schools, nursing homes, clinics, pharmacies, banks, office buildings, fire stations, post offices. (In some land use coding systems private clinics, pharmacies, banks, office buildings and similar uses are classified as commercial.)

### Utilities

U-1- Utilities, substations, utility service facilities.

### Agricultural

A-1- Tillable farmland, timber, timber pasture, pasture.

-2- Agri buildings - barns, feeding operations, grain storage, etc

A-3- Agri business - feed mill, sawmill, implement, etc.

In addition to existing land use, Figures 2A through 2G show historic land use of the pre-1932 period. The historic land uses are identified by number on the land use maps. These uses include primarily communal residences, kitchen houses, agricultural and trade and industry buildings and community facilities including churches, schools, meeting rooms and cemeteries.

### ACLUD Undeveloped Area

Except for existing urban development which is concentrated in the villages, practically all of the land in the District is in agricultural (A-1) use, including tillable land, timber and pasture.

Urban intrusions have not occurred within the District outside the villages except for a newly constructed maintenance and storage building in the south part of the District along Highway 6. In addition, an area just east of Homestead has been designated for industrial (M-1) development. Significant urban intrusions have occurred just outside the District; along Highway 6 east of Homestead and east and west of South Amana. In ~~addn~~ addition, the principal highways serving the District include a proliferation of signs and billboards of various sizes, shapes and style.

Figure 1 indicates existing land use in the District, along with topography, drainage courses, wooded areas and areas subject to flooding.

The principal highways serving the District include existing Highway 149 and relocated Highway 149/151 and Highways 6 and 220. Iowa Department of Transportation (IDOT) traffic volume counts indicate the most heavily traveled road serving the District is Highway 149/151 between Homestead and Amana, averaging 5600 vehicles per day annually (2005 IDOT numbers). Highway 220 between Amana and Middle Amana has an average annual daily traffic volume of approximately 5,400 vehicles, and between Middle and West Amana of about 3,350 vehicles (2005 IDOT numbers). Highway 220 between West Amana and South Amana averages 1,760 vehicles per day annually (2005 IDOT numbers). Highway 6, between South Amana and Homestead, has traffic volumes of about 3,185 vehicles per day annually (2005 IDOT numbers). Relocated Highway 149/151, which will be the principal access from Interstate 80 to the District when

improved, is projected to carry average daily traffic volumes of 5,600 by the year 2005.

Highways 149/151 and 6 are classified as arterials and Highway 220 as an arterial connector by IDOT. Former Highway 220 between Amana and East Amana is now part of the County road system and is designated as County Road F20 and is classified as a truck road.

Major improvements in the District planned for the near future by IDOT include paving of and rebuilding the intersection of Highway 6 and Highway 149/151 north of Homestead. Highway 149/151 will be the through highway and Highway 6 will connect in a T-intersection. An at-grade crossing of Highway 149/151 with the railroad tracks at Homestead is also planned. The latter improvements are scheduled for 1989-90.

A brief summary of existing land use and physical characteristics of each village is included in the following sections.

### Amana

Amana is situated along Highway 149/151, near the confluence of Price Creek and the Iowa River. The village of Amana was established by the Amana Society in 1855.

The topography of Amana varies from level floodplains to the east and south to undulating land to the northwest. A ridge line extends along Second Street dividing surface runoff northeasterly to Price Creek and southwesterly to the low-lying area located adjacent to and north of the Mill Race.

Figure 2A shows existing land use in Amana. The principal land use in Amana is residential including mostly single family dwellings. Newer residential development has occurred primarily west and south of the original village. Multi-family residential land use (R-2) is concentrated primarily in the north part of the village. There are a significant number of home occupations (R-4) and some commercial (R-5) classifications in the village. These uses are scattered throughout the village. As indicated previously, there are about 234 households in the village. In the new subdivisions, the size of platted lots is typically 15,000 to 16,500 square feet. In the original village the lots vary considerably in size and were platted to accommodate existing buildings.

Commercial uses (retail and/or wholesale businesses) in the B-1 classification are located mostly along Second and First Streets in the old part of the village. Commercial land uses in this classification include restaurants, wineries, motel, general store, furniture store, gift shops and similar uses that depend primarily on the tourist trade. The industrial land uses (M-1) are concentrated along E Street in the southeast part of the village including the woolen mill, various storage and repair facilities, the lumber yards and a sawmill.

The public and semi-public uses (C-1) are concentrated in the northwest part of the village including the cemetery, post office, clinic, pharmacy, bank and Amana Society offices. Other C-1 uses include the church, museum and the Amana Heritage Society facilities.

A 2,400-foot turf runway, Hursh Landing Strip, serving light single-engine planes is located south of the village.

Amana is served by water and sewer facilities. The Amana Society Service Company operated and maintains the water utility. The Amana Sanitary District provides sewerage service to developed parts of the village. The wastewater treatment facility consisting of controlled discharge also operates and maintains the electric power plant and provides telephone service. The power plant is located south of the woolen mill. The Service company maintenance facilities and offices are located along Second Street in the east part of the village.

Amana is served by Highway 220 (Second Street) the principal east-west arterial and Highway 149/151, the principal north-south arterial. The remaining streets are local service streets. The street right-of-way width of local streets in the village is generally 60 feet. The local streets consisting primarily of asphaltic concrete and Portland cement concrete surfacing with ditch drainage are maintained by Iowa County.

Environmentally sensitive areas in Amana include the Lily Lake located west of the village, the creeks and drainage ways that meander through the area, the Mill Race and the historic buildings and sites of the pre-1932 period.

#### East Amana

The village of East Amana is located in the northeast part of the District adjoining County Road F20 (formerly Highway 220). East Amana was established 1860.

Topography of the area varies including upper bottomlands to the south and relatively steep topography to the north. The east part of the village is drained by a creek that is tributary to the Iowa River. A drainage channel that discharges into Price Creek conveys storm runoff from the west part of the village.

Existing land use in East Amana is shown on Figure 2B. The predominant land use in the village is residential including mostly single family (R-1) and two-family (R-2) dwellings. In addition, there are several home occupations (R-4) distributed in the village. Other principal uses include the cemetery, church and an agricultural complex (A-2) located in the east part of the village. The population of East Amana is about 69 including 39 households. The size of residential lots varies but generally is over 20,000 square feet.

Except for a few residences, most of the buildings in East Amana are of the pre-1932 period. East Amana is served by a common water distribution system operated by the Amana Society Service Company. There is no sanitary sewerage system serving East Amana. The property owners rely on septic tanks for wastewater disposal.

The environmentally sensitive areas are the historic sites and buildings, the cemetery, including the evergreen grove surrounding it, and the drainage courses.

#### High Amana

High Amana is located along Highway 220 in the west-central part of the District. High Amana was established in 1857.

The topography of High Amana includes level land of the floodplains of the Iowa River located generally south of Highway 220 and rolling land north of the highway. The northwest part of the village is tributary to Ox Ditch which discharges into the Mill Race to the south. The east part of the village is drained by a drainage course that also discharges into the Mill Race.

Existing land use in High Amana is shown on Figure 2C. The principal existing land use in the village is residential, consisting mostly of single family dwellings. There are also several

multi-family (R-2) and home occupation (R-4) residential land uses. Newer residential development has occurred northeast of the original village.

Other uses in High Amana include the former church (C-1), now the Amana Arts Guild Center, the general store (B-1) and a cemetery (C-1). A large agricultural building complex (A-2) is located in the south part of the village.

High Amana does not have a central sewerage system. The residents rely on septic tanks for wastewater disposal. Water service is provided by the Amana Service Company.

The principal arterial serving High Amana is First Street (Highway 220). The remaining streets are local service streets maintained by the County. Most of the streets appear to have Portland cement concrete pavement.

Environmentally sensitive areas in High Amana include the drainage courses, wooded areas and the historic buildings and sites of the pre-1932 period.

### Homestead

Homestead is located in the southeast part of the District at the crossroads of Highways 149/151 and 6. Homestead was purchased by the Amana Society in 1861.

The topography of the Homestead area is undulating. A ridge line that generally extends along First Street divides surface runoff to the north and south to drainage courses that are tributary to the Iowa River. Existing land use in Homestead is shown on Figure 2D. The village has developed linearly along First Street. Most of the buildings in the village are of the pre-1932 period.

The principal land use in the village is residential consisting of a mixture of single family (R-1), two-family (R-2), multiple (R-3) and home occupations (R-4). The newer residential development has occurred as in-fill between the pre-1932 development. Most of the newer residential development is located west of B Street. According to the Amana Service Company, there are 169 residents and 69 households in Homestead. Typical residential lot size in the newer part of Homestead is about 30,000 square feet.

Commercial land use, consisting primarily of restaurants, stores, a gas station and motel, are intermixed with other uses, generally in the west and east parts of the old village. The Amana Coop and Amana Feed Mill located adjacent to the tracks in the east part of the village are included in the B-1 land use classification.

Other principal uses in the village include the cemetery, church, museum and post office. An agricultural building complex (A-2) is located in the southwest part of the village.

Homestead is served by water and sanitary sewerage systems, operated and maintained by the Amana Society Service Company. The sewerage system is under the jurisdiction of the Homestead Sanitary District. The wastewater treatment facility consisting of two lagoons is located southwest of the village.

### Middle Amana

Middle Amana is located along Highway 220 in the central part of the District. Middle Amana was established in 1861.

Topography varies from the level bottomlands (south of Highway 220) to undulating land located to the north. Various drainage courses convey surface runoff and discharge into the Mill Race.



Existing land use in Middle Amana is shown on Figure 2E. The predominant land use in the village is residential consisting of single family (R-1) and multi-family (R-2) residences.

Residences with home occupations (R-4) and commercial uses including residential use (R-5) are distributed throughout the village. A newer residential development is located west of the Lily Lake. Middle Amana has a population of 372, consisting of 136 households and the nursing home, with 56 residents. The new subdivisions generally have residential lots of 20,000 square feet in size.

There are only a few commercial land uses (B-1) in the village which are located primarily along First and D Streets (Highway 220). The principal industrial land use (M-1) in the village and the District is the Amana Refrigeration Company located just south of the Mill Race. The company is a major manufacturer of household appliances. Principal public and semi-public land uses include the Amana Community Schools, Elementary and High School (S-1), the church and cemetery (C-1) and the nursing home (S-1) and the Amana Society Park.

The village is served by water and sanitary sewerage systems. The Amana Society Service Company maintains the water distribution system. The sanitary sewerage system is under the jurisdiction of the Middle Amana Sanitary District Board of Trustees. The wastewater from the sanitary sewer system is pumped to the Amana Refrigeration Company mechanical treatment plant for treatment.

Principal road serving the village is Highway 220. The local service streets including permanent pavement and ditch drainage are maintained by Iowa County. The local service street right-of-way width is generally 60 to 66 feet.

Environmentally sensitive areas in the village include the Lily Lake, the drainage courses, the park, the Mill Race and the buildings and sites of the pre-1932 period.

### South Amana

The village of South Amana is located in the extreme southwest part of the District adjoining Highway 6. South Amana was established in 1856. Upper South Amana is located just south of South Amana along County Road W16.

Topography in the area includes steep side slopes of the uplands and relatively flat bottomlands of the Iowa River. The elevation difference between Upper South Amana, which is situated on a broad crest, and the bottomlands of South Amana is about 170 feet. A heavily timbered area is located west, and the evergreen grove east of Upper South Amana.

Figure 2F shows the existing land use in South Amana and Upper South Amana. As is typical in the other villages, residential is the predominant land use including a mixture of single and two family uses and some home occupations (R-4) and commercial (R-5) uses. In 1982 there were 157 residents including 80 households in South Amana and Upper South Amana.

Commercial land uses include a general store, gas station, winery, the Barn Museum, a restaurant and gift shop in South Amana and the bakery in Upper South Amana.

Amana Society Service Company provides water service to the village. Septic tanks are used for private wastewater disposal.

Environmentally sensitive areas in the village include primarily the historic sites and buildings, the drainage courses and the woodlands to the west and the evergreen grove to the east of Upper South Amana.

### West Amana

West Amana is located in the extreme northwest part of the District along Highway 220. Topography of the village includes the level floodplains of the Iowa River to the south and undulating land to the north. The west part of West Amana is drained by Mill Ditch which conveys surface runoff to the Mill Race. The east part of the village is tributary to a drainage course that also conveys surface runoff to the Mill Race.

Most of West Amana has been excluded from the District as a result of a petition by the residents of the village. Areas of the village remaining in the District are owned primarily by the Amana Society. Figure 2G shows existing land use in the village and the parcels of land that have been excluded from the District.

Existing land use in the village in the District includes agricultural operations (A-2) and single family dwellings. Commercial land use (B-1) includes furniture and gift shop and old broom and basket shop.

The Amana Society Service Company provides water service to the village and septic tanks are used for wastewater disposal.

Environmentally sensitive areas include the historic buildings and sites of the pre-1932 period, most of which are agricultural buildings in the District, and the drainage courses, woodlands and the floodplain of the Iowa River.

## PART 3 -LAND USE POLICIES

### GENERAL

This part of the report includes a summary of the principal planning concerns and the development of policy statements relative to the future growth and development in the ACLUD. The planning concerns have been identified during the course of the study by analyzing existing land use, the areas that have the potential for urban development in each village, current development trends and general comments expressed by the Board of Trustees of the ACLUD. The land use policy statements address the planning concerns of the ACLUD during the 20-year planning period.

The land use policies are an important element of the Land Use Plan. It is intended that the policy statements be reviewed by the Board of Trustees and local citizens and revised as necessary to best reflect the overall concerns of the ACLUD.

### PRINCIPAL LAND USE CONCERNS

The principal land use concerns and development concerns that have been identified during the course of study and reflected in the overall goal statements are summarized below. The development concerns have been generalized to apply to the District as a whole.

Future Growth -Past population and current development trends indicate that marginal urban growth is occurring in the ACLUD. In the past, most of the urban development has been residential and retail and service commercial, related primarily to the tourist trade. Generally, there has not occurred comparative growth in the retail and service businesses that serve primarily the local population. With the exception of Amana Refrigeration Company and industrial enterprises of the Amana Society, no significant industrial development has occurred in the District. If, as indicated by the economic growth statement of the goals and objectives of the ACLUD, the goal is to encourage economic development that will expand the tax base, the policy statements should address this concern, and the Land Use Plan include sites for future commercial and industrial, as well as residential development, compatible with the historic villages and existing development.

Historic Preservation -The principal thrust of this study is the establishment of land use controls in the villages that will encourage the conservation and preservation of historic buildings and sites and the cultural character of the area. A principle concern regarding the historic districts in the delineation of the historic district boundaries and the adaptive reuse of the historic buildings to other than single family dwellings, where appropriate. In the past, many conversions of the historic buildings have been to commercial uses (R-5 and B-1 land use classifications) and to home occupations (R-4 classification). These conversions have in some instances resulted in increased traffic and parking congestion, a proliferation of signs and probable negative impacts on the adjacent residential land uses. The policy statements regarding historic preservation and adaptive reuse should not only address the preservation of historic authenticity of the buildings, but also proper traffic circulation, provision of off-street parking, aesthetic and uniform treatment of signs and compatible adaptive reuse of historic buildings and sites with adjacent land uses.

Residential Land Use -A principal concern regarding future residential development is the provision of a variety of housing types that will serve all segments of the existing and future population of the ACLUD. As indicated by the generally older composition of the population, there has been some concern expressed by Amana School officials in attracting

families with children to the ACLUD. Options to be considered include the identification of potential residential sites for low, medium and high density residential development to accommodate a variety of housing types and mix in harmony with the historic character of the villages.

Commercial Land Use -A principle concern regarding commercial land use is the establishment of a centrally located retail and service complex or community shopping facility that would provide goods and services primarily for local residents. Such a facility would tend to minimize cash outflow from the ACLUD for goods and services from the surrounding cities. Other concerns include the need for a tourist information and orientation center or centers at the highway intersections serving the Amana villages.

Industrial Land Use -As noted previously, there has been limited industrial development in the ACLUD. Principle concerns are the encouragement, development and location of types of industries, that are compatible with the historic and cultural character of the villages, that will expand the tax base and provide new employment opportunities. Options to be considered in addressing these concerns include providing regulations and guidelines in the Land Use Plan, the establishment of performance standards relative to noise and air pollution, a requirement of buffers and screens to minimize possible negative environmental effects and the prohibition of residential and other incompatible uses in designated industrial areas.

Streets -The existing local street system includes a variety of pavement surfaces and widths and right-of-way widths. Options to be considered, are the development of uniform street standards and regulations for local streets and a program and priorities for resurfacing of existing streets in coordination with Iowa County and the State. Other concerns include traffic circulation and the provision of common off-street parking facilities in the historic parts of the villages to accommodate tourists.

Railroads - The improvement of the CRANDIC Railroad and its extension to the Iowa Interstate Railroad track in the south part of the District should be supported to benefit potential industrial development and tourism. The abandoned reach of the Milwaukee Railroad right-of-way, located south of Highway 6, may have potential for recreation. Recreational use of the abandoned railroad right-of-way between Upper and South Amana and Highway 6 will be considered in the Land Use Plan and addressed in the policy statements.

Landing Field -Improvement of the Hursh Landing Strip in Amana, to provide better air service to the ACLUD should be considered in the policies and the Land Use Plan.

Community Facilities -Previous analyses and inventory of existing land use indicate a general lack of neighborhood recreational facilities in existing residential areas of the villages. Potential sites for active recreation within or near the residential areas of the villages should be addressed in the policy statements and on the Land Use Plan. In addition, the undeveloped areas of the ACLUD appear to have recreational potential for camping, hiking, fishing, boating and other recreational activities for local residents and tourists. The degree to which this recreational potential, in particular to attracting tourists, is encouraged, should be considered in the policy statements and the Plan and weighed against the environmental and historic cultural factors and compatibility with the agricultural use of the land.

Utilities - A primary concern relative to utilities is the capability of the existing utility systems to provide services to future urban development. The principle concerns relative to the sewerage system are the provision of wastewater treatment for the unsewered villages of

East Amana, High Amana, South Amana, and West Amana. Concerns relative to the storm sewer system include the maintenance of open drainage ditches in the historic parts of the villages, the provision of storm sewer design standards for future development and the need to identify the 100-year flood limits of overland flow, through site plan review and subdivision regulations to prevent urban development in areas that are subject to flooding. Priorities and programs for utility system improvements should be considered.

Environmentally Sensitive Areas -As indicated under Item 2, preservation of historic buildings and sites is a principal planning concern that is addressed in this study. Other environmental concerns include the preservation of the Lily Lake, the timberlands, water resources and floodplains from urban development and selective use of these natural areas for recreational purposes. Provision of buffers between residential and non-residential uses to minimize negative impacts is another environmental concern. Aesthetic concerns include the regulation of various styles, shapes, and sizes of signs in the villages and billboards along the highways. Options to be considered include provision of sign and billboard regulations in the Land Use Plan and a method for phasing out and the removal of existing undesirable signs and billboards. The principle concern relative to agricultural land is the coordination and control of urban development in the ACLUD to preserve agricultural land.

Annexation -Inclusion of West Amana into the ACLUD to insure preservation of the historic part of the village has been expressed as a planning concern. Other areas that may be considered for annexation to control and coordinate future land use, include the parcels located east of South Amana, north and south of Highway 6, and land adjoining relocated Highway 149/151 and Highway 6 on the west and south.

Based on the above summary, policy statements have been developed that reflect the principal planning concerns enumerated and the goals and objectives, discussed previously. Because of the interrelationship of the planning and land use concerns and goals and objectives, some policy statements are restated under several major land use headings. A brief discussion prefacing the policy statements summarizes the methodology supporting the statements. The policy statements serve as a guide for the preparation of the Land Use Plan discussed in Part 4 of this Division.

### FUTURE GROWTH AND DEVELOPMENT

Based on past trends, the population of the ACLUD has been estimated to increase from 1,565 in 1982 to about 1,750 by the year 2005. The future population estimate should not be considered as a goal to reach or a not to be exceeded figure, but as an indicator of population growth if past growth trends prevail. The actual rate of population growth will be determined in part by the extent that urban development is encouraged and promoted.

While the population projections indicate marginal residential growth in the future, it is the apparent intent of the Board of Trustees, as expressed in the goals and objectives, to encourage urban development in the District compatible with the existing historic villages, other development, agricultural land and the physical characteristics of the area. To encourage urban growth, potential sites for residential, commercial, industrial and recreation uses must be identified in the District.

Generally, urban development should be encouraged to occur as infill and as extension outward from developed areas of the villages. Such development will provide for a more economical extension of streets, utilities and other services that isolated leapfrog development. Scattered urban development in the ACLUD should be discouraged.

#### Policy on Future Growth

- A. Urban development should be encouraged to extend outward from developed areas to insure the orderly growth of the villages.
- B. Potential sites for future urban development in the villages should be identified on the Land Use Plans.
- C. Coordination and cooperative efforts should be maintained with Iowa County to control and encourage development in the ACLUD as designated on the Land Use Plans.

## HISTORIC PRESERVATION

As noted previously, preservation and conservation of the historic buildings and sites of the ACLUD is an important element of this planning study. The buildings and sites of historic significance have been defined in the previous studies to include those that developed during the communal period prior to 1932. The historic preservation districts generally should include the developed areas of the pre-1932 period. Regulations applicable to the historic districts should address the various types of uses including agricultural, residential, commercial, industrial and mixed land uses and a process for the adaptive reuse of the historic buildings and sites, the control of signs, and parking requirements.

### Policy on Historic Preservation

- A. Historic preservation districts should be established to preserve and protect the historic and cultural character of the Amana villages; particularly those areas within each village that are predominantly developed with structures and uses that were originally constructed prior to 1932.
- B. New development within the historic districts should be discouraged, should be regulated to maintain compatibility with the historic structures.
- C. Uniform sign regulations should be established applicable to the historic preservation districts.
- D. Establishment of common parking facilities that primarily serve visitors to the Amana villages should be encouraged.
- E. A process should be established for the adaptive reuse of historic structures and sites.

### RESIDENTIAL LAND USE

As indicated by the existing land use analyses, most of the existing residential land use in the villages is in single family dwellings including a significant number with home occupations. Most of the single family residential lots are 15,000 to 20,000 square feet in size. The remaining residential land use is composed of duplexes and multi-family housing units. A nursing home is located in Middle Amana. Based on density and distribution of existing residential land use, the following average densities should be considered for guiding future residential development.

Density Classification	Average Net Lot Area ( SF)	Ratio Gross to Net Area	Avg. Gross Lot Area (SF)
Low (Single Family)	15,000-25,000	1.20	18,000-30,000
Low (Duplexes)	10,000-15,000	1.25	12,500-18,750
Medium (Multi-Family)	3,000-5,000	1.30	3,900-6,500

The density of residential development also should be governed by the availability of common utilities, in particular sewer and water. Larger lots are required to accommodate private systems including wells and septic tank fields. As indicated in the policies on future growth and development, urban development including residential development should not be encouraged in agricultural areas.

#### Policy on Residential Land Use

- A. Potential sites for future residential land use in the villages should be indicated on the Land Use Plans.
- B. Density of residential development should be related to the physical characteristics of the area including topography, soils, drainage and the availability of common water and sanitary sewerage systems; provisions for adequate light and air; and access to improved public streets and roads. The following densities are considered to meet these criteria

Density Classification	Average Net Lot Size
Low (Single Family)	15,000-25,000
Low (Duplexes)	10,000-15,000
Medium (Multi-Family)	3,000-5,000

- C. A variety in the type of housing construction should be encouraged and supported to meet the housing needs of the population. The housing mix should reflect anticipated trends in housing demand while being compatible with existing residential density and development and the historic villages. Housing types may include apartments, townhouses and single family dwellings including manufactured housing and mobile homes.
- D. Residential development such as the Planned Unit Development (PUD) should be



encouraged to provide flexibility and better utilization and preservation of land; particularly in areas where soils, topography and tree cover are limiting factors.

- E. Residential development in areas designated for agricultural use should be limited consistent with the goal of preserving agricultural land.

### COMMERCIAL LAND USE

The ACLUD appears to need a community shopping facility centrally located and accessible by the residents of ACLUD. Commercial development related to tourism also should be encouraged including the provision of an information center or centers at principal highway junctions leading to the Amana Villages.

#### Policy on Commercial Land Use

- A. A centrally located retail and service commercial center to serve the residents of ACLUD should be encouraged.
- B. Existing commercial centers in each village should be maintained.
- C. Commercial development related to tourism should be encouraged in each village compatible with historic preservation policies.
- D. The development of a tourist information center or centers near principal highway junctions leading to the Amana villages should be encouraged.
- E. The development of planned commercial centers including grouping of retail and service stores with common parking facilities and entrances should be encouraged.

### INDUSTRIAL LAND USE

Future industrial land use needs and development to a large extent will be determined by the efforts made by the ACLUD and others in encouraging industrial development. Light industrial development which is limited to uses that are generally compatible with the non-industrial uses should be encouraged. Light industrial uses are characterized by large lots with landscaped grounds and have the operations and storage material completely enclosed in buildings. Such uses typically include manufacture or assembly of small electrical appliances, cameras, radios and electrical instruments, research facilities, pottery and uses such as bakeries, printing shops and laboratories.

Other industrial uses, such as heavy manufacturing similar to the Amana Refrigeration Company, stock yards, packing houses, concrete mixing and cement plants, and sand and gravel pits may be allowed subject to performance standards for odor, air and noise pollution, provision of open space and buffers. Residential land uses within the industrial areas should be prohibited

### Policy on Industrial Land Use

- A. Regulations for light and heavy industrial development should be provided in the land use regulations.
- B. Adequate buffers for all industrial development when adjoining non-industrial land uses should be provided.
- C. Site plan and performance standards and regulations should be developed to insure that industrial developments are environmentally compatible with surrounding uses.
- D. Development of planned industrial parks should be encouraged.

## TRANSPORTATION

Principal streets in the ACLUD under the Functional Highway Classification System are designated as arterials, arterial extensions, trunk and trunk extensions, and include state highways and major county roads. The remaining streets in the ACLUD are local service streets which are under county jurisdictions. The State of Iowa has jurisdiction over the primary roads including Highways 149/151, 6 and Highway 220. The design standards for the arterials and arterial extensions are set by the Iowa Department of Transportation. The design standards for County roads including all local streets in the ACLUD are as required by the County Engineer of Iowa County. The ACLUD should encourage uniform street standards in the villages. Traditionally, streets in the villages have included rural design with ditches. The right-of-way widths vary from 50 to 66 feet with 60 feet being the most predominant. A minimum 60 foot right-of-way and 24- foot pavement width with shoulders should be considered for local streets subject to approval by the County Engineer. The traditional ditch drainage of streets may be considered in all streets developed in the villages. The local street improvement program in the villages should consider priorities based generally on traffic volume. The heavier traveled streets should be improved initially and then the less traveled streets.

The ACLUD should be encouraging improvement and connection of the CRANDIC Railroad with the Iowa Interstate Railroad to promote both tourism and industrial development. The existing Hursh Landing Strip should be improved to provide for better utilization of the strip by light single engine aircraft. The landing strip may be lengthened and hardsurfaced and aircraft hangers provided.

### Policy on Transportation

- A. Design standards for local streets should be developed and incorporated in the subdivision ordinance to insure adequate right-of-way prior to development, in cooperation with the County Engineer.
- B. The street improvement program priorities should generally be based on existing and future traffic volumes.
- C. Development of common off-street parking facilities for tourists, in particular in Amana, should be encouraged.
- D. Connection of the CRANDIC Railroad with the Iowa Interstate Railroad should be encouraged.
- E. Improvement of the Hursh Landing Strip should be encouraged.

## COMMUNITY FACILITIES

### Recreation

The ACLUD has one park, the Amana Society Park located in Middle Amana. The park includes about 18 acres. Other recreational facilities are available at the Amana Community High School and Elementary School. As new residential developments occur in the villages, neighborhood parks should be included within these developments where feasible.

A typical neighborhood park includes about three to ten acres and is located within walking distance of residential areas. A typical neighborhood park is an all-purpose park that serves all age groups. Recreational facilities provided may include playgrounds, picnic areas, game courts, open play areas, walks and bicycle paths and a shelter house with restrooms. The neighborhood park provides for active and passive, informal and organized recreational activities.

The recreational facilities in neighborhood parks may be supplemented by tot lots and the school grounds. Where feasible, coordination of recreation programs and the use of private and semi- public recreational facilities should be encouraged. Many communities utilize household surveys to access the demand for various types of recreational activities and facilities needed in the parks.

As indicated previously, the ACLUD appears to have recreational potential for promoting tourism. Such uses may include camping facilities, a golf course, lodging facilities, bridle, hiking and bicycle paths, boating facilities and other uses. However, wholesale development and promotion of such recreational facilities may have negative environmental impacts and conflict with the use of the land for agricultural purposes. Limited development, such as provision of hiking trails and bicycle paths, should be encouraged.

### Schools

Coordination of the Land Use Plan with the future needs of the School District is essential. Future needs and plans of the school district should be reflected in the Plan.

### Policy on Community Facilities

- A. Neighborhood parks should be developed to serve the existing and future population of the villages.
- B. Coordination of recreational programs and facilities of the ACLUD and the School District should be encouraged.
- C. A system of bikeways and hiking trails utilizing as possible routes the abandoned railroad right-of-way; highway right-of-way and select routes through timbered and agricultural areas should be encouraged. Future needs of the Amana School District should be coordinated and incorporated within the Land Use Plan.

## UTILITIES

Utility concerns include provision of adequate water supply and treatment, wastewater treatment facilities and the extension of services during the planning period. Detailed analyses of the options of water supply and treatment and the disposal of wastes to serve existing and potential development areas are beyond the scope of this report. Wastewater treatment facilities should be provided for the unsewered villages during the planning period.

Design of storm sewers is dependent upon the degree of protection required. Municipal systems generally are designed to handle runoff from two-or five-year storm recurrences. The design of drainage systems should also establish the 100-year flood limits to insure that when flooded, the open drainage systems will not encroach upon areas of building sites. Storm water detention facilities also may be considered to minimize flood encroachment limits downstream from a development.

### Policy on Utilities

- A. A water system plan and sanitary sewerage system plan should be developed that reflect the existing development and potential urban development areas of the villages.
- B. Development of sewerage systems to serve the unsewered villages of East Amana, High Amana, South Amana and West Amana should be encouraged.
- C. The storm sewer systems in areas subject to future development by subdividers should be designed to convey runoff from storm events of a five-year recurrence.
- D. The 100-year flood limits should be established in existing developed areas and in areas with future development potential to insure that buildings are located outside the areas subject to flooding.

## ENVIRONMENT

Principal environmental concerns in the ACLUD during the planning period are the preservation of agricultural land that is not required for urban development, and the protection of critical environmental areas such as historic buildings. Other environmental concerns include buffering of incompatible land uses such as industrial from residential.

Other environmental factors including noise and air pollution, caused primarily by motor vehicles and fugitive dust from agricultural operations and unpaved streets, are difficult to regulate.

However, such means as larger building setbacks from major highways, provision of screens and vegetation buffers may be used to decrease the effects of noise. Similar methods may be used to minimize noise from certain industrial uses in addition to requiring enclosure of operations and sound suppressants. Air quality is monitored and regulated by the State. On the local level, air pollution control is difficult. Air pollution may be minimized, in some instances, by planting screens which absorb gaseous pollutants and filter out dust particles.

Energy conservation may be encouraged by ordinances requiring solar access rights and by energy-efficient design of buildings and site development.

### Policy on Environment

- A. Abatement of air and noise pollution will be encouraged in residential areas through consideration of the location of streets, landscaping, setback requirements and buffers. Guidelines in subdivision and site plan regulations should provide for the control of air and noise pollution to the extent possible.
- B. Standards for solar access rights and energy conservation are encouraged in the review process of subdivision plats and site plans.
- C. The use of the planned unit development (PUD) design approach in wooded and hilly areas is encouraged where such development may be appropriate.
- D. Appropriate buffering should be provided between residential and other land uses. This may include open space, landscaping and architectural screens.
- E. Preservation of agricultural land not required for the orderly growth and development of the villages during the planning period should be encouraged.

### ANNEXATION

House file 569, relating to the administration of special land use districts, was approved by the 1985 Iowa Legislature. A section of HF 569 amends Chapter 303.52A by adding procedures for inclusion or exclusion of land from a land use district. Sixty percent of the qualified electors of land area eligible for inclusion or exclusion may petition to determine if the petition contains a sufficient number of qualified electors, shall submit it to the Board of Trustees. A favorable vote of two-thirds of the membership of the Board of Trustees on the petition includes or excludes the petitioned area from the District.

Areas that should be encouraged for inclusion in the ACLUD are parts of West Amana presently located outside the District, and an area located east of South Amana and an area located west of the jurisdiction of relocated Highway 149/151 and Highway 6. Inclusion of these areas will encourage preservation of historic buildings and sites in West Amana, coordination of development of the area adjacent to the junction of relocated Highway 149/151 and Highway 6.

### Policy on Annexation

- A. Inclusion of West Amana in the ACLUD should be encouraged.
- B. Areas adjoining the ACLUD, east of South Amana and west of the junction of relocated Highway 149/151 and Highway 6, should be encouraged to be included in the District.



## PART 4-PLANS

### General

This part of the report includes a description of the Land Use Plan Maps included in Map Atlas II. The Land Use Plan Maps for each village are shown on Figures 4A through 4G. Figure 3 is a Generalized Land Use Plan of the ACLUD. Map Atlas II has been submitted under separate cover.

The plan maps reflect the Land Use Policies discussed in Part 3 of this report. As indicated by the policy on future growth, it is intended that urban development in the villages occur as infill, and extend outward from developed areas.

The proposed land use shown on Figure 3 and Figures 4A through 4G, has been classified as follows:

### ACOS -Agriculture, Conservation and Open Space

This land use classification includes agricultural land, woodlands, rivers, streams and lakes, parks, open spaces and similar uses.

### Residential

R-1 -Low Density, One and Two Family Residential Areas designated in this classification are intended for low density residential development including single family dwellings and duplexes.

R-2 -Medium Density -Multiple Family Residential Areas designated in this classification are intended for use and development in apartments, townhouses, nursing homes, boarding houses and similar uses.

### Commercial

C-1 – Limited Business and Professional Office Commercial Areas designated in this classification are intended for use and development primarily in professional business and public service offices and similar uses.

C-2 - Highway Service Commercial Areas designated in this classification are intended for use and development in general commercial uses that serve the highway traveling public including various retail and service businesses.

### Industrial

I-1 -Limited Industrial Areas designated in this classification are intended for use and development in certain industrial uses including manufacturing and assembly of light industrial products with all operations enclosed, the sites landscaped and off-street parking provided.

I-2 -Heavy Industrial Areas designated in this classification are intended for use and development of manufacturing and assembly of heavy industrial products and activities of a heavy industrial character. Potential sites for heavy industrial development have not been designated on the plan maps.

### Historic Preservation Areas (Pre-1932)

HP-A Agricultural –Historic Area

HP-R Residential -Low and Medium Density Historic Area

HP-C Commercial -Historic Area

HP-I Industrial -Historic Area

Areas designated in the historic land use classification are intended to preserve and protect the historic and cultural character of the villages, primarily of the pre-1932 period. New development within these areas is not encouraged. However, adaptive reuse of the historic buildings may be possible through the rezoning process and certain new development permitted as provided in Division 3.0 of the Land Use Plan.

Schematic layouts of the potential development areas are shown on the Land Use Plan Maps. The street, lot and park area layouts are conceptual only and are intended as a general guide to development of the potential areas and are subject to modifications and revisions in the final development plans of future subdivisions.

The selection of potential urban development sites are shown on the Land Use Plan Maps. The street, lot and park area layouts are conceptual only and are intended as a general guide to the development of the potential areas and are subject to modifications and revisions in the final development plans of future subdivisions.

The selection of potential urban development sites in the villages is based on topography, drainage, relationship to existing land use and streets, and the feasibility of serving the areas with common utilities. The actual development and the density of development in these areas will be influenced to a significant degree by the capability of extending utility systems, in particular, sanitary sewer systems, to serve these areas.

Also shown on the Land Use Plan Maps are physical features including major wooded areas, approximate drainage courses and areas subject to flooding during a 100-year flood recurrence as established by the Corps of Engineers. In the subdivision process, especially of areas including a major drainage course, the 100-year flood limits should be established and the construction of buildings within the flood limits prohibited.

### ACLU D GENERALIZED LAND USE PLAN

The generalized Land Use Plan is shown on Figure 3. Except for potential urban development sites in each village, most of the ACLUD is proposed to be maintained in the agriculture, conservation and open space (ACOS) land use classification in accordance with the policy statements.

The potential urban development sites, most of which are proposed for residential development, generally are located on higher ground, adjacent to existing development and generally isolated from the historic parts of the villages. The only urban land uses located outside the villages include the existing limited industrial land use (I-1) consisting of a storage building located along Highway 6 and a potential limited industrial site located east of Homestead. A tourist information and orientation center is proposed at the junction of relocated Highway 149/151 and Highway 6.

Major roads in the ACLUD include the state highways and principal county roads. The major roads are shown on Figure 3. The remaining streets in the villages are local service streets.

A bicycle trail system as an alternate and recreational mode of transportation is proposed to generally follow major roads to interconnect the villages. The abandoned railroad right-of-way which extends east from South Amana to the junction of Highway 6 and relocated Highway 149/151 also may be utilized as part of the bicycle trail system.

Connection of the CRANDIC Railroad with the Iowa Interstate Railroad and improvement of the Hurst Landing Strip are proposed to improve the overall transportation systems of the ACLUD.

Figure 3 also shows major drainage courses, approximate 100-year flood boundaries, and the Corps of Engineers flowage easements to elevation 717 along the Iowa River floodplain.

A brief summary of the land use plans for each village is included in the following sections.

### Amana Land Use Plan

Figure 4A shows the proposed land use in Amana. The area with the greatest potential for urban development is located in the northwest part of Amana just northwest of the intersection of Highway 220 and Highway 149/151. Due to its central location and access to major traffic arteries, this area is proposed for development as a commercial service center, primarily for the residents of the ACLUD, in accordance with the land use policy statements. Areas north and west of the center are suitable for residential land use including medium and low density residential development. It appears these areas can be served by extensions of existing utilities.

Following the public hearing on October 28, 1985, the Board of Trustees at a meeting held on November 4, 1985 voted unanimously to delete the above land use proposals. Therefore, this area is designated as agricultural (ACOS) use on the Amana Land Use Plan. At this meeting, the board also designated the agricultural complex in Middle Amana as a future commercial service center site.

A limited amount of residential development is proposed in the west part of Amana as an extension of existing residential development in that area. The area adjoining the Lily Lake and located south of Highway 220 is proposed to be maintained in conservation and open space and part of it developed as a park. The drainage courses located south of developed Amana including the Mill Race also are proposed in the conservation and open space classification.

An area located east of Price Creek and north of County Road F20 appears suitable for limited industrial development. The area is accessible to a major highway and includes level land, a small part of which is located within the Corps of Engineers' flowage easements. Development within the flowage easements is subject to the approval of the Corps of Engineers. This area also appears serviceable with common utility systems.

The proposed historic preservation areas including residential, commercial, and industrial generally reflect the existing land uses. The Amana cemetery is included in the agricultural historic area (HP-A).

The Hursh Landing Strip is included in the ACOS classification and the adjoining buildings to the north in the limited industrial (I-1) classification.

#### East Amana Land Use Plan

Figure 4B shows proposed land use in East Amana. A potential area for urban development is located northwest of the existing development along a ridge line. This area is proposed in low density residential land use. A small pocket park, not shown on Figure 4B, may be incorporated within the proposed development. No new commercial or industrial development is proposed in East Amana.

The area proposed for historic preservation includes most of the developed part of East Amana. The existing development is primarily in low and medium density residential land use. The areas to the south and east include the agricultural complex which is included in the agricultural historic area (HP-A) classification.

The existing evergreen grove, surrounding the cemetery, a significant historic feature of the village should be preserved. This area and the land surrounding the village is included in the agriculture, conservation and open space (ACOS) land use classification.

#### High Amana Land Use Plan

Figure 4C shows the proposed land use in the village of High Amana. Potential development sites include the area located along the west side of C Street. This area, as an extension of existing development to the south, is suitable for low density residential land use. The area west of this site, which includes variable topography and drainage courses, has potential for development as a park.

The area proposed for historic preservation includes the west and south parts of the developed village, consisting of low and medium density residential and the agricultural complex.

No additional commercial or industrial development is proposed in the village.

#### Homestead Land Use Plan

Figure 4D shows proposed land use in the village of Homestead. The area proposed for residential development is located south of the developed village. Due to the lack of north-south streets intersecting First Street (except for B Street), a new street is proposed in the west part of the village to extend south to serve the potential residential area. A neighborhood park within the future residential land use is proposed. Medium density residential land use (R-2) is proposed in the northeast part of the potential development site.

It appears that the recommended development area can be served by a new gravity sewer tributary to the existing wastewater treatment lagoons located west of Homestead.

Enlargement of the lagoon system will probably be required to serve the additional area. Water service may be provided by extensions to the existing system.

A roadside park, primarily for visitors, and an evergreen grove (similar to those found in South Amana and East Amana), are proposed for a triangular parcel formed by the relocation of the intersection of Highways 149/151 and 6 just north of Homestead. To develop this area, purchase from, or abandonment of the existing highway right-of-way by the Iowa Department of Transportation would be required.

As in the other villages, the historic preservation areas encompass primarily the pre-1932 development and the historic land use classifications generally correspond to the existing land uses.

No new commercial or industrial sites are proposed except for a limited industrial (I-1) area located east of Homestead, as presently classified.

#### Middle Amana Land Use Plan

Figure 4E shows the proposed land use in Middle Amana. As indicated on the plan map, the area most suitable for residential development is located north and east of the Amana Community Schools and the nursing home. This area, including gently sloping topography, and in proximity to the schools and park, has the potential for low and medium density residential development. The area also appears serviceable by extensions of common utilities including sewer and water.

Expansion of the Amana Society Park is also recommended to the north of the existing park site.

The historic preservation area includes most of the pre-1932 development located in the west part of the village. The proposed historic uses generally reflect existing agricultural, residential and commercial development.

The Amana Refrigeration Company site is included in the heavy industrial (I-2) classification. There are no additional sites for commercial or industrial development areas designated on the plan map.

As has been suggested in the previous studies, the agricultural building complex may have some potential for adaptive reuse as a commercial or possibly a community center/recreational type facility. The agricultural complex is centrally located and adjacent to a major highway and to the Amana schools to the east. At a meeting held on November 4, 1985, the Board of Trustees voted unanimously to designate this area as a future commercial service center site.

An open space buffer between the lake and residential development should be maintained around the Lily Lake. The small roadside park located adjacent to Highway 220 and the lake just northeast of the village should be maintained in the future. The open space areas around the lake and along the Mill Race are included in the ACOS land use classification.

#### South Amana Land Use Plan

Figure 4F shows the proposed land use in South Amana. Potential development sites primarily for low density residential land use include an area located in Upper South Amana east of the existing development. The proposed site is relatively undulating. A small park may be accommodated within the proposed residential development. The residential development may extend east up to the evergreen grove. The evergreen grove should be preserved as a historic, environmentally sensitive area.

A second potential residential development site is located north of Highway 6 and east of the developed part of lower South Amana.

The historic preservation areas include most of the developed areas of the village of the pre-1932 period. The historic agricultural, residential and commercial designations generally correspond to existing land uses. No additional commercial or industrial sites are proposed in South Amana.

#### West Amana Land Use Plan

Figure 4G shows the proposed land use in West Amana. Potential sites for residential development are located along A Street north of the developed part of the village. These areas are proposed for low density residential (R-1) development. A park, to serve existing and future population in the village is proposed within the potential residential areas. Potential commercial development sites are located along Highway 220 adjacent to existing commercial development southeast of the village. The commercial sites are designated for highway commercial (C-2) land use.

The historic preservation areas include primarily agricultural and some commercial land uses. Most of the historic part of the village is not included in the ACLUD.

There are no other development sites proposed in the village.

## DIVISION 2.0 – ADMINISTRATION

### CHAPTER 21.00 BOARD OF TRUSTEES

#### Sections:

#### 21.00.010 Authority

#### Section 21.00.010 - Authority.

The corporate authority for the management and control of the Amana Colonies Land Use District is the Board of Trustees. The Board of Trustees has been established and its members duly elected in accordance with the provisions of Chapter 303, Code of Iowa, subsections 303.41 through 303.68. All actions of the Board of Trustees regarding the adoption, enforcement, amendment and administration of the Land Use Plan, including all divisions thereto, have been accomplished in accordance with the provisions of Chapter 303. All activities of the Board of Trustees in exercising its corporate authority including the election of officers, meetings and public hearings, expenditure of funds, appointment of Boards and employees shall be a public record, and in accordance with the provisions of Chapter 303, Code of Iowa.

## CHAPTER 21.02 BOARD OF ADJUSTMENT

### Sections:

21.02.010	Membership; Appointment, Removal, Terms and Vacancies
21.02.020	Chairman and Vice-Chairman
21.02.030	Secretary; Minutes; Public Records
21.02.040	Quorum
21.02.050	Meetings and Hearings
21.02.060	Records and Decisions
21.02.070	Conflicts
21.02.080	Petition for Certiorari
21.02.090	Jurisdiction and Authority
21.02.100	Legal Advice

### Section 21.02.010 - Membership; Appointment, Removal, Terms and Vacancies.

Pursuant to Chapter 303, Code of Iowa, there is established a Board of Adjustment of five members, appointed by the Board of Trustees, for terms of five years, such terms to be staggered so that the term of not more than one member expires each calendar year. No member, however, shall be appointed to more than two consecutive five-year terms. Members of the Board of Adjustment shall be qualified resident electors of the Amana Colonies Land Use District, and shall not be officers or employees of the District or any agency or department of the District. The compensation for the members of the Board of Adjustment shall be as authorized by the Board of Trustees, and shall not exceed that of the Board of Trustees.

A. Permanent vacancies on the Board of Adjustment shall be filled by the Board of Trustees in the same manner as other appointments hereunder, for the unexpired term of the former member whose place has become vacant.

B. Any member of the Board of Adjustment may be removed for cause by the Board of Trustees at any time; provided, however, that before any such removal, such member shall be presented with specific charges in writing and shall be given an opportunity to be heard in his own defense at a public hearing. Cause for removal of a member shall include any undisclosed or unlawful conflict of interest, any violation of the codes, ordinances or rules applicable to the member's performance of his duties, any unwillingness or inability to carry out his duties in a prompt, conscientious and competent manner, any conduct tending to cast doubt upon the integrity or objectivity of the member in performing his duties, or any other specific conduct of the member found by the Board of Trustees to be detrimental to the proper functioning of the Board of Adjustment.

### Section 21.02.020 - Chairman and Vice-Chairman.

The members of the Board of Adjustment shall annually elect one of their number as chairman, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their number as vice-chairman. The chairman and vice-chairman may administer oaths and compel the attendance of witnesses. In the absence of the chairman, the vice-chairman shall act as chairman and shall have all of the powers of the chairman. The vice-chairman shall have such other powers and duties as may from time to time be provided by the rules of the Board.



#### Section 21.02.030 - Secretary; Minutes; Public Records.

The Land Use Administrator or his delegate shall serve as secretary to the Board of Adjustment. The secretary shall attend all of the meetings of the Board of Adjustment. The secretary shall provide for the keeping of minutes of the proceedings of the Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Board meetings, hearings and proceedings and all correspondence of the Board. The secretary shall provide for keeping a file of all records of the Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice. The secretary shall perform such other duties as may be established from time to time by the rules of the Board.

#### Section 21.02.040 - Quorum.

A. No business shall be transacted by the Board of Adjustment without a quorum, consisting of three members, being present. The concurring vote of at least three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination appealed to it, to decide in favor of the applicant on any application made, or to effect any variation in the provisions of the Land Use Plan. If less than a quorum is present, the hearing may be adjourned from time to time for a period not exceeding three weeks at any one time. The secretary shall in writing notify all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

B. No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless the member shall first certify on record that he/she has reviewed the entire record of any such portion of the hearing during which the member was absent and has been fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

#### Section 21.02.050 - Meetings and Hearings

A. Regular meetings of the Board of Adjustment shall be held at the call of the chairman or as provided by rule of the Board. Special meetings shall be called by the chairman at the request of any two members of the Board or at the request of the Board of Trustees.

B. All meetings and hearings of the Board of Adjustment shall be open to the public. At least ten days prior to regular meetings of the Board of Adjustment, notice of all meetings of the Board of Adjustment shall be given as provided in Section 21.4, Code of Iowa. Amended, 4-98, to specify 10 day notice required for meetings.

C. The Board of Adjustment shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Division and the statutes of the State of Iowa. Such rules shall be filed with the secretary of the Board and with the District Clerk. Any rule so adopted which relates solely to the conduct of the Board's hearings and which is not mandated by this Division or the statutes of the State of Iowa, may be waived by the chairman upon good cause being

shown.

#### Section 21.02.060 - Records and Decisions.

A. The transcript of testimony, if any; the minutes of the secretary; all applications, requests, exhibits and papers filed in any proceeding before the Board of Adjustment; and the decision of the Board shall constitute the record. The Board may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that reliance on such matters shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it.

B. Every decision of the Board of Adjustment shall be by written record which shall include findings of fact, shall refer to all the evidence in the record and to the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision, shall contain a conclusion or statement separate from the findings of fact setting forth the specific relief granted or denying relief, and shall expressly set forth any limitations or conditions imposed on any relief granted or work or use authorized.

C. The secretary shall immediately file any decision of the Board of Adjustment in the office of the Board. Within seven days following any decision of the Board of Adjustment the secretary shall mail notice thereof to each person entitled to such notice.

#### Section 21.02.070 - Conflicts.

No member of the Board of Adjustment shall participate in the hearing or disposition of any matter in which the member is interested. For purposes of this section, "interested" includes any direct or indirect financial or personal interest held by a member or any member of his or her family. Prior to any hearing or disposition a member shall cite any conflict of interest and withdraw from participation or may disclose the facts involved and request a determination of whether or not a conflict of interest exists. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members, not including the member whose qualification is at issue. Where such vote results in a tie, the member shall be disqualified.

#### Section 21.02.080 - Petition for Certiorari.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board of Adjustment.

#### Section 21.02.090 - Jurisdiction and Authority.

The Board of Adjustment shall have the following jurisdiction and authority:

- A. Subject to the provisions of Division 3.0, Chapter 31.08, to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Land Use Administrator in the enforcement of the zoning ordinance.
- B. Subject to the provisions of Division 3.0, Chapter 31.08, to authorize upon appeal in specific cases such variances from the terms of the zoning ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
- C. Subject to the provisions of Division 3.0, Chapter 31.08, to hear, review and finally decide applications for special exceptions to the terms of the zoning ordinance.
- D. To issue permits and decide such other matters as may be provided by the Board of Trustees under the terms of Division 3.0 or any other division of the Land Use Plan.
- E. To recommend changes and amendments to Division 3.0 and to such other Divisions of the Land Use Plan as the Board of Adjustment may consider to be appropriate.
- F. In furtherance of the above jurisdiction and authority, to make such investigations, maps, and reports, and recommendations in connection therewith, relating to the Land Use Plan and its divisions and administration as seems desirable and necessary; provided, however, that the expenditures of the Board of Adjustment shall not exceed the amount appropriated therefor, if any, by the Board of Trustees.
- G. The jurisdiction of the Board of Adjustment shall not include any variances or special exceptions to the issuance or approval of a Certificate of Approval as provided by Division 3.0, Chapter 31.36 of the Land Use Plan.

#### Section 21.02.100 - Legal Advice.

The attorney for the Amana Colonies Land Use District or his delegate shall provide legal advice and representation to the Board of Adjustment, as needed, and as may be authorized by the Board of Trustees.

## CHAPTER 21.04 HISTORIC PRESERVATION COMMISSION

### Sections:

21.04.010	Membership; Appointment, Removal, Terms and Vacancies
21.04.020	Officers
21.04.030	Secretary; Minutes; Public Records
21.04.040	Quorum
21.04.050	Meetings and Hearings
21.04.060	Records and Decisions
21.04.070	Conflicts
21.04.080	Powers and Duties

### Section 21.04.010 - Membership; Appointment, Removal, Terms and Vacancies.

- A. Pursuant to Chapter 303, Code of Iowa, and Chapter 21.00 of this division, there is established a Historic Preservation Commission, which shall consist of five members appointed by the Board of Trustees. Of the five members first appointed to the Historic Preservation Commission hereby created, one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years. Thereafter, all members shall be appointed for a term of five years so that the term of not more than one member of the Commission shall expire in any calendar year. No member, however, shall be appointed to more than two consecutive five-year terms. Members whose terms have expired shall continue to serve until a successor has been appointed.
- B. Members of the Historic Preservation Commission shall be qualified resident electors of the Amana Colonies Land Use District, and qualified by interest in, knowledge or experience in matters pertaining to the history, culture and architecture of the Amana Colonies, and shall not be officers or employees of the Amana Colonies Land Use District or of any agency or department of the District. Members of the Commission shall serve without compensation except for their actual expenses as may be authorized by the Board of Trustees.  
Permanent vacancies on the Historic Preservation Commission shall be filled by the Board of Trustees in the same manner as other appointments hereunder, for the unexpired term of the former member whose place has become vacant.
- C. Any member of the Historic Preservation Commission may be removed for cause by the Board of Trustees at any time; provided, however, that before any such removal, such member shall be presented with specific charges in writing and shall be given an opportunity to be heard in his/her own defense at a public hearing. Cause for removal of a member shall include any undisclosed or unlawful conflict of interest, any violation of the codes, ordinances or rules applicable to the member's performance of his duties, any unwillingness or inability to carry out his duties in a prompt, conscientious and competent manner, any conduct tending to cast doubt upon the integrity or objectivity of the member in performing his/her duties, or any other specific conduct of the member found by the Board of Trustees to be detrimental to the proper functioning of the Commission.

#### Section 21.04.020 - Officers.

The members of the Historic Preservation Commission shall annually elect one of their number as chairman, to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their number as vice-chairman.

In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman. The vice-chairman shall have such other powers and duties as may from time to time be provided by the rules of the Commission.

#### Section 21.04.030 - Secretary; Minutes; Public Records.

The Land Use Administrator or his delegate shall be the secretary of the Historic Preservation Commission and shall attend all its proceedings. The secretary shall provide for the keeping of minutes of the proceedings of the Commission, showing attendance and the vote upon every question, and shall maintain permanent records of all Commission meetings, hearings and proceedings and all correspondence of the Commission. The secretary shall provide for keeping a file of all records of the Commission, and such records shall be public records open to inspection at reasonable times and upon reasonable notice. The secretary shall perform such other duties as may be established from time to time by the rules of the Commission.

#### Section 21.04.04 - Quorum.

No official business shall be transacted by the Historic Preservation Commission without a quorum, consisting of three members, being present. The concurring vote of at least three members shall be necessary to support any action by the Commission. If less than a quorum is present, a hearing may be adjourned from time to time for a period not exceeding three weeks at any one time. The secretary shall in writing notify all members of the date of the adjourned hearing and shall also notify such other interested parties as may be designated in the vote of adjournment.

No member absent from any portion of a hearing shall be qualified to vote upon the matter heard unless the member shall first certify on the record that he or she has reviewed the entire record of any such portion of the hearing during which the member was absent and has been fully informed of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote.

As to any matter not requiring a hearing, the Historic Preservation Commission may meet and deliberate at any properly called meeting regardless of the presence of a quorum or may continue consideration of such matter to any later meeting. However, no final action shall be taken on any such matter without a quorum, consisting of three members, being present. The concurring vote of at least a majority of those voting shall be necessary to approve any matter or report or to make any recommendation.

Any one or more members of the Commission may file minority or dissenting reports in support of any position concerning a matter brought before the Commission.

#### Section 21-04-050 - Meetings and Hearings.

Regular meetings of the Historic Preservation Commission shall be held at the call of the chairman or as provided by rule of the Commission. Special meetings shall be called by the chairman at the request of any two members of the Commission or at the request of the Board of Trustees. All meetings and hearings of the Commission shall be open to the public.

The Historic Preservation Commission shall adopt its own rules of procedure for the conduct of its business not inconsistent with this Division and the statutes of the State of Iowa. Such rules shall be filed with the secretary of the Commission and with the District Clerk. Any rule so adopted which relates solely to the conduct of the Commission's meetings or hearings and which is not mandated by this Division, or Division 3.0 or the statutes of the State of Iowa may be waived by the chairman upon good cause being shown.

#### Section 21.04.060 - Records and Decisions.

The transcript of testimony, if any; the minutes of the secretary; all applications, requests, exhibits and papers filed in any proceeding before the Historic Preservation Commission; and the decision and report, or reports of the Commission shall constitute the record.

A. Every recommendation of the Historic Preservation Commission upon an application for an amendment of Division 3.0 regarding Historic Preservation Districts, or upon an application for a Certificate of Approval or Site Plan approval, as may be provided by Division 3.0, shall include findings of fact, shall refer to the exhibits, plans or specifications upon which such recommendation is based, and shall specify the reason or reasons for such recommendation.

B. In reaching its decision on any such application, the Historic Preservation Commission may rely on the personal knowledge of its members, on its inspections of the property, and on any reports available to it.

C. The secretary shall within a reasonable time file any decision of the Commission in the office of the Commission. Within seven days following any decision of the Commission the secretary shall mail notice thereof to each person entitled to such notice, if any.

D. As to other matters brought before the Commission, the Commission shall prepare such report, as it shall deem appropriate to the subject matter.

#### Section 21.04-070 - Conflicts.

No member of the Historic Preservation Commission shall participate in the hearing or disposition of any matter in which the member is interested. For purposes of this section, "interested" includes any direct or indirect financial or personal interest held by a commissioner or any member of his or her family. Prior to any hearing or disposition a commissioner shall cite any conflict of interest and withdraw from participation or may disclose the facts involved and request a determination of whether or not a conflict of interest exists. Any question of whether a member has a conflict of interest, sufficient to disqualify, shall be decided by a majority vote of the members not including the member whose qualification is at issue; where such vote results in

a tie, the member shall be disqualified.

Section 21.04.080 - Powers and Duties.

The Historic Preservation Commission shall have the following powers and duties:

- A. To conduct an ongoing survey to identify historically and architecturally significant properties, structures, and areas that exemplify the cultural, social, historic, or architectural history of the Amana Colonies;
- B. To keep a register of all properties and structures that have been designated or undesignated as landmarks within the historic preservation districts, established in Division 3.0, Chapter 31.36.
- C. To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of the streets and routes within the historic preservation district;
- D. To advise and assist owners of landmarks and property or structures within historic preservation districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- E. To recommend the nomination of landmarks and historic sites to the National Register of Historic Places, and to review and comment on any National Register nominations submitted to the Commission upon request of the Board of Trustees;
- F. To hold such public hearings as it deems necessary, and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within the historic preservation districts and to recommend to the Board of Trustees approval or denial of Certificates of Approval, Site Plan requests and zoning district boundary changes, all as provided by Chapter 31.36 of Division 3.0;
- G. If directed by the Board of Trustees, to develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within the historic preservation districts;
- H. To call upon the Land Use Administrator for administrative services and advice and such other technical experts as may be authorized by the Board of Trustees;
- I. To testify before all boards and commissions, including the Board of Adjustment and the Board of Trustees, on any matter affecting historically and architecturally significant property, structures, and areas;
- J. To confer recognition upon the owners of landmarks or property or structures within historic preservation districts by means of certificates, plaques, or markers; subject to the availability of funds for such purpose as may be appropriated by the Board of Trustees;
- K. To periodically review the Land Use Plan and its divisions and to recommend to the

Board of Trustees any amendments appropriate for the protection and continued use of landmarks or property and structures within historic preservation districts; and

L. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purposes of the Land Use Plan.

#### CHAPTER 21.06 LAND USE ADMINISTRATOR

##### Sections:

21.06.010 Jurisdiction, Authority and Duties

21.06.020 Legal Advice

##### Section 21.06.010 Jurisdiction, Authority and Duties.

The Land Use Administrator, appointed pursuant to Chapter 303, Code of Iowa, shall have all the powers necessary to administer and enforce the Land Use Plan and its divisions and in particular shall have the following jurisdiction, authority and duties:

A. Supervision of Land Use District. The Land Use Administrator shall supervise, manage and be responsible for the day-to-day affairs and activities of the Land Use District and its employees, if any, and may recommend to the Board of Trustees the employment of such assistants, clerks, secretaries and other personnel as the Board of Trustees may determine to be necessary and proper.

B. Rules, Regulations and Application Forms. The Land Use Administrator shall, consistent with the express standards, purposes and intent of the Land Use Plan and its divisions, promulgate and issue such procedural rules, regulations and forms as are in his opinion necessary to the effective administration and enforcement of the provisions of the Land Use Plan. All rules, regulations and forms issued by the Land Use Administrator shall be filed with the District Clerk and shall be public records of the Land Use District open to inspection by interested parties at reasonable times upon reasonable notice.

C. Secretary to Board of Adjustment and Historic Preservation Commission. The Land Use Administrator shall serve as secretary to the Board of Adjustment and Historic Preservation Commission, and he shall in that capacity:

1. Attend the meetings of such bodies;
2. Inform such bodies of all facts and information at his disposal with respect to any matter brought before such bodies;
3. Give notice, thirty days prior to the expiration of the term of any member of the Board or Commission, of the date on which the term of such member will expire, to such member and to the Board of Trustees;
4. Perform such other duties as may be assigned to him by the Land Use Plan and the rules of the Board of Adjustment and Historic Preservation Commission.



D. Records. The Land Use Administrator shall maintain:

1. Permanent and current records of the Land Use Plan and its divisions, including all maps; amendments; special permit uses temporary uses, planned development approvals and denials; interpretations; subdivision plats; and decisions rendered by the Board of Adjustment, and recommendations and opinions of the Historic Preservation Commission, together with relevant background files and materials;
2. Current files of all certificates of zoning compliance, certificates of approval, zoning lot designations, Site Plan approvals and all notices of violation issued by or entrusted to his office, for such time as necessary to ensure continuous compliance with the provisions of the Land Use Plan and its divisions;
3. Current maps locating all applications for amendments, special use permits, variances and appeals, and indicating the disposition thereof.

E. Report. The Land Use Administrator shall, at least annually, prepare and submit a report to the Board of Trustees and the chairman of the Board of Adjustment and the Historic Preservation Commission, concerning the administration of the Land Use Plan, setting forth such information and statistical data as may be of interest and value in advancing and furthering the goals and purposes of such Plan, and setting forth the recommendations of the Land Use Administrator for the improvement of the Land Use Plan, its regulations and administration, and further setting forth his objectives for the Land Use District for the coming year.

F. Applications and Processing. The Land Use Administrator shall receive and process all applications or permits, certificates, appeals, zoning amendments, Site Plan approvals and subdivision plat approvals, as may be provided by Division 3.0 of the Land Use Plan, in accordance with the specific terms and conditions, as set forth in that Division.

G. Investigation of Applications. Whenever the Board of Trustees shall by general rule or specific direction so request, the Land Use Administrator shall conduct or cause to be conducted such surveys, investigations and field studies, and shall prepare or cause to be prepared such reports, maps, photographs, charts and exhibits, as shall be necessary and appropriate to the processing of any application filed with the Land Use Administrator.

H. Inspection and Enforcement. In furtherance of the enforcement of the Land Use Plan and its divisions, the Land Use Administrator shall undertake such regular and continuing programs of inspection of work approved and under way and of existing structures and uses as may be feasible and proper within the limits of time and funds; shall undertake such inspections as may be necessary to the performance of his duties hereunder; and shall receive from any person complaints alleging a violation of the Land Use Plan, and when appropriate shall cause such investigations and inspections as may be warranted by such complaints to be made.

The Land Use Administrator shall, upon receiving notice of any violation of the Land Use Plan, notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it; and specifically shall order the discontinuance of any illegal use of land, buildings or structures; order removal of illegal buildings, structures, additions or alterations; order discontinuance of illegal work being done; or take any other action authorized by the Land Use Plan and its divisions, to insure compliance with, or to prevent violation of its provisions, and in particular, shall where necessary or appropriate recommend to

the Board of Trustees the institution of legal or equitable actions that may be required for the enforcement of the Land Use Plan.

I. Technical Aid. The Land Use Administrator shall offer such technical aid, assistance and expertise to the Board of Adjustment and Historic Preservation Commission as they may reasonably require in the performance of their duties.

#### Section 21.06.020 - Legal Advice

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The attorney for the Amana Colonies Land Use District or his delegate shall provide legal advice and representation to the Land Use Administrator as needed, and as may be authorized by the Board of Trustees.

DIVISION 3.0 - ARTICLE 1.0 ZONING ORDINANCE  
AMANA COLONIES LAND USE DISTRICT

IOWA COUNTY, IOWA

An ordinance establishing comprehensive zoning regulations for the Amana Colonies Land Use District and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 303, Code of Iowa, 1985, and for the repeal of all ordinances, resolutions, rules and regulations in conflict therewith.

WHEREAS, Chapter 303, Code of Iowa, 1985, empowers the Board of Trustees to formulate and administer a Land Use Plan which may include such ordinances, resolutions, rules and regulations necessary for the proper administration of the District; and

WHEREAS, the Board of Trustees deems it necessary for the purpose of maintaining and enhancing the distinctive historical and cultural character of the District to enact a zoning ordinance to implement the Land Use Plan; and

WHEREAS, the Board of Trustees has divided the Amana Colonies Land Use District into zoning districts and has prepared regulations pertaining to such zoning districts, in accordance with a comprehensive plan (Division 1.0), designed for the purpose of regulating and restricting, where deemed necessary, the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land in a manner which will maintain or enhance the distinctive historical and cultural character of the District; and

WHEREAS, the Board of Trustees has given reasonable consideration, among other things, to the character of the zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the District; and

WHEREAS, the Board of Trustees has given due public notice of hearings relating to such zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Chapter 303, Code of Iowa, 1985, with regard to -the preparation of the zoning ordinance and the subsequent action of the- Board of Trustees have been met;  
NOW, THEREFORE,

Be it enacted by the Board of Trustees of the Amana Colonies Land Use District

## CHAPTER 31.02 GENERAL PROVISIONS

### Sections:

31.02.010	Title
31.02.020	Interpretation of Standards
31.02.030	Definitions
31.02.040	Land Use Administrator
31.02.050	General Regulations
31.02.060	Future Annexation of Territory
31.02.070	Certificate of Zoning Compliance
31.02.080	Plats
31.02.090	Violation and Restraining Order
31.02.100	Exceptions and Modifications
31.02.110	Amendments

### Section 31.02.010 - Title.

This Ordinance shall be known and may be cited and referred to as the “Zoning Ordinance” of the Amana Colonies Land Use District, and shall be referred to herein as “this ordinance.”

### Section 31.02.020 - Interpretation of Standards.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this ordinance shall control. If any other statute, ordinance or regulation imposes higher standards than are required by this ordinance, such statute, ordinance or regulation shall control. Any regulation adopted under the authority of this ordinance which relates to a structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of a river or stream, shall require prior approval of the Iowa Department of Water, Air and Waste Management to establish, amend, supplement, change or modify such regulation or to grant a variation or exception from it.

### Section 31.02.030 - Definitions.

For the purpose of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural number includes the singular; the word “shall” is mandatory, and the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words “used” or “occupied” include the words intended, designed, or arranged to be used or occupied.

*Accessory Use or Structure:* A use or structure subordinate to the principal use of a building on the lot with, and serving a purpose customarily incidental to the use of the principal building.

*Agriculture:* The use of land for purposes of growing the usual farm products, including vegetables, fruit, trees and grains; pasturage; dairying; animal and poultry husbandry; and the necessary accessory uses for treating or storing the produce; provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities.

*Alley:* A public way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property.

*Automobile Wrecking:* The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot, parcel or tract of land, of three (3) or more vehicles which for a period exceeding thirty (30) days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute prima facie evidence of an automobile wrecking yard.

*Basement:* A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation.

*Bed and Breakfast Establishments:* A private residence which provides lodging and meals for guests, in which the host and or/hostess reside, and in which no more than three guest families are lodged at the same time. Bed and Breakfast establishments are limited to no more than three guest rooms with or without a separate dining room. Separate dining room, if provided, as a part of the bed and breakfast establishment.

Amended 3-94 to add to definitions.

*Billboard:* "Billboard" as used in this ordinance shall include all structures, regardless of the materials used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

*Boarding House:* A building other than a hotel or motel where for compensation, meals, or lodging and meals are provided for four (4) or more persons.

*Building:* Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.

*Building, Height of:* The vertical distance from the average finished grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. (See Attachment A for illustrations)

*Carport:* A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. For the purpose of this ordinance carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements herein.

*Cellar:* That portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

*Clinic, Medical or Dental:* A building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their profession.

*Day Nursery or Nursery School:* Any private or public agency, institution, establishment or place which provides supplemental parental care and/or educational work, other than lodging overnight, for six (6) or more unrelated children of pre-school age, for compensation.

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

*Driveway:* An established hard surface or crushed rock base portion of a lot leading to/from a street to an existing garage or to the side of the house if there is no garage and does not include any area of a grassed yard.

*Dwelling:* Any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

*Dwelling, Single Family:* A detached residence designed for or occupied by one family only.

*Dwelling, Two-Family:* A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

*Dwelling, Multiple:* A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.

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

*Dwelling, Row:* Any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls; also referred to as a "townhouse."

*Dwelling Unit:* A room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family; and containing bathroom and/or kitchen facilities.

*Family:* One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

*Feed Lot:* Any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs or sheep. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

*Fence:* A barrier, constructed of wood, plastic, wire, or living materials such as hedges which is intended to prevent escape, prevent intrusion, and/or to mark the boundary of a property.

*Garage, Private:* An accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building. A private garage, of less than three (3) car capacity, may be rented for the private vehicles of persons not resident on the premises.

*Garage, Public:* A structure other than a private garage, used for the shelter of storage of motor powered vehicles and in which the care, minor servicing and washing are accessory to the principal use.

*Gas Station:* A structure designed or used for the retail sale or supply of fuels, lubricants, air, water, washing and polishing services, and other operating commodities or accessories for motor vehicles and including the customary space and facilities for the installation of such commodities or accessories on or in such vehicles, but not including space or facilities for the storage, painting, major repair, refinishing, body work or other major servicing of motor vehicles.

*Guest Room:* A habitable single room or two-room unit, with or without a private bathroom, intended to be used for living and sleeping but not for cooking or eating facilities. Amended 3-94 to add to definitions.

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

*Inoperable/Obsolete/Junk vehicle:* Any automobile, truck, trailer, motorcycle, tractor, buggy wagon, or any combination thereof, or part thereof, or any other vehicle or device in, upon or by which a person or property is or may be transported or drawn upon a highway or street which exhibits any one or more of the following:

- a. That has a broken windshield or any other broken glass.
- b. That has a broken, loose or missing fender, door, bumper, hood, wheel, steering wheel, trunk top or tailpipe
- c. That is lacking an engine or two (2) or more wheels or other structural part which causes said vehicle to be inoperable.
- d. That is a habitat for rats, mice, or snake or any other vermin or insects.
- e. That, because of its defective or obsolete condition, constitutes a threat to public health and safety.
- f. That is not capable of moving in both forward and reverse gears.
- g. That is not licensed for the current year as required by law, except new vehicles for retail sale. If a motor vehicle is placed in storage with the County Treasurer it will nevertheless be an inoperable/obsolete vehicle if any of the characteristics set forth in paragraphs a. through f. are exhibit or if the stored vehicle is not covered with a form fitting tarp or other covering specifically designed for said use.

*Junk:* Old and dilapidated automobile, trucks, tractors, and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled, or displayed for barter, resale, reuse, salvage, stripping, or trade. Neatly stacked firewood located on a side or a rear yard shall not be considered junk or salvage material.

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

*Lodging or Rooming House:* A building where a room or rooms are provided for compensation for four (4) or more persons.

*Lot:* For the purpose of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or
- d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

*Lot, Corner:* A lot abutting upon two (2) or more streets at their intersection.

*Lot, Depth:* The mean horizontal distance between the front and rear lot lines.

*Lot, Double Frontage.* A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

*Lot, Interior:* A lot other than a corner lot.

*Lot Lines:* The lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.

*Lot of Record:* A lot which is part of a subdivision or official plat recorded in the office of the County Recorder of Iowa County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

*Lot Width:* The width of a lot measured at the building line and at right angles to its depth.

*Lot, Reversed Frontage:* A corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear. (See Attachment A for illustrations of lot types.)

*Manufactured Home:* A factory-built single-family structure, which is manufacture or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purpose of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

*Mobile Home:* Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets or highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, 'subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. Nothing in this ordinance shall be construed as permitting a mobile home in other than an approved mobile home park.



*Mobile Home Park:* Any lot or portion of a lot upon which one (1) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

*Modular Home:* Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.

*Nonprofit Institution:* A nonprofit establishment maintained and operated by a society, corporation, individual, foundation or public agency for the purpose of providing charitable, social, educational, or similar services to the public, groups, or individuals. Cooperative nonprofit associations, performing a service normally associated with retail sales or trade such as -cooperative groceries, granaries, equipment sales, etc., shall not be considered a nonprofit institution under this ordinance.

*Nursing or Convalescent Home:* A building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons.

*Parking Space:* A permanently surfaced area of not less than two hundred (200) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

*Porch, Unenclosed:* A roofed projection which has no more than fifty (50) percent of each outside wall area enclosed by a building or siding material other than meshed screens.

*Principal Use:* The main use of land or structures as distinguished from an accessory use.

*Rooming House:* A building where a room or rooms are provided for compensation to four (4) or more persons.

*Story:* That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling or roof next above it shall be considered a story.

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

*Street Line:* The right-of-way line of a street or road.

*Street or Road, Public:* Any thoroughfare or public way not less than twenty (20) feet in width, which has been dedicated to the public or deeded to or acquired by the County for street purposes; and also any such public way as may be created after enactment of this ordinance, provided it is fifty (50) feet or more in width.

*Structural Alterations:* Any replacement or change in the type of construction or in the shape or size of a building or of the supporting members of a building or structure such as bearing walls, columns, beams, arches, girders, floor joist, or roof trusses, beyond ordinary repairs and maintenance.

*Structure:* Anything constructed or erected with a rigid or fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences (more than six feet in height), billboards, solar collectors and dish antennae.

*Trailer Park:* See “Mobile Home Park.”

*Travel Trailer:* A recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. The term “travel trailer” shall include pick-up coach, motor home, camp trailer, or other similar mobile and temporary dwellings commonly used for travel recreation or vacation quarters.

*Travel Trailer Park:* A parcel of land upon which two (2) or more spaces are provided, occupied or intended for occupancy by travel trailers for transient purposes.

*Yard:* An open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, except as may be provided by other sections of this ordinance. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

*Yard, Front:* A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension.

*Yard, Rear:* A yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the opposite end of the lot from the front yard.

*Yard, Side:* A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

(See Attachment A for Yard illustrations.)

#### Section 31.02.040 - Land Use Administrator

There is hereby created the position of Land Use Administrator who shall be appointed by the Board of Trustees. The Land Use Administrator shall administer and enforce the provisions of this ordinance and shall have the following powers and duties in connection therewith:

- A. He shall issue all permits and certificates required by this ordinance.
- B. If he shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

The Board of Trustees, may, by resolution, passed by a majority vote of the entire Board, delegate the powers and duties of the office of Land Use Administrator to any employee of the District or may combine the powers and duties of this office with any other position.

C. The Land Use Administrator may authorize minor changes to a permit after it has been approved by the Board of Trustees. Minor changes shall mean approval of items that do not change the overall appearance of a project in any significant fashion and do not increase the overall footprint of the project. Basic colors and qualities of material may only be approved by an amendment to a permit by the Board of Trustees. The Administrator may grant a minor extension of time for completion up to a limit of 60 days, if the owner or developer had delays due to factors such as weather, or other unpredictable natural events occurred to delay the project.

#### Section 31.02.050 - General Regulations

##### A. Conformance Required.

Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, which does not comply with all of the district regulations established by this ordinance for the district in which the building or land is located.

##### B. Street Frontage Required.

Except as permitted in Section 31.02.100 of this ordinance no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least twenty (20) feet on at least-one public street, or unless it has an exclusive unobstructed private easement of access or right-of-way of at least twenty (20) feet wide to a street; and there shall be not more than one (1) single-family dwelling for such frontage or easement, except that a common easement of access at least fifty (50) feet wide may be provided for two (2) or more such single family dwellings or for one (1) or more two family or multiple dwellings.

##### C. Accessory Building.

No accessory building shall be erected in any required yard other than a rear yard, except as provided hereinafter. Accessory buildings in rear yards shall be at least five (5) feet from alley lines; and at least four (4) feet from lot lines of adjoining lots which are in any "R" District, and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings may be erected as a part of the principal building, or may be connected thereto by a breeze-way or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the rear yard and shall not exceed twelve (12) feet in height; however, this regulation shall not be interpreted to prohibit the construction of a five hundred fifty (550) square foot garage on a minimum rear yard. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used.

##### D. Corner Lots.

For corner lots, platted or of record after the effective date of this ordinance, the front yard regulation shall apply to each street side of the corner lot. On corner lots platted or of record prior to the effective date of this ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback

line of the lots in the rear; provided further that this regulation shall not be interpreted to reduce the buildable width of the corner lot facing an intersecting street and of record prior to the effective date of this ordinance, to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building. (See Attachment A for illustrations.)

E. Front Yard.

In all residential districts there shall be a minimum front yard required as stated in the bulk regulations for that particular district; provided, however, that where lots comprising thirty (30) percent or more of the frontage within two hundred (200) feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks and the minimum front yard required for the undeveloped lots. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard as computed herein need not exceed fifty (50) feet in any case. (See Attachment A for illustrations.)

F. Required Yard Cannot Be Reduced.

No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum required by this ordinance. No part of a yard or other open space, or off-street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, open space, or off-street parking or loading space required under this ordinance for another building, structure, or use.

G. Permits Previously Issued.

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any building, or part thereof, for which approvals and required permits have been granted before the enactment of this ordinance; the construction of which in conformance with such plans shall have been started prior to the effective date of this ordinance and completion thereof carried on in a normal manner and not discontinued for reasons other than those beyond the builder's control.

H. Zoning Districts Dividing Property.

Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the other in its respective zoning classification, and for the purpose of applying the regulations of this ordinance, each portion shall be considered as if in separate and different ownership.

I. Home Occupations.

Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Land Use Administrator pursuant to the provisions of this ordinance. The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section is presented to control businesses conducting direct-in-person retail or wholesale and services from non-commercial structures by a resident proprietor. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without

changing the character of either the neighborhood or the structure. Permits shall be issued for a period of 5 years. If property has change of ownership, location, or type of business, a new permit is required. Amended 6-05 to clarify purpose, to set term for permit and to qualify requirements requiring new permit

1. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
  - a. Not more than one person who is not a resident on the premises shall be employed.
  - b. No more than 25% of the floor area shall be devoted to the home occupation. The floor area shall be defined as an area, fully enclosed with a 7' ceiling height or greater. Garages and outbuildings may be considered when making this calculation. Amended 6-05 to clarify "floor area of dwelling unit." and percentage allowable
  - c. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
  - d. Total display space may not exceed 64 square feet of wall space and 16 square feet of floor space. Amended 6-05 to define allowable area of display space
  - e. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted building accessory thereto. Amended 6-05 to eliminate "and in no event shall such use be apparent from any public way"
  - f. There shall be no outdoor storage of equipment or materials used in the home occupation.
  - g. Not more than one commercial vehicle used in connection with any home occupation shall be parked on the property.
  - h. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or accessory structure shall be used.
  - i. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
  - j-k. Superseded by Sign Ordinance, enacted January, 1996.
  - l. Residences used to provide day care are permitted outside playground equipment. Amended 6-05 to add these terms
  - m. Bed and Breakfasts must provide one off-street, on premise parking space per guest room, in addition to parking for property owners' or renters' vehicles. Amended 6-05 to add these terms

2. Home Occupations. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set out in Section 31.02.050 (I.1.) above.

- a. Providing instruction to not more than eight students at a time.
- b. Office facilities for accountants, architects, brokers, doctors, dentists, engineers, lawyers, insurance agents and real estate agents.
- c. Office facilities for clergy. Amended 6-05 to change wording to "clergy"
- d. Office facilities for salesmen, sales representatives and manufacturer's representatives. Amended 6-05 to eliminate restriction of "no retail transactions to take place on premises"
- e. Studio of an artist, photographer, crafters, music teacher. Amended 6-05 to change occupations allowed
- f. Shop of a beautician, barber, hair stylist, dressmaker or tailor.
- g. Bed and Breakfast establishments limited to not more than three guest rooms.
- h. Day Care providers Amended 6-05 to add this profession

J. Parking Unlicensed Vehicles.

No owner of real estate, person in possession of real estate, or owner of a vehicle shall allow an unlicensed vehicle to be parked or stored in the required front, rear, or side yard in any zoning district. All such vehicles must be parked upon an established driveway or parking space on such property. No more than one such vehicle shall be parked upon any property at any one time.

K. Signs Permitted in All Zoning Districts.

Superceded by Sign Ordinance, enacted January 1996.

L. Fences.

Construction of a fence requires a permit unless otherwise exempted by the Board of Trustees.

Fences made of wire within Residential Districts (R-1 and HP-R) may not contain any barbs or any purposely manufactured sharp edges or protrusions intended to cause injury. All barbed wire fences in agricultural and open space districts (HP-A, ACOS, and ACOS-NA) within 25 feet of a residential district shall be clearly marked for the safety of persons who may be on the property.

The requirements for fences in residential zones (R-1, R-2, and HP-R) shall be as follows:

- 1. Front yard. Fences shall be between 38 and 54 inches in height.
- 2. Side yard. Fences in a side yard shall be no lower than three (3) feet and no higher than six (6) feet. Privacy fences in HP-R districts may not obscure any architectural feature of the home.
- 3. Rear yard. Fences in a rear yard shall be no lower than three (3) feet and no higher than six (6) feet.

The Requirements for fences in zones C -1, C-2, I-1, I-2, HP-A, HP-C, ACOS, AND ACOS-NA shall be as follows:

- 4. Front yard. No fences shall be higher than 42 inches.
- 5. Side yard. Fences in a side yard shall be no lower than three (3) feet and

no higher than six (6) feet.

6. Rear yard. Fences in a rear yard shall be no lower than three (3) feet and no higher than eight (8) feet.

The Board of Trustees may make an exception to fence limitations and requirements and properties zoned I-2 and for public utilities if in the opinion of the Board security of the property or protection of the public is an issue.

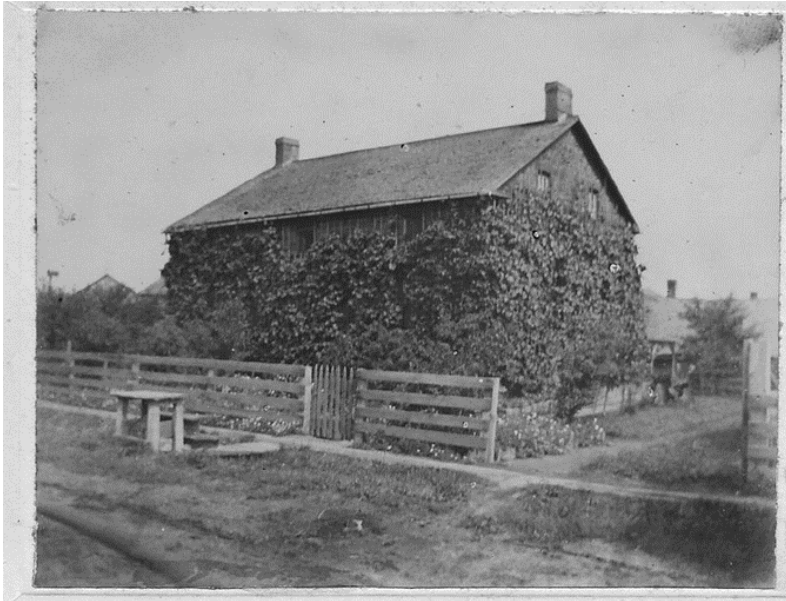
There shall be a distinction between fences that will be constructed in Non-Historic Districts and Historic Districts as follows:

7. Non-Historic Districts. Fences in Residential, Commercial, Industrial and ACOS/ACOS-NA Districts may be made of wood, plastic, decorative metal, or living materials such as hedges/bushes, but not containing thorns. Chain link fence is allowed in the rear yard only.
8. Historic Districts.
  - a. Residential. Permitted fence types are as follows :
    - Amana-style wood post and board fences with 6" wide boards, posts 4-inch square or 5-inch diameter, 6 to 8 feet between posts.
    - Wood picket fences
    - Combination of historically appropriate post and board and fence wire

NOTE: Chain link fencing is not allowed in Historic Districts

- b. Commercial. Properties may either have a post and board or a post and chain fence. Post and board may have 3 or 4 rail boards across, 38 to 54 inches high, fence boards 6-inches wide, square or round posts, 4-inch square or 5-inch diameter, distance between posts 6 to 8 feet. A post and chain fence must have the square or round wood posts, 38 to 54 inches high, 4-inch square or 5-inch diameter, distance between posts 6 to 8 feet and be connected by a single chain of galvanized or black metal fencing in 1- or 2-inch links.

[See historic fence photos on next three pages for reference.]



Traditional Amana wood fence—four board



Traditional Amana wood fence—five board

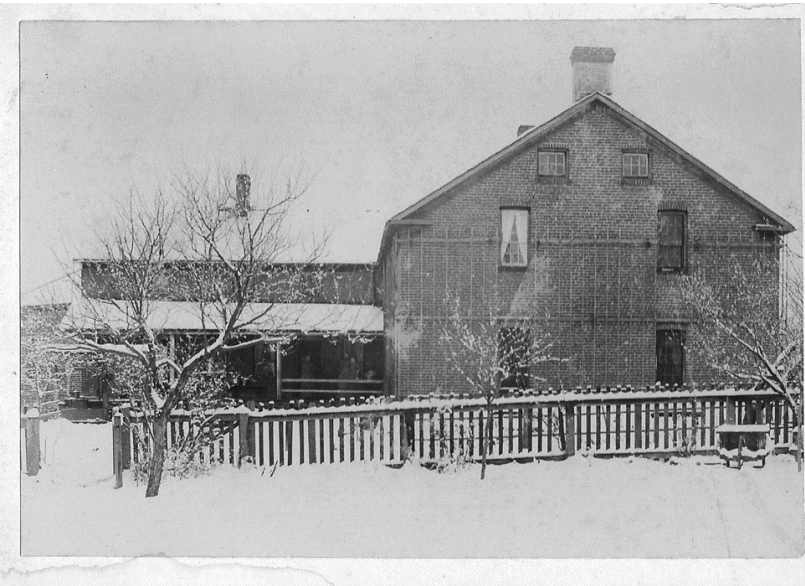


Detail of traditional Amana wood fence—four board





Traditional Amana wood fence—three board



Traditional Amana picket fence



Combination of picket fence on front of property and wood post and board fence on side



Wood fence frame with attached wire fencing (square fence posts)



Wood fence frame with attached wire fencing (round fence posts)

9. Swimming Pool Fences.

- a. Design. No person may maintain a swimming pool unless it is completely surrounded by a fence, wall, or building or other enclosure at least five feet above grade or pool deck and shall be constructed as not to have voids, holes, or openings larger than four (4) inches in one dimension. Swimming pool fences shall be vertical boards, 1"x6" to 1"x12". All such fences shall be under the same ownership as the pool. Any door or gate in the pool enclosure, except when part of the dwelling building, must have self-closing and self-locking equipment by which the door or gate is kept secure when not in use. Any lock release on the outside of the door or gate must be at least 54 inches above the adjoining walks, steps, or ground level. The wall of a house or building facing a swimming pool may be incorporated as a portion of the required fence. In no case shall a gate which services a driveway qualify as an adequate gate for protection of swimming pools under requirements of this section. For in-ground and above-ground pools a pool cover capable of supporting 100 pounds per square foot of area is an acceptable substitute for fencing. This pool cover shall be fixed securely in place at all times when the pool is not supervised by a responsible adult.
- b. Above-ground Swimming Pools. Above-ground swimming pools with self-provided fencing, or a cover as specified above, to prevent unguarded entry shall be permitted without additional fencing if such self-provided fencing complies with the design parameter specified above, and temporary ladders are removed and access is prevented at all times when the pool is not in actual use. Access from grade to above-ground swimming pools having permanent or stationary ladders stairs, ramps, or decks shall be prevented by safeguard fencing and gates equivalent to those required herein.
- c. Portable Pools, Spas, and Hot Tubs. A fence and gate may be replaced with a locking cover to assure supervised use of a spa or hot tub when serving a single family residence or an individual unit of a multifamily residence.

M. Construction of Swimming Pools.

A permit is required for construction of an in-ground or above-ground swimming pool. A five foot setback is required from property lines or easement areas and from any septic system. A site plan for the property which shows the location of the pool on the lot, drawn to scale, shall be submitted with the application for permit.

N. Inoperable/Obsolete/Junk Vehicles Prohibited.

1. It is unlawful for any person to store, accumulate or allow to remain on any private property within the Land Use District any inoperable/obsolete/junk vehicle.
2. It is hereby declared that any inoperable/obsolete/junk vehicle located upon private property constitutes a threat to the health and safety of the citizens and is a nuisance with the meaning of Section 657.1 of the Code of Iowa. If any inoperable/obsolete/junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.



3. The provisions of Subsection N do not apply to:
  - a. Any inoperable/obsolete /junk vehicle stored within a garage or other enclosed structure.
  - b. To a business enterprise lawfully involved in the repair, maintenance, sales or salvage of vehicles, provided the vehicles are screened from public view.
  - c. Vehicles under active repair parked upon the driveway of a residential property not having a garage, provided the repair of the vehicle is completed within 30 days.

O. Junk.

1. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the Land Use District any junk as defined herein.
2. It is hereby declared that any junk located upon private property constitutes a threat to the health and safety of the citizens and is a nuisance with the meaning of Section 657.1 of the Code of Iowa. If any junk is kept upon private property in violation hereof, the owner or a person occupying the property upon which it is located shall be prima facie liable for said violation.
3. The Provisions of Subsection O to not apply to:
  - a. Any junk stored within a garage or other enclosed structure.
  - b. To a business enterprise that falls under the definition of Junk Yard as defined by this zoning code.

Section 31.02.060 - Future Annexation of Territory.

All territory which may hereafter be annexed to and included in the Amana Colonies Land Use District, shall be considered as lying in the ACOS Agricultural, Conservation and Open Space District until such classification shall have been changed by amendment in accordance with the provisions of this ordinance.

Section 31.02.070 - Certificate of Zoning Compliance.

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Land Use Administrator, stating that the building and use comply with the provisions of this ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Land Use Administrator. No permit shall be issued to make a change unless the changes are in conformity with provisions of this ordinance.

Nothing in this part shall prevent the continuance of a non-conforming use as hereinafter authorized, unless a discontinuance is necessary for the safety of life or property.

Applications for Certificates of Zoning Compliance shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the

office of the Land Use Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. A permit fee shall be charged for the issuance of a Certificate of Zoning Compliance in accordance with the fee schedule set forth in Attachment B to this ordinance.

No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for a Certificate of Zoning Compliance, and no building or premises shall be occupied until that certificate is issued. A temporary Certificate of Zoning Compliance may be issued by the Land Use Administrator for a period not exceeding six months during alterations for partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Work authorized by a zoning permit must be commenced within one year of the issue date of the permit, and must be so completed within three years of the issue date of the permit. Failure to so commence or so complete such work shall render the Zoning Permit as well as any Certificate of Approval and any Certificate of Zoning Compliance issued along with the same void and of no further force or effect.

Amended 01/14/2013 to set deadline for commencement and completion of work authorized on a permit.

A Certificate of Zoning Compliance shall be required of all non-conforming uses. Application for a certificate for non-conforming uses shall be filed with the Land Use Administrator within twelve (12) months from the effective date of this ordinance, accompanied by affidavits of proof that such non-conforming use was legally established prior to the adoption of this ordinance.

#### Section 31.02.080 - Plats.

Each application for a Certificate of Zoning Compliance shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plats shall be kept in the office of the Land Use Administrator.

#### Section 31.02.090 - Violation and Restraining Order.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or a building, structure, or land is used in violation of this ordinance, the Board of Trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate the violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in, or about the premises.

#### Section 31.02.100 - Exceptions and Modifications.

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations:

- A. Use of Existing Lots of Record. In any district where dwellings are permitted, a single family dwelling may be located on any lot or plot of official record as of the effective date of this ordinance irrespective of its area or width; provided, however:
1. The sum of the side yard widths of any such lot or plot shall not be less than thirty (30) percent of the width of the lot, but in no case less than ten (10) percent of the width of the lot for any one side yard.
- B. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case less than twenty (20) feet.
- C. Structures Permitted Above the Height Limit.
1. The building height limitations of this ordinance shall be modified as follows:
  2. Chimneys, cooling towers, utility poles, elevator bulk-heads, fire towers, monuments, stage towers or scenery lofts, water tanks, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the Amana Colonies Land Use District.
- D. Water and Sewerage Requirements.
1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the minimum lot area and frontage requirements shall be as follows:
  2. Lot area - twenty-five thousand (25,000) square feet: lot width at building line - one hundred fifty (150) feet; provided, however, that where a public water supply system is available these requirements shall be twenty thousand (20,000) square feet, and one hundred (100) feet respectively.
  3. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa Department of Water, Air and Waste Management.
  4. In all districts where a proposed building, structure or use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal system and domestic water supply shall comply with all of the requirements and standards of the Iowa County Board of Health.
- E. Double Frontage Lots.  
Buildings on through lots extending through from street to street shall provide the required front yard on both streets.
- F. Other Exceptions to Yard Requirements.  
Every part of a required yard shall be open to the sky, unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and for the ordinary projections of sills, belt courses, cornices, ornamental features and roof overhang projecting not to exceed twenty-four (24) inches, and except for yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights and similar decorative items.
- G. Mixed-Use Yard Requirements.  
In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first floor use shall control.
- H. Visibility at Intersections in Residential Districts.  
On a corner lot in any residential district, except the HP-R Residential District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede

vision between a height of two and one half and ten feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points on said right-of-way lines 25 feet from their point of intersection.

#### Section 31.02.110 – Amendments

The Board of Trustees may, from time to time, on its own action or on petition, after public notice and hearings as provided by law, and after report by the Historic Preservation Commission as may be provided by Chapter 31.36 of this ordinance, amend, supplement, or change the boundaries or regulations herein or subsequently established, and such amendment shall not become effective except by the favorable vote of a majority of all the members of the Board of Trustees.

##### A. Procedures.

Whenever any person, firm or corporation desires that any amendment, or change be made in this ordinance, including the text and/or map, as to any property covered by this ordinance, and there shall be presented to the Board of Trustees a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of fifty (50) percent of the area of all real estate included within the boundaries of said tract as described in said petition, and in addition, duly signed by the owners of fifty (50) percent of the area of all real estate lying outside of said tract but within two hundred fifty (250) feet of the boundaries thereof, and intervening streets and alleys not to be included in computing such two hundred fifty (250) feet, it shall be the duty of the Board of Trustees to vote upon such petition within a reasonable time after the filing of such petition with the Land Use Administrator.

Prior to voting or holding a public hearing on a petition as submitted regarding property located in a Historic Preservation Sub-District, the Board of Trustees shall refer the petition to the Historic Preservation Commission requesting its comments and recommendations. The Commission shall advise the Board of Trustees of its recommendations and the vote thereon.

In case a written protest is filed with the Land Use Administrator against the proposed amendment, supplement or change, signed by the owners of twenty (20) percent or more either of the area included in the proposed change, or of the immediately adjacent area and within 500 feet of the boundaries, the amendment shall not become effective except by the favorable vote of at least eighty (80) percent of all members of the Board of Trustees. Whenever any petition for amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been denied by the Board of Trustees, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the Board of Trustees until one (1) year shall have elapsed from the date of filing of the first petition.

Amended 7-99 to eliminate restrictions on Board of Trustees when HPC votes against an amendment.

##### B. Filing Fees.

Before any action shall be taken as provided in this section, the owner or owners of the property proposed or recommended to be changed in the district regulations or district boundaries shall pay to the Land Use District an amount set by time-to-time by the Board of Trustees.

## CHAPTER 31.04 NON-CONFORMING USE OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USE OF STRUCTURES

### Sections:

- 31.04.010 Statement of Intent
- 31.04.020 Non-Conforming Use of Land, Use of Structures, and Structures in all Districts except Historic Preservation Districts
- 31.04.030 Non-Conforming Use of Land, Use of Structures, and Structures in Historic Preservation Districts
- 31.04.40.1 Required Repairs and Unauthorized Non-Conformities

### Section 31.04.010 - Statement of Intent.

Within the various districts established by this ordinance or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

### Section 31.04.020 - Non-Conforming Use of Land, Use of Structures, and Structures in all Districts Except Historic Preservation Districts.

- A. Non-Conforming Use of Land. The lawful use of land upon which no building or structure is erected or constructed which becomes non-conforming under the terms of this ordinance as adopted or amended may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 1. No such non-conforming 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 non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel which was not occupied by such use at the effective date of adoption or amendment of this ordinance;
  - 3. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the district regulations for the district in which such land is located.
- B. Non-Conforming Use of Structures.
  - 1. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - 2. No existing structure devoted entirely or in part to a use not permitted by this ordinance in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved, or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located;



3. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance. No such use shall be extended to occupy any land outside such building;
4. If no structural alterations are made, a non-conforming use of a structure may be changed to another non-conforming use of a similar nature within the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use;
5. In the event that a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land;
6. Any structure devoted to a use made non-conforming by this ordinance that is destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure be less than sixty (60) percent destroyed above the foundation, it may be reconstructed and used as before provided it be done within six (6) months of such happening, and be built of like or similar materials.

**B. Non-Conforming Structures.**

Where a structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, 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 non-conformity;
2. Should such structure be destroyed by any means to an extent of sixty (60) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

**Section 31.04.030 - Non-Conforming Use of Land, Use of Structures, and Structures in Historic Preservations Districts.**

**A. Non-Conforming Use of Land.**

The regulations described in Section 31.04.020(A), shall also apply to this subsection, provided that under certain conditions such use or uses of land may be enlarged, increased or extended, in accordance with the provisions of Chapter 31.36 of this ordinance.

**B. Non-Conforming Use of Structures.**

The regulations described in Section 31.04.020(B), shall also apply to this subsection with the following exception:

Any structure in a historic preservation sub-district devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with

the lot area, lot coverage, frontage, yard, height, and parking requirements of the district in which located, provided such construction shall be limited to buildings on land owned, of record, by the owner of the land devoted to the non-conforming use prior to the effective date of this ordinance. Such structural alteration or enlargement shall only be authorized in accordance with the provisions of Chapter 31.36 of this ordinance.

C. Non-Conforming Structures.

The regulations described in Section 31.04.020(C), shall also apply to this subsection, provided that under certain conditions such structure may be enlarged, or extended in a manner which increases its non-conformity in accordance with the provisions of Chapter 31.36 of this ordinance.

Section 31.04.040 - Required Repairs and Unauthorized Non-Conformities.

- A. Nothing in this ordinance shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- B. Any use of land, use of structure, or structure, in existence at the time of adoption of this ordinance which was not an authorized non-conformity under any previous land use plan or similar regulations shall not be authorized to continue its non-conforming status pursuant to this ordinance or amendments thereto.

## CHAPTER 31.06 LOADING AND SPACE REQUIREMENTS

### Sections:

31.06.010	Off-Street Loading Spaces Required
31.06.020	Off-Street Parking Area Required

### Section 31.06.010 - Off-Street Loading Spaces Required.

- A. In any district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area, so used, in excess of ten thousand (10,000) square feet.
1. Each loading space shall not be less than twelve (12) feet in width and forty (40) feet in length.
  2. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" district or historic preservation district, it shall be set back at least twenty (20) feet and effectively landscaped and screen planted.

### Section 31.06.020 - Off-Street Parking Area Required.

- A. In all districts in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.
1. Automobile and farm implement sales and service garages - fifty (50) percent of gross floor area.
  2. Banks, business and professional offices - fifty (50) percent of gross floor area, but in no case less than five (5) spaces.
  3. Bowling alleys five (5) spaces for each lane.
  4. Churches and schools - one (1) parking space for every eighty (80) square feet of principal auditorium, including balcony, if any. Where no auditorium is involved, one (1) parking space for each two (2) staff members.
  5. Dance halls, assembly halls - two hundred (200) percent of floor area used for dancing, or assembly.
  6. Dwellings - two (2) parking spaces for each family or dwelling unit.
  7. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.

8. Furniture and appliance stores, household equipment, or furniture, repair shops - fifty (50) percent of gross floor area.
  9. Hospitals - one (1) space for each four (4) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.
  10. Hotels, motels, lodging houses - one (1) space for each bedroom.
  11. Manufacturing plants - one (1) parking space for each three (3) employees on the maximum working shift, but in no case less than one (1) space for each one thousand (1,000) square feet of gross floor area.
  12. Nursing, convalescent and retirement homes - one (1) space per eight (8) beds plus one (1) space per three (3) employees, plus one (1) space for each resident staff member.
  13. Restaurants, taverns and night clubs - two hundred (200) percent of gross floor area.
  14. Retail stores, shops, super markets, etc., over two thousand (2,000) square feet floor area - one hundred (100) percent of gross floor area up to 2000 square feet and two hundred (200%) percent of the amount of gross floor area in excess of two thousand (2000) square feet.  
Amended 8-2001 to allow 100% up to 2000 square feet of space, and to reduce to 200% from 250% for amount over 2000 square feet of space.
  15. Retail stores, shops, super markets, etc., under two thousand (2,000) square feet floor area – one hundred (100%) percent of gross floor area.
  16. Theaters, assembly halls with fixed seats - one (1) space for each five (5) seats.
  17. Wholesale establishments or warehouses - one (1) space for each two (2) employees, but in no case less than one (1) space for each two thousand (2,000) square feet of gross floor area.
- B. In 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.
- C. Where a parking lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive not less than ten (10) feet in width in case of a dwelling, and not less than sixteen (16) feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question; provided, however; such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district.
- D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
1. No part of any parking space shall be closer than five (5) feet to any established street right-of-way line. In case the parking lot adjoins an “R” District, it shall be set back at least ten (10) feet from the “R” District boundary and shall be effectively landscaped and screen planted.
  2. All required off-street parking areas, for more than four vehicles, shall be surfaced with an asphaltic or Portland cement binder pavement or similar surface, so as to provide a durable and dustless surface. They shall be graded and drained to dispose of all surface water accumulation within the area, and shall be arranged and marked to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

3. Any lighting used to illuminate any off-street parking area shall be arranged to reflect the light away from adjoining premises in any “R” District.

E. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section; except that no required off-street parking or loading areas shall be located in any required front yard in a residence district. This provision shall not prohibit parking on a driveway leading to a required off-street parking space.

F. Off-street parking areas in historic preservation districts shall be provided, to the extent possible, in accordance with the provisions of this section; provided, however, the Board of Trustees may require such modifications or changes as it deems necessary to preserve and protect the historical and cultural character of the district.

## CHAPTER 31.08 BOARD OF ADJUSTMENT

### Sections:

31.08.010	Board of Adjustment: Establishment and Procedure
31.08.020	Board of Adjustment: Powers and Duties
31.08.030	Decisions of the Board of Adjustment

### Section 31.08.010 - Board of Adjustment: Establishment and Procedure.

For the purpose of this ordinance, the Board of Adjustment established pursuant to the provisions of the Interim Land Use Plan, Phase I, adopted May 22, 1984, shall continue and the members thereof shall continue to serve as members of the Board for the remainder of their terms. Said Board consists of five members appointed by the Board of Trustees, each for a term of five years. Members shall be removable for cause by the Board of Trustees upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Matters relating to the powers and duties of the Board shall be as provided by statute and the terms of this ordinance. Other duties and responsibilities of the Board shall be as provided by Division 2.0, Chapter 21.02, of the Land Use Plan - Phase II.

A. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board. The presence of three (3) members shall be necessary to constitute a quorum.

B. Hearings: Appeals: Notice. Appeals to the Board of Adjustment may be taken by any person aggrieved or affected by any decision of the Land Use Administrator regarding the Land Use Plan and this ordinance. Such appeals shall be taken within ten (10) days by filing with the Land Use Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Land Use Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Before an appeal is filed with the Board, the appellant shall pay a fee as set by time-to-time by the Board of Trustees.

- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Land Use Administrator certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and 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 application, on notice to the Land Use Administrator and on due cause shown.

#### Section 31.08.020 - Board of Adjustment: Powers and Duties

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

- A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Land Use Administrator in the enforcement of this ordinance.
- B. Special Exceptions. To permit the following exceptions to the district regulations set forth in this ordinance, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas or the historical and cultural characteristics of the district.
1. To permit erection and use of a building or the use of the premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
  2. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.
  3. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract or purchase at the time of the passage of this ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.
  4. To issue permits and decide such matters as may be required by other sections of this ordinance.
- C. Variances: Conditions Governing Applications: Procedures. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
1. The Board of Adjustment shall find 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;
2. The Board of Adjustment shall find that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance as provided in Section 31.02.090 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

#### Section 31.08.030 - Decisions of the Board of Adjustment.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as it believes proper, and to that end shall have all the powers of the Land Use Administrator. The concurring vote of three (3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Land Use Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance; provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

## CHAPTER 31.10 - SPECIAL PERMITS

### Sections:

31.10 .010      Special Permits

### Section 31.10.010 - Special Permits.

The Board of Adjustment may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this ordinance, except the ACOS and the Historic Preservation Districts.

- A. Any public building erected and used by any department of the township, county, state or federal government.
- B. Community building.
- C. Hospitals, non-profit fraternal institutions, provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or charitable character.
- D. Public or private cemetery.
- E. Water and wastewater treatment facilities.
- F. Electrical and natural gas substations and regulating facilities.
- G. Before issuance of any special permit for any of the above buildings or uses, the Board shall review the conformity of the proposal with the standards of the Land Use Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to maintain the distinctive historical and cultural character of the District and to promote public health, safety and the general welfare.
- H. Applications for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a detailed site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and height of walls, the location and type of landscaping, the type of lighting and the location, size and number of signs.
- I. In the event a special permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.



## CHAPTER 31.12 SITE PLANS

### Sections:

31.12.010	Statement of Intent
31.12.020	Procedure
31.12.030	Site Plan Review
31.12.040	Site Plan Requirements
31.12.050	Information Required
31.12.060	Required Illustrations
31.12.070	Expiration of Approval

### Section 31.12.010 - Statement of Intent.

To assure that the design and location of commercial, industrial and historic areas will be in conformance with the zoning standards of this ordinance and are properly related to and in harmony with the existing and future business, industrial and historical development of the District, including generally accepted principles of commercial, industrial and urban design, a detailed Site Plan shall be submitted showing the proposed use and development of all commercial and industrial sites for approval by the Board of Trustees and after review and recommendation by the Historic Preservation Commission as may be provided by Chapter 31.36 of this ordinance.

### Section 31.12.020 - Procedure.

- A. Whenever any person, firm, corporation or other group wishes to develop any tract, lot or parcel of land within the Amana Colonies Land Use District, located in the C-1, C-2, C-3, I-1, I-2 or Historic preservation zoning districts, he shall cause to be prepared a Site Plan of such development and shall submit to the Land Use Administrator ten (10) copies of said Site Plan for projects in non-historic districts and **fifteen (15) copies of said Site Plan for projects in historic districts.**

The provisions of this section shall also be applicable to the redevelopment, enlargement or extension of more than 5 percent of any commercial or industrial uses and structure existing at the time of adoption of this ordinance and for all functions regulated by the Land Use Plan – Phase 2. The Site Plan shall contain such information and data as outlined herein.

- B. The Land Use Administrator shall review the Site Plan for compliance with this ordinance and with other ordinances of the District, its effect upon utilities and the public street system, and submit findings as soon as possible to the Board of Trustees.
- C. If the Site Plan is for a development within the Historic Preservation District, the Land Use Administrator shall first submit the Site Plan to the Historic Preservation Commission for review and recommendation as provided by Chapter 31.36.
- D. The Board of Trustees shall, upon receipt of the recommendation of the Land Use Administrator and Historic Preservation Commission, where applicable, either approve or disapprove the Site Plan of the proposed development.
- E. No zoning permit or certificate of zoning compliance for any structure within any district within which a Site Plan is required shall be issued until the Site Plan has been approved as provided herein.

- F. If the Land Use Administrator finds that any construction or proposed construction or occupancy of a development on a tract of land for which a Site Plan has been approved will not substantially comply with the Site Plan as approved, or if he finds that the construction and development of the tract is not being carried out accordance with the development schedule filed with the Site Plan, shall suspend all permits for the development and order all construction stopped until such time as the owner of the project, or his successors in interest shall have provided him with proof satisfactory to him that the Site Plan will be complied with. The Land Use Administrator shall not issue a certificate of zoning compliance for any structure within the development while the zoning permit for the development has been suspended pursuant to this paragraph. Any person aggrieved by any decision or action of the Land Use Administrator under this paragraph may appeal such action or decision to the Board of Adjustment.
- G. If the owner or developer of a tract of land for which a Site Plan has been approved determines that an extension of time is necessary or that a modification of the Site Plan would provide for a more appropriate or more practicable development of the site, he may apply for an amendment of the Site Plan. The Board of Trustees may grant an extension of time or a modification of a previously approved Site Plan if it determines that such modification of the Site Plan would provide for a more appropriate development of the site.
- H. The Land Use Administrator may authorize minor changes to a site plan that do not alter the size or footprint of the project. Minor changes shall mean approval of items that do not change the overall appearance of a project in any significant fashion. Basic colors and qualities of material may only be approved by an amendment to the site plan by the Board of Trustees. The Administrator may grant a minor extension of time for completion up to a limit of 60 days, if the owner or developer have had delays due to factors such as weather or other unpredictable natural events occurred to delay the project.

#### Section 31.12.030 - Site Plan Review.

In reviewing a proposed Site Plan, the Board of Trustees and the Historic Preservation Commission, where applicable, shall consider the location of the buildings on the site with respect to vehicular and pedestrian traffic to and from the buildings, traffic between the site and abutting streets, suitable layout and adequate provisions for off-street parking and loading, with due consideration given to the provision of traffic islands, pedestrian ways and landscaping within the parking area, provision for necessary screening between adjacent properties and the site, location and display of traffic signs to promote traffic patterns, location and display of business signs so as not to distract or confuse motorists and location and display of outdoor advertising so as to provide adequate visibility within the site during hours of night operation but not to have adverse effects on surrounding properties. The Board and Commission shall also consider the requirements of Chapter 31.36 for all uses located in the Historic Preservation District.

#### Section 31.12.040 - Site Plan Requirements.

All Site Plans shall be drawn at a scale not less than 1" = 50'. Ten (10) copies of the Site Plan shall be submitted to the Land Use Administrator. The purpose of the Site Plan is to show all information needed to enable the Land Use Administrator, Historic Preservation Commission and the Board of Trustees to determine if the proposed development meets the requirements of this ordinance.

#### Section 31.12.050 - Information Required.

The Site Plan required shall include the following information concerning the proposed development:

- A. Names of all persons having an interest in the property, legal description of property, point of compass, scale and date.
- B. Applicant's name, planned land use and present zoning.
- C. If the applicant is other than the legal owner, the applicant's interest shall be stated.
- D. Name and address of person who prepared the Site Plan.
- E. Timetable of development/Development schedule.

#### Section 31.12.060 - Required Illustrations.

The Site Plan shall clearly set forth the following information concerning the proposed development:

- A. Property boundary lines, dimensions and total area of the proposed development.
- B. Contour lines of the proposed development at intervals of not more than five (5) feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the Site Plan.
- C. The availability, location, size and capacity of existing utilities, and of proposed utilities.
- D. The proposed location, size, height, shape, use and architectural theme of all buildings or structures in the proposed development.
- E. The total square footage of building floor area, both individually and collectively in the proposed development.
- F. Existing buildings, rights-of-way, street improvements, railroads, easements, drainage courses, streams and wooded areas.
- G. Location, number, dimensions and design of off-street parking in the proposed development, including:
  - 1. Driveways, islands and planters,
  - 2. Striping and safety curbs,
  - 3. Loading facilities,
  - 4. Type and location of lighting, and
  - 5. Surface treatment.
- H. Open spaces, yards, recreational areas, walkways, driveways, outside lighting, walls, fences, monuments, statues, signs and other man-made features to be used in the landscape of the proposed development.
- I. Facilities for the collection and disposal of garbage and trash.
- J. Location and type of all plants, grass and trees to be used in the landscape of the proposed development. Landscaping to be used for screening purposes shall be illustrated in elevation as well as plan, with the approximate size and name of plants, shrubs or trees to be planted clearly indicated.

- K. Location of entrances and exits from the proposed development onto public streets, and interior drives and proposed sidewalks in the development.
- L. Proposed drainage facilities and provisions for flood control, if applicable.
- M. The location, height and area of all signs (directional signs, identification signs, or temporary signs) in the proposed development.

Section 31.12.070 - Expiration of Approval.

All Site Plan approvals shall expire and terminate one hundred eighty (180) days after the date of Board of Trustees approval unless a zoning permit has been issued for the construction provided for in the Site Plan. The Board of Trustees may, upon written request by the developer, extend the time for the issuance of a zoning permit for sixty (60) days. In the event the zoning permit for the construction provided for in a Site Plan expires or is cancelled, then such Site Plan approval shall thereupon terminate.

## CHAPTER 31.14 ESTABLISHMENT OF DISTRICTS, BOUNDARIES AND OFFICIAL MAP

### Sections:

- 31.14.010 Establishment of Districts
- 31.14.020 Boundaries and Official Map

### Section 31.14.010 - Establishment of Districts.

In order to carry out the purpose and intent of this ordinance, the area of the Amana Colonies Land Use District is hereby divided into twelve (12) zoning district and four (4) sub-district classifications as follows:

ACOS	Agricultural, Conservation and Open Space District
ACOS-NA	Non-Agricultural Use Overlay District
R-1	One and Two Family Dwelling District
R-2	Multiple Family Dwelling District
R-3	Mobile Home Park Residential District
R-4	Planned Residential Development District
C-1	Limited Business and Professional Office District
C-2	Highway Service Commercial District
C-3	Planned Commercial Development District
I-1	Limited Industrial District
I-2	Heavy Industrial District
HP	Historic Preservation District
HP-A	Agricultural Sub-District
HP-R	Residential Sub-District
HP-C	Commercial Sub-District
HP-I	Industrial Sub-District

### Section 31.14.020 - Boundaries and Official Map.

The boundaries of these districts are indicated upon the Official Zoning Map Atlas of the Amana Colonies Land Use District which Atlas is made a part of this ordinance by reference hereto. The Official Zoning Map Atlas and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said Atlas were all fully described herein.

The Official Zoning Map Atlas shall be on file in the office of the Clerk of the Amana Colonies Land Use District and shall be identified by the signature of the President attested by the Clerk, under the certification that this is the Official Zoning Map Atlas referred to in Section 31.14.020 of the Zoning Ordinance.

If in accordance with the provisions of this ordinance changes are made in the district boundaries or other matter portrayed on the Official Zoning Map Atlas, the ordinance number and date of said change shall be recorded by the Clerk on the Official Zoning Map Atlas.

The Board of Trustees may from time to time adopt a new Official Zoning Map Atlas, or a portion thereof, which shall supersede the prior Official Zoning Map Atlas, in the event that the Official Zoning Map Atlas becomes damaged or destroyed; or for purposes of clarity due to a

number of boundary changes, or to correct drafting errors or omissions; provided, however, that any such adoption shall not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map Atlas, the following rules shall apply:

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;

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

Boundaries indicated as approximately following the Land Use District boundaries shall be construed as following the Land Use District boundaries;

Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

Boundaries indicated as approximately following the center lines of rivers, streams, creeks or other waterways shall be construed to follow such center lines; boundaries indicated as following shorelines shall be construed to follow such shoreline, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map Atlas or if not dimensioned shall be determined by the scale shown on the map.

CHAPTER 31.16 ACOS DISTRICT REGULATIONS (Agricultural, Conservation and Open Space Districts)

Sections:

31.16.010	Statement of Intent
31.16.020	Principal Permitted Uses
31.16.030	Permitted Accessory Uses
31.16.040	Bulk Regulations

Section 31.16.010 - Statement of Intent.

The ACOS District is intended to preserve and protect the agricultural and timberland resources, and the river and stream banks and floodplains of the Amana Colonies Land Use District from adverse future development and the encroachment of non-agricultural uses and activities. As provided by Chapter 303.52(2), Code of Iowa, 1985, the provisions of this ordinance shall not be applicable to tillable farmland, pastureland, timber pasture or forestland; except for uses and structures of an advertising or commercial nature as provided and regulated by Chapter 31.17.

Section 31.16.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the ACOS District.

- A. Agriculture and the usual agricultural buildings and structures including livestock feed lots, poultry farms, grain storage and grain drying facilities; provided however; that all feed lots and poultry farms meet all of the waste treatment requirements of the Iowa Department of Water, Air and Waste Management and obtain the necessary permits, where applicable.
- B. Forests and wildlife preserves.
- C. Private riding stables.
- D. Cemeteries, but not including mausoleums.
- E. Nurseries, greenhouses and truck gardens.

Section 31.16.030 - Permitted Accessory Uses.

- A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
- B. Private garage or carport.
- C. One mobile home utilized as living quarters for persons employed on a farm.
- D. Home occupations as permitted in and as limited by Section 31.02.050(I).
- E. Temporary buildings, including mobile homes or trailers, for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- F. Roadside stands for the sale of seasonal products grown on the premises; provided that no permanent structures shall be erected or maintained.

Section 31.16.040 - Bulk Regulations.

The following minimum requirements shall be observed, subject to the modifications contained in Section 31.02.100.

- |    |                            |                         |
|----|----------------------------|-------------------------|
| A. | Lot Area:                  | No minimum requirement. |
| B. | Lot Width:                 | No minimum requirement. |
| C. | Front Yard:                | 75 feet.                |
| D. | Side Yards:                | No minimum requirement. |
| E. | Rear Yard:                 | No minimum requirement. |
| F. | Maximum Height:            | No minimum requirement. |
| G. | Maximum Number of Stories: | No maximum requirement. |



**CHAPTER 31.17 ACOS-NA OVERLAY DISTRICT REGULATIONS**  
(Non-Agricultural Use Overlay District)

**Sections:**

31.17.010	Statement of Intent
31.17.020	Principal Permitted Uses
31.17.030	Permitted Accessory Uses
31.17.040	Procedures
31.17.050	Bulk Regulations
31.17.060	Off-Street Parking and Loading

**Section 31.17.010 - Statement of Intent.**

The ACOS-NA Overlay District is intended to provide areas within the ACOS District for the location of certain non-agricultural uses, which if properly located and designed, may be appropriate to the purpose and intent of this ordinance. The ACOS-NA Overlay District shall not be independently mapped upon the official zoning map, but shall, be mapped in accordance with the procedures for amending the official zoning map only in conjunction with the primary ACOS District. When so mapped, the regulations of this district shall control where more restrictive than the primary ACOS District.

**Section 31.17.020 - Principal Permitted Uses.**

Only the use of structures or land listed in this section shall be permitted in the ACOS-NA Overlay District.

- A. Single family (non-farm) dwellings.
- B. Churches, chapels, temples, and similar places of worship-
- C. Public and parochial schools, elementary and secondary and other educational institutions having an established curriculum the same as ordinarily given in the Amana community public schools.
- D. Private aircraft landing fields.
- E. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval by the Iowa Department of Natural Resources, including plans for final site treatment, of any such operation located in or on the floodplain of any river or stream.
- F. Public or private sanitary, landfills and solid waste disposal facilities.
- G. Private gun clubs, skeet shooting ranges and similar uses.
- H. Private campgrounds and travel trailer parks.
- I. Public water supply and wastewater treatment facilities.
- J. Electrical and natural gas, regulating and storage facilities.
- K. Any public building erected and used by any department of the township, county, state or federal government.
- L. Microwave, radio and television towers.
- M. Tourist information centers.

- N. Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:
  - 1. Carnivals and circuses.
  - 2. Rodeo grounds, show rings, music festivals and sports festivals.
  - 3. Agricultural shows and exhibitions.
- O. Publicly owned parks, playgrounds, golf courses and recreation areas.
- P. Private non-commercial recreational areas and centers, including country clubs, swimming pools and golf courses; but not including automotive race tracks, miniature golf courses, drive-in theaters and similar commercial uses.
- Q. Publicly owned airports and landing fields.

#### Section 31.17.030 - Permitted Accessory Uses.

Accessory uses permitted in and as limited by the ACOS District regulations.

#### Section 31.17.040 - Procedures.

The owner or owners of any tract of land located in the ACOS District may petition the Board of Trustees, in accordance with the provisions of Section 31.02.110, for a change to the ACOS-NA Overlay District classification. Such petition shall be accompanied by evidence concerning the feasibility of the proposed project and request and its effect on surrounding property, and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of any proposed signs and the manner of providing water supply and sewage treatment facilities.

Before approval of a zoning change request for any permitted structure or use, the Board of Trustees shall review the conformity of the proposal and site plan with the standards of the Land Use Plan and with recognized principles of engineering design, land use planning and landscape architecture. The Board of Trustees may approve or disapprove the zoning change and site plan as submitted or, before approval, may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of this ordinance to protect the historic and cultural character of the Land Use District and to promote public health, safety, and the general welfare.

In the event that a zoning change request is approved under the terms of this chapter, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

#### Section 31.17.050 - Bulk Regulations.

The following minimum requirements shall be observed, subject to the modifications contained in Section 31.02.100:

- A. Lot Area: Non-farm dwellings: 2 acres; no minimum required for other permitted uses.
- B. Lot Width: Non-farm dwellings: 200 feet; no minimum required for other permitted uses.

- C. Front Yard: 100 feet.
- D. Side Yards: Non-farm dwellings: 1 and 1-1/2 stories; total side yard - 30 feet, minimum on one side 10 feet. 2 and 3 stories; total side yard - 35 feet, minimum on one side - 15 feet. No minimum for other permitted uses.
- E. Rear Yard: 50 feet.
- F. Maximum Height: No minimum requirement.
- G. Maximum Number of Stories: No maximum requirement.

Section 31.17.060 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06, as applicable.

## CHAPTER 31.18 R-1 DISTRICT REGULATIONS (One and Two Family Dwelling Districts)

### Sections:

31.18.010	Statement of Intent
31.18.020	Principal Permitted Uses
31.18.030	Permitted Accessory Uses
31.18.040	Bulk Regulations
31.18.050	Off-Street Parking and Loading

### Section 31.18.010 - Statement of Intent.

The R-1 District is intended and designed to provide for certain low density residential areas developed after 1932 with one family and two family dwellings, and areas where similar residential development seems likely to occur.

### Section 31.18.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the R-1 District.

- A. One and two family dwellings.
- B. Conversions of one family dwellings into two- family dwellings in accordance with the lot area, frontage, height and yard requirements of this section.
- C. Churches, chapels, temples, and similar places of worship; provided that all principal buildings be set back a minimum of forty (40) feet from all property lines.
- D. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Amana community public schools; provided that all principal buildings be set back a minimum of forty (40) feet from all property lines.
- E. Family homes as defined by and as limited by Chapter 358.A.25, Code of Iowa, 1985.
- F. Publicly owned parks, playgrounds, golf courses, and recreation areas.
- G. Private non-commercial recreational areas including country clubs, swimming pools, tennis clubs and ball fields.
- H. Agricultural uses, including nurseries, greenhouses and truck gardens provided that no offensive odors or dust are created and provided further, that no retail sales or the raising and keeping of livestock or poultry shall be permitted on the premises.

### Section 31.18.030 - Permitted Accessory Uses.

Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

- A. Private garage or carport.
- B. Home occupations as permitted in and as limited by Section 31.02.050(I).
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.

- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- E. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
- F. Day nurseries and nursery schools.

#### Section 31.18.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. Lot Area: One family dwelling - 15,000 square feet. Two family dwelling - 20,000 square feet.
- B. Lot Width: One family dwelling - 100 feet, Two family dwelling - 125 feet.
- C. Front Yard: 40 feet.
- D. Side Yards: 1 and 1-1/2 stories; total side yard - 25 feet, minimum on one side - 10 feet. 2 and 3 stories; total side yard - 30 feet, minimum on one side - 12 feet. Churches and schools - 40 feet on each side.
- E. Rear Yard: 40 feet.
- F. Maximum Height: Principal building -35 feet, Accessory building -12 feet.
- G. Maximum Number of Stories Principal building - 3 stories, Accessory building - 1 story.

#### Section 31.18.050 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

## CHAPTER 31.20 R-2 DISTRICT REGULATIONS (Multiple Family Dwelling Districts)

### Sections:

31.20 .010	Statement of Intent
31.20.020	Principal Permitted Uses
31.20.030	Permitted Accessory Uses
31.20.040	Bulk Regulations
31.20.050	Off-Street Parking and Loading

### Section 31.20.010 - Statement of Intent.

The R-2 District is intended and designed to provide for certain medium density residential areas developed after 1932 with multiple family dwellings and areas where similar residential development seems likely to occur.

### Section 31.20.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the R-2 District.

- A. Any use permitted in the R-1 District.
- B. Multiple dwellings, including row dwellings and condominium dwellings.
- C. Boarding and rooming houses.
- D. Institutions of a religious, educational, or philanthropic nature,
- E. Nursing, convalescent and retirement homes.
- F. Private clubs, lodges, or veterans organizations, excepting those holding a beer permit or liquor license.

### Section 31.20.030 - Permitted Accessory Uses.

Accessory uses permitted in and as limited in the R-1 District.

### Section 31.20.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. Lot Area: Single family dwelling- 10,000 square feet, Two family dwelling - 12,000 square feet, Multiple family dwelling or other permitted use - 12,000 square feet.
- B. Lot Area per Dwelling Unit: Row housing and multiple dwellings - 3,000 sq ft.
- C. Lot Width: Single family dwelling - 80 feet, Two family dwelling- 90 feet, Row housing units - 20 feet, Multiple family dwelling and other permitted uses - 100 feet.
- D. Front Yard: 40 feet.
- E. Side Yards: 1 and 1-1/2 stories; total side yard - 20 feet, minimum on one side - 10 feet. 2 and 2-1/2 stories; total side yard - 25 feet, minimum on one side - 12

feet. 3 stories or more up to 45 feet; total side yard - 30 feet, minimum on one side 15 feet. Structures above 45 feet see height regulations below.

- F. Rear Yard 40 feet.
- G. Maximum Height: Principal building - 45 feet; except that for each one (1) foot that the building or a portion of it sets back beyond the required front, side, and rear yards, one (1) foot may be added to the height limit of such building or portion thereof; Accessory Building - 12 feet.
- H. Maximum Number of Stories: Principal Building - no limitation, Accessory Building - 1 story.

Section 31.20.050 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

## CHAPTER 31.22 R-3 DISTRICT REGULATIONS (Mobile Home Park Residential Districts)

### Sections:

31.22.010	Statement of-Intent
31.22.020	Principal Permitted Uses
31.22.030	Permitted Accessory Uses
31.22.040	Bulk Regulations
31.22.050	Plan Required

### Section 31.22.010 - Statement of Intent.

The R-3 District is intended and designed to provide for certain medium density residential areas of the Land Use District for the development of mobile home parks, which by reason of their design and location will be compatible with nearby residential areas.

### Section 31.22.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the R-3 District.

- A. Any use permitted in the R-1 District.
- B. Mobile home parks, in accordance with the provisions of this section and applicable State and County statutes.

### Section 31.22.030 - Permitted Accessory Uses.

- A. Accessory uses permitted in and as limited in the R-1 District.
- B. Accessory buildings as may be required by State statute.

### Section 31.22.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. For any permitted use excepting a mobile home park, the minimum requirement shall be the same as those set out for the R-1 District.
- B. For any mobile home park the requirements shall be as follows:
  - 1. The minimum total mobile home park area shall be three (3) acres;
  - 2. Each yard abutting on a public street shall be considered a front yard and shall be a minimum of fifty (50) feet;
  - 3. All other yards, whether side or rear, shall be a minimum of fifty (50) feet when adjacent to any other "R" district and thirty (30) feet when adjacent to a "C", "I" or ACOS district;
  - 4. The minimum lot space for each mobile home shall be 4,000 square feet and shall measure at least fifty (50) by eighty (80) feet;



5. Mobile homes shall be located on each space so that there will be at least a twenty (20) foot clearance between each mobile home, a five (5) foot open space between the mobile home including any permanently enclosed appendage, and any driveway, walkway, or mobile home space boundary, and a ten (10) foot open space at the rear of the mobile home.

Section 31.22.050 - Plan Required.

Each petition for a change to the R-3 zoning classification submitted to the Board of Trustees shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and sewer lines serving each mobile home space, the location of fire hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. If public water and sanitary sewerage facilities are not available to the mobile home park site, private water and sewerage systems shall be provided in accordance with the requirements of the Iowa Department of Natural Resources, subject to approval of the Board of Trustees. The plan shall be considered by the Board of Trustees who may approve or disapprove said plan and zoning change or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of this ordinance. All changes to the R-3 classification shall be made in accordance with the provisions of Section 31.02.110 of this ordinance.

## CHAPTER 31.24 R-4 DISTRICT REGULATIONS (Planned Residential Development Districts)

### Sections:

31.24.010	Statement of Intent
31.24.020	Procedure
31.24.030	Standards
31.24.040	Density Requirements
31.24.050	Completion
31.24.060	Completion of Stages

### Section 31.24.010 - Statement of Intent.

The R-4 District is intended to provide for the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility of land use and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that basic principles of land use planning, including an orderly relationship between various types of land uses, be maintained and that zoning standards set forth in this ordinance and other rules and regulations of the Amana Colonies Land Use District concerning adequate light and air, recreation, open space and building coverage be preserved.

### Section 31.24.020 - Procedure.

The owner or owners of any tract of land comprising an area of not less than five (5) acres may petition the Board of Trustees for a change to the R-4 Zoning District Classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage, water mains and sanitary sewers for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan of the proposed development shall be submitted in triplicate, showing in schematic form the location of all proposed: (1) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (2) parking areas; (3) access drives; (4) streets abutting or within the proposed development; (5) walks; (6) site topographic features; (7) landscaping and planting areas; (8) required peripheral yards; (9) common land, recreation areas and parks; (10) existing utility or other easements; (11) development stages and timing.

The petition and all attachments shall be thoroughly considered by the Board of Trustees who shall review the conformity of the proposed development with the standards of the Land Use Plan and with recognized principles of urban design, land use planning and landscape architecture. After public hearing, the Board of Trustees may approve or disapprove the preliminary plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of this ordinance and the Land Use Plan.

If the Board of Trustees approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Board, a final development plan, in triplicate, of not less than one stage of the proposed development showing in detail the location of all proposed: (1) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (2) parking areas; (3) access drives;

(4) streets abutting or within the proposed development; (5) walks; (6) all proposed walls and fences; (7) landscaping and plant material; (8) required peripheral yards; (9) common land, recreation areas and parks; (10) existing and proposed utilities and public easements; (11) proposed signs and their area and dimensions; (12) storm and sanitary sewer lines; (13) water mains; and (14) development stages and timing. The final development plan shall be accompanied by the following required documents:

- A. If the proposed development includes common land which will not be dedicated to the public, and the proposed development will not be held in single ownership; proposed by-laws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions; (1) automatically extending membership in the association to all owners of dwelling units within the development; (2) limiting the uses of the common property to those permitted by the final development plan; (3) granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property; (4) placing the responsibility for operation and maintenance of the common property in the association; (5) giving every owner of a dwelling unit voting rights in the association; and (6) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.
- B. Performance bond or bonds, in accordance with the requirements of Article 2.0, of this Division, the subdivision ordinance, which bond or bonds shall insure to the County and the District that the dedicated public streets and utilities, including sewers and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.
- C. Covenant to run with the land, in favor of the Amana Colonies Land Use District and all persons having a proprietary interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the public; in compliance with the ordinances of the Amana Colonies Land Use District.
- D. Any additional easements and/or agreements required by the Board of Trustees at the time of preliminary plan approval.
- E. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements and other applicable items required by the subdivision ordinance. Following approval of the final plat by the Board of Trustees and the Board of Supervisors, the plat shall be recorded with the Iowa County Auditor and Recorder.

The final development plan and required documents shall be reviewed by the Board of Trustees, for compliance with the standards of this section and substantial compliance with the preliminary plan. The Board shall approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. No permits shall be issued until the final development plan and final plat have been approved by the Board of Trustees.

#### Section 31.24.030 – Standards.

Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.

- A. Buildings shall only be used for residential purposes; occupant garages, occupant storage space and similar accessory uses; non-commercial recreational facilities; and community activities, including churches and schools.
- B. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district or suitable screening or buffering shall be provided around the boundaries of the development. In the absence of any appropriate physical barrier, the Board of Trustees may require open space or screenings be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within 125 feet of the development boundary.
- C. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of Iowa County, the local sanitary district and water utility, as applicable.
- D. “Common land” as used in this chapter refers to land retained in private ownership for the use of the residents of the development or to land dedicated to the general public.
- E. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land to be dedicated to the public or retained in private ownership to be managed by a homeowner's association. The dedication of land to the public shall be subject to the approval of the appropriate public agency.
- F. The requirements of Chapter 31.06, relating to off-street parking and loading, shall apply to all R-4 developments.
- G. Each stage of the final development plan shall comply with the density requirements of this chapter for the zoning district in which it is located.
- H. No stage of a final development plan shall contain less than three (3) acres.

#### Section 31.24.040 - Density Requirements.

The maximum number of dwelling units permitted in an R-4 development shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted.

The maximum number of multiple dwelling units permitted in the R-4 development shall be determined by the zoning district in which the development is located as follows:

Zoning District	<u>Percentage of Total Dwelling Units Permitted as Multiples</u>
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ACOS	30%
R - 1	50%
R - 2	75%

If the development area contains two (2) or more different zoning classifications, the number of dwelling units permitted and the percentage of multiples allowed shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

Section 31.24.050 - Completion.

The Board of Trustees may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time, provided, however, that in the determination of such period, the Board shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Board, in accordance with the provisions of Section 31.02.110, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is approved by the Board for due cause shown. Any proposed change in the development plan after approval by the Board shall be resubmitted and considered in the same manner as the original proposal. For the purpose of this section, the term “unimproved” property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

Section 31.24.060 - Completion of Stages.

In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as fifty (50) percent of all construction and improvements have been completed in any prior stage of such plan.

CHAPTER 31-26 C-1 DISTRICT REGULATIONS (Limited Business and Professional Office Districts)

Sections:

31.26.010	Statement of Intent
31.26.020	Principal Permitted Uses
31.26.030	Permitted Accessory Uses
31.26.040	Bulk Regulations
31.26.050	Minimum Open Space
31.26.060	Off-Street Parking and Loading
31.26.070	Site Plans

Section 31.26.010 - Statement of Intent.

The C-1 District is intended and designed to provide certain areas of the Land Use District, now developed with professional, business and public service offices, and areas where such development may be appropriate in the future.

Section 31.26.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the C-1 District.

- A. Any use permitted in the R-2 District.
- B. Business and professional offices such as the following: law, engineering, architecture, real estate, insurance, accounting, bookkeeping, finance, banking, stock brokerage and uses of a like or similar nature.
- C. The office of a doctor, dentist, osteopath, chiropractor, optometrist, chiropodist or similar profession.
- D. Clinics or group medical centers, including dental clinics; but not including animal clinics or hospitals.
- E. Hospitals, libraries, funeral homes and mortuaries.
- F. Offices and office buildings serving the management, research, design, marketing and production needs of the general business community.
- G. The following low intensity commercial service uses, intended primarily to serve the occupants and patrons of the C-1 District, shall be permitted within a building housing a use permitted under items A. through F. above: book stores, camera stores, snack shops, drug stores, gift shops, restaurants (not including drive-in restaurants), cocktail lounges, travel agencies, stationery stores and uses of a like or similar nature.
- H. Buildings housing only a use or uses listed under item G., above, except cocktail lounges, shall also be permitted in the C-1 District.

Section 31.26.030 - Permitted Accessory Uses.

- A. Accessory uses and structures customarily incidental to any principal permitted use.
- B. Prescription pharmacy accessory to a medical clinic.

#### Section 31.26.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. Lot Area: Same as required in the R-2 District for residential uses. No minimum requirement for any other permitted uses.
- B. Lot Area per Dwelling Unit: Same as required in R-2 District.
- C. Lot Width: Same as required in R-2 District for residential uses. No minimum requirement for any other permitted uses.
- D. Front Yard: 40 feet.
- E. Side Yards: Same as required in R-2 District for residential uses. No minimum requirement for any other permitted uses, except when adjoining any “R” or “HP” district or street right-of-way, in which case twenty-five (25) feet.
- F. Rear Yard: 40 feet.
- G. Maximum Height: Principal Building - 45 feet, Accessory Building - 12 feet.
- H. Maximum Number of Stories: Principal Building - 4 stories, Accessory Building - 1 story.

#### Section 31.26.050 - Minimum Open Space.

The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

#### Section 31.26.060 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

#### Section 31.26.070 - Site Plans.

Site plans shall be required in accordance with the provisions of Chapter 31.12 for all uses permitted in this district.

## CHAPTER 31.28 C-2 DISTRICT REGULATIONS (Highway Service Commercial Districts)

### Sections:

31.28.010	Statement of Intent
31.28.020	Principal Permitted Uses
31.28.030	Permitted Accessory Uses
31.28.040	Bulk Regulations
31.28.050	Minimum Open Space
31.28.060	Off-Street Parking and Loading
31.28.070	Site Plans

### Section 31.28.010 - Statement of Intent.

The C-2 District is intended to provide for general commercial areas that serve the highway traveling public. These districts include primarily the commercial property existing along the major highways of the Land Use District. The uses permitted are intended to accommodate both the local retail consumer and the automobile traveling public. It is not intended that any new residential development shall be permitted in this district.

### Section 31.28.020 - Principal Permitted Uses.

Only the use of structures or land listed in this section shall be permitted in the C-2 District.

- A. Any non-residential use permitted in the C-1 District.
- B. Retail business or service establishments including, but not limited to, the following, and similar uses as may be determined by the Land Use Administrator.
  - 1. Antique shops.
  - 2. Apparel shops.
  - 3. Art shops.
  - 4. Automobile accessory stores.
  - 5. Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental and sales (including sales lots). This paragraph shall not be construed to include automobile, tractor or machinery wrecking and rebuilding and used parts yards.
  - 6. Bakeries or bakery outlets, retail sales only.
  - 7. Banks, savings and loan associations and similar financial institutions
  - 8. Barber shops and beauty parlors.
  - 9. Bicycle shops, sales and repair.
  - 10. Billiard parlors and pool halls.
  - 11. Book stores.
  - 12. Bowling alleys.
  - 13. Camera stores.



14. Carpenter and cabinet making shops.
15. Clothes cleaning and laundry pick-up stations.
16. Collection office of public utility.
17. Confectionery stores, including ice cream or snack bars.
18. Dairy stores, retail only.
19. Delicatessens.
20. Department stores.
21. Dance halls.
22. Dance studios.
23. Drug stores.
24. Dry goods stores.
25. Florist shops.
26. Funeral homes and mortuaries.
27. Furniture stores.
28. Gas stations.
29. Garage for general motor vehicle repair.
30. Gift shops.
31. Grocery stores, including supermarkets.
32. Hardware stores.
33. Hobby shops.
34. Hotels and motels.
35. Household appliances, sale and repair.
36. Jewelry stores and watch repair shops.
37. Launderettes, coin-operated dry cleaning establishments, and dry cleaning or pressing establishments using only non-flammable solvents.
38. Lawn mower repair shops.
39. Locker plant for storage and retail sales only.
40. Leather goods stores.
41. Music stores.
42. Music studios.
43. Office buildings.
44. Paint and wallpaper stores.
45. Pet shops.
46. Photographic studios, printing and developing establishments.
47. Plumbing and heating shops.

48. Post offices.
49. Printing and lithographing shops.
50. Public auction rooms.
51. Radio and television sales and repair shops.
52. Restaurants.
53. Sheet metal shops.
54. Shoe and hat repair shops.
55. Sporting goods stores.
56. Tailor and dressmaking shops.
57. Taverns and night clubs.
58. Theaters.
59. Toy stores.
60. Upholstering shops.
61. Used car sales lots.
62. Variety stores.
63. Veterinary clinics.

C. Combinations of the above uses.

Section 31.28.030 - Permitted Accessory Uses.

- A. Accessory uses customarily incidental to any principal permitted use.
- B. Storage of merchandise incidental to the principal use.
- C-E. REPLACED BY SIGN ORDINANCE.

Section 31.28.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31-02.100.

- A. Lot Area: No minimum requirement.
- B. Lot Width: No minimum requirement.
- C. Front Yard: 30 feet.
- D. Side Yards: No minimum requirement, except when adjoining any "R" or "HP" District or street right-of-way line, in which case twenty-five (25) feet.
- E. Rear Yard: 30 feet; provided, however, that for every foot the front yard is increased over thirty (30) feet, the rear yard may be decreased in direct proportion thereto, but in no case shall the rear yard be less than ten (10) feet.

- F. Maximum Height: 45 feet.
- G. Maximum Number of Stories: 3 stories.

Section 31.28.050 Minimum Open Space.

The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and-landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping-theme.

Section 31.28.060 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

Section 31.28.070 Site Plans.

Site Plans shall be required in accordance with the provisions of Chapter 31.12 for all uses permitted in this district.

## CHAPTER 31.30 C-3 DISTRICT REGULATIONS (Planned Commercial Development Districts)

### Sections:

31.30.010	Statement of Intent
31.30.020	Principal Permitted Uses
31.30.030	Permitted Accessory Uses
31.30.040	Procedures
31.30.050	Completion
31.30.060	Bulk Regulations
31.30.070	Minimum Open Space
31.30.080	Off-Street Parking and Loading

### Section 31.30.010 - Statement of Intent.

The C-3 District is intended to provide for the development of planned business centers. The term business center is intended to mean a planned retail shopping and service area under single ownership, management or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as access roads, off-street parking, loading areas, lighting, signs and walks.

In the C-3 District, the following regulations shall apply, except as otherwise provided herein.

### Section 31.30.020 - Principal Permitted Uses.

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

A. Local retail business or service establishments such as the following:

1. Antique shop.
2. Art store.
3. Baby and children's stores.
4. Bakery or bakery outlet, retail sales only.
5. Barber shop or beauty parlor.
6. Bicycle shop, sales and repair.
7. Book store.
8. Bowling alleys.
9. Camera store.
10. Candy store.
11. Clothes cleaning and laundry pick-up stations.
12. Clothing store.
13. Cocktail lounge.
14. Collection office of public utility.
15. Dairy store, retail only.
16. Delicatessen.

17. Department store.
18. Dance studio.
19. Drug store.
20. Florist shop.
21. Funeral home.
22. Furniture store.
23. Gas station.
24. Gift shop.
25. Grocery store or supermarket.
26. Hardware store.
27. Hobby shops.
28. Hotel, motel or motor lodge.
29. Household appliance, sales and repair.
30. Jewelry store.
31. Launderette and coin-operated dry-cleaning establishments.
32. Leather goods store.
33. Music store and music studios.
34. Office building.
35. Photographic studios.
36. Radio and television sales and repair shop.
37. Restaurant, not including drive-in restaurant.
38. Shoe and hat repair shop.
39. Sporting goods store.
40. Tailor and dressmaking stores.
41. Theaters.
42. Toy store.
43. Variety store.

B. Business and professional offices.

C. Any use which is considered by the Land Use Administrator to be like or similar to one of the uses listed above.

Section 31.30.030 - Permitted Accessory Uses.

Accessory uses and structures customarily incidental to any principal permitted use.

#### Section 31.30.040 - Procedures.

- A. The owner or owners of any tract of land of not less than five (5) acres may petition the Board of Trustees, in accordance with the provisions of Section 31.02.110, for a change to the C-3 District classification. Such petition shall be accompanied by a development plan, indicating how the petitioner intends to meet the requirements of this chapter. Said development plan shall include evidence concerning the feasibility of the project and its effect on surrounding property and shall also include the following:
  - 1. A site plan as required by Chapter 31.12 outlining, in detail, the areas to be developed for buildings, the areas to be developed for parking, the location of sidewalks and driveways, points of vehicular access, the location and height of walls, the location and type of landscaping and open space and the location, size and number of signs.
  - 2. Methods and feasibility of providing water, storm and sanitary sewer facilities.
  - 3. A statement of financial responsibility to assure construction of the development in accordance with the site plan submitted and the requirements of this chapter.
- B. The Board of Trustees shall review the conformity of the proposed development with the standards of the Land Use Plan and with recognized principles of civic design, land use planning and landscape architecture. After public hearing, the Board may approve or disapprove the development plan and request for rezoning as submitted, or require that the petitioner amend the plan to preserve the intent and purpose of this ordinance.

#### Section 31.30.050 - Completion.

The Board of Trustees may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time, provided, however, that in the determination of such period, the Board shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Board of Trustees, in accordance with the provisions of Section 31.02.110, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is approved by the Board for due cause shown. Any proposed change in the development plan after approval by the Board shall be resubmitted and considered in the same manner as the original proposal.

For the purpose of this Section, the term “unimproved” property shall mean all property situated within the development plan upon which the installation of improvements has not been commenced.

#### Section 31.30.060 - Bulk Regulations.

The following requirements shall be observed in the C-3 District:

- A. Minimum Lot Area: Five (5) acres.
- B. Minimum Yards: A minimum yard of seventy-five (75) feet shall be required from all property lines; no other minimum yards required.

C. Maximum Height: Forty-five (45) feet.

Section 31.30.070 - Minimum Open Space.

The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the development plan. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

Section 31.30.080 - Off-Street Parking and Loading.

Spaces for off- street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

## CHAPTER 31.32 I-1 DISTRICT REGULATIONS (Limited industrial Districts)

### Sections:

31.32.010	Statement of Intent
31.32.020	Uses Permitted
31.32.030	Permitted Accessory Uses
31.32.040	Bulk Regulations
31.32.050	Minimum Open Space
31.32.060	Site Plans
31.32.070	Off-Street Parking and Loading

### Section 31.32.010 - Statement of Intent.

The I-1 District is intended and designed to provide flexibility in the location of certain manufacturing and industrial uses while maintaining protection for nearby non-industrial districts. The I-1 District is characterized by large lots, with landscaped grounds and ample provision for off-street parking and loading spaces, and structures generally one or two stories in height.

### Section 31.32.020 - Uses Permitted.

Only the uses of structures or land listed in this section shall be permitted in the I-1 District; provided, however, that all manufacturing, assembling, compounding, processing, packaging or other comparable treatment, including storage of any and all materials and equipment, shall take place within completely enclosed buildings, except for parked motor vehicles and off-street parking and loading as required by Chapter 31.06. In addition, all open areas not used for off-street parking or loading shall be planted with grass, properly maintained, and kept free from refuse and debris. No new residential uses shall be permitted, unless accessory to a permitted principal use.

- A. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products.
- B. Commercial trade schools and business colleges.
- C. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.
- D. Laboratories; research, experimental and testing.
- E. Manufacturing, assembling, compounding, processing, packaging, or other comparable treatment of the following:
  - 1. Bakery goods, candy and food products.
  - 2. Cameras and other photographic equipment.
  - 3. Electric and neon signs, outdoor advertising signs.
  - 4. Medical, dental and drafting instruments.
  - 5. Musical instruments, toys, novelties, and rubber and metal hand stamps.



6. Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  7. Products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips, or wire.
  8. Small precision instruments, such as barometers, clocks, watches and compasses.
- F. Office buildings.
- G. Printing, lithographing, or film processing plants.
- H. Warehouses for storage of merchandise or material in connection with the uses permitted in this district only.

Section 31.32.030 - Permitted Accessory Uses.

- A. Accessory uses of land or structures customarily incidental and subordinate to any of the above principal uses.
- B. Dwelling for watchman or caretaker.
- C. Employee cafeteria or other food concession in conjunction with permitted use.
- D. Signs, as permitted in and regulated by the C-2 District regulations.

Section 31.32.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. Front Yard: 50 feet.
- B. Side Yards: Two side yards, each ten (10) feet wide; or one side yard twenty (20) feet wide; provided, however, that where adjacent to any "R" or "HP" District or street right-of-way line, a side yard of twenty-five (25) feet shall be required.
- C. Rear Yard: 50 feet.
- D. Maximum Height: 40 feet.
- E. Maximum Number of Stories: 2 stories.

Section 31.32.050 - Minimum Open Space.

The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

Section 31.32.060 - Site Plans.

Site Plans shall be required in accordance with the provisions of Chapter 31.12 for all uses permitted in this district.

Section 31.32.070 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

## CHAPTER 31.34 I-2 DISTRICT REGULATIONS (Heavy Industrial Districts)

### Sections:

31.34.010	Statement of Intent
31.34.020	Principal Permitted Uses
31.34.030	Required Conditions
31.34.040	Bulk Regulations
31.34.050	Minimum Open Space
31.34.060	Off-Street Parking and Loading
31.34.070	Site Plans

### Section 31.34.010 - Statement of Intent.

The I-2 District is intended and designed to provide areas of the Land Use District for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible, with the exception of a small number of uses which by reason of certain undesirable characteristics require approval of the Board of Adjustment. In addition, no residential uses are permitted.

### Section 31.34.020 - Principal Permitted Uses.

A building or premises may be used for any purpose whatsoever provided the regulations listed in subparagraphs A, B, and C below are met:

- A. No Certificate of Zoning Compliance shall be issued for any use in conflict with any ordinance, rule or regulation of the Amana Colonies Land Use District or law of the State of Iowa regulating nuisances.
- B. No Certificate of Zoning Compliance shall be issued for any dwelling, school, hospital, clinic, or other institution for human care, except where incidental to a permitted principal use.
- C. The uses hereinafter listed may be permitted subject to approval by the Board of Adjustment after public hearing. In its determination upon the particular uses at the location requested, the Board shall consider all of the following provisions:
  1. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property. To this end the Board of Adjustment may require that appropriate landscaping, walls, fences or other artificial screens be provided as buffers to minimize the effects of these uses on adjoining or surrounding property;
  2. That such use shall not impair an adequate supply of light and air to surrounding property;
  3. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
  4. That such use shall not diminish or impair established property values in adjoining or surrounding property or adversely affect the historical and cultural character of the Land-Use District, and

5. That such use shall be in accord with the intent, purpose and spirit of this ordinance and the Land Use Plan of the Amana Colonies Land Use District.
6. The uses subject to the above provisions are as follows:
  - a. Packing houses, slaughter houses and/or stock yards.
  - b. Acid manufacture or wholesale storage of acids.
  - c. Anhydrous ammonia storage and/or pumping facilities.
  - d. Automobile, tractor or machinery wrecking and used parts yards; provided that any wrecking operation is carried on within a building completely enclosed with walls and roof and the yard completely enclosed with a wall or fence, reasonably maintained, at least six (6) feet high completely obscuring the activity. There shall be only one opening in the wall or fence facing any public street for each two hundred (200) feet of length.
  - e. Cement, lime, gypsum or plaster of Paris manufacture.
  - f. Distillation of bones.
  - g. Explosive manufacture or storage.
  - h. Fat rendering.
  - i. Fertilizer manufacture.
  - j. Garbage, offal or dead animal reduction.
  - k. Gas manufacture and cylinder recharging.
  - l. Glue, size or gelatin manufacture.
  - m. Junk, iron or rags, storage or baling, and waste paper yards, where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence not less than six (6) feet in height, completely obscuring the activity.
  - n. Petroleum or its products, refining or wholesale storage of, and asphalt plants.
  - o. Rubber goods manufacture.
  - p. Sand or gravel pits.
  - q. Smelting of tin, copper, zinc or iron ores.
  - r. Transmitting stations.
  - s. Wholesale storage of gasoline and other flammable liquids.

Section 31.34.030 - Required Conditions.

- A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance, shall be employed.
- B. All principal or accessory structures housing a use permitted only in the I-2 District shall be located at least two hundred 200 feet from any "R" or "HP" District.
- C. All signs shall meet the requirements of the C-2 District regulations.

Section 31.34.040 - Bulk Regulations.

The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- A. Front Yard: 75 feet.
- B. Side Yards: None required except when adjacent to any street right-of-way line, in which case twenty-five (25) feet.
- C. Rear Yard: Forty (40) feet; except that where a railroad right-of-way lies immediately adjacent to the rear of the lot, the rear yard requirement need not apply.
- D. Maximum Height: No limitation.
- E. Maximum Number of Stories: No limitation.

Section 31.34.050 Minimum Open Space.

The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

Section 31.34.060 - Off-Street Parking and Loading.

Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06.

Section 31.34.070 - Site Plans.

Site Plans shall be required in accordance with the provisions of Chapter 31.12 for all uses permitted in this district

## CHAPTER 31.36 HISTORIC PRESERVATION DISTRICTS

### Sections:

31.36.010	Statement of Intent
31.36.020	Division into Sub-Districts
31.36.030	Definitions Applicable to Historic Preservation Districts
31.36.040	Provisions of Chapters 31.02 through 31.14 Applicable
31.36.050	General Regulations
31.36.060	Sub-District Regulations

### Section 31.36.010 - Statement of Intent.

The Historic Preservation District is intended and designed to preserve and protect the historic and cultural character of the Amana villages, particularly those areas within each village that are predominantly developed with structures and uses that were originally constructed prior to 1932. It is further intended that the conservation and rehabilitation of existing buildings, in a manner which recognizes and respects the original design and character of the structure, will receive the highest priority. To this end, the Board of Trustees may encourage flexibility and variety in the type and location of certain land uses in exchange for appropriate and compatible architectural treatment. New development within the District will not be encouraged, but may be permitted in appropriate areas in accordance with the provisions of this chapter.

### Section 31.36.020 - Division into Sub-Districts.

- A. In order to carry out the purpose and intent of this chapter, the Historic Preservation District has been subdivided into four sub-district classifications as provided by Section 31.14.010 of this ordinance. The sub-districts are as follows:
  - 1. HP-A Agricultural Sub-District
  - 2. HP-R Residential-Sub-District
  - 3. HP-C Commercial Sub-District
  - 4. HP-I Industrial Sub-District
- B. The boundaries of the sub-districts are indicated upon the Official Zoning Map Atlas, as provided by Section 31.14.020 of this ordinance. All of the provisions of Section 31.14.020 shall apply to this chapter.

### Section 31.36.030 - Definitions Applicable to Historic Preservation Districts.

For the purpose of this chapter, the definitions included under Section 31.02.030 of this ordinance shall be applicable unless specifically modified by this chapter. The following definitions primarily apply to structures and uses located within the Historic Preservation Sub-Districts. In instances where a conflict may arise between definitions, the definitions of this section shall prevail.

Alteration: Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

Certificate of Approval: A certificate issued by the Board of Trustees upon recommendation of the Historic Preservation Commission indicating approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic preservation district.

Construction: The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolition: Any act or process that destroys in part or in whole a landmark or a structure within a historic preservation district.

Design Guideline: A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

Exterior Architectural Appearance: The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic Preservation Commission: The Amana Colonies Land Use District Historic Preservation Commission, as established by Division 2.0, Chapter 21.04 of the Land Use Plan.

Historic Preservation District. An area designated as a “historic preservation district” as provided by Chapter 31.14 of this ordinance, and which may contain within its boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic preservation district.

Landmark: A property or structure designated as a “landmark” by the Board of Trustees that is worthy of rehabilitation, restoration and preservation because of its historic, cultural and/or architectural significance to the Amana Colonies Land Use District. Upon the effective date of adoption of this ordinance, all structures located within a historic preservation district which were constructed prior to 1932, shall be considered landmarks until and unless reclassified by the Board of Trustees.

Removal: Any relocation of a structure on its site or to another site.

Repair: Any change that is not construction, removal, or alteration.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, accessory buildings, signs, billboards and radio and television antennae, including supporting towers.

#### Section 31.36.040 - Provisions of Chapters 31.02 through 31.14 Applicable.

The provisions of Chapters 31.02 through 31.14 of this ordinance shall apply to all structures and uses in the Historic Preservation District unless the requirements of this chapter impose greater or lesser restrictions, in which case the requirements of this chapter shall control.

#### Section 31.36.050 - General Regulations.

- A. Conformance Required. Except as may be hereinafter specified, no building or structure within a historic preservation district shall be erected, converted, enlarged, reconstructed,

removed, demolished, or structurally altered, nor shall any building or land be used, which does not comply with all of the regulations established by this chapter, and until a Certificate of Approval, where required, has been issued and approved by the Board of Trustees.

- B. Certificate of Approval. A Certificate of Approval shall be required before the following actions affecting the exterior architectural appearance of any landmark or property within a historic preservation district may be undertaken, unless such action is exempt from such requirement, under specific guidelines adopted by the Board of Trustees:
1. Any construction, alteration, or removal requiring a zoning permit from the Amana Colonies Land Use District;
  2. Any demolition in whole or in part requiring a permit from the Amana Colonies Land Use District;
  3. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature of any structure within a historic preservation district.
- C. Application for Certificate of Approval. Every application for a demolition permit, zoning permit, or Site Plan approval, as provided by Chapter 31.12 of this ordinance, including accompanying plans and specifications, where applicable; which affects the exterior architectural appearance of any landmark or property within a historic preservation district, shall be filed with the Land Use Administrator.

The Land Use Administrator shall review the application to determine if a Certificate of Approval is required, and if required shall refer the application and all attachments to the Historic Preservation Commission for study and report. The Commission shall review the conformity of the proposed request with the principles of the Land Use Plan, general review standards as set forth under sub-section D., below, and such other design standards and regulations as may be adopted in the future. The Commission may approve or disapprove the application and Site Plan as submitted, or recommend that the applicant amend the request, as necessary, to preserve the intent and purpose of this ordinance. A denial of a Certificate of Approval by the Commission shall be accompanied by a statement of reasons for the denial.

The Commission's recommendations and report shall be forwarded to the Board of Trustees. The Board may approve or disapprove the application and Site Plan, as reported, or may require such changes as it deems necessary to preserve the intent and purpose of this ordinance and the Land Use Plan.

Before approving a Certificate of Approval, the Board of Trustees may in its discretion hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the Land Use District or by placing in the United States mail appropriate form of notice setting the time and place at which said certificate shall be considered by the Board.

No permits of any kind shall be issued by the Land Use Administrator for any structure or use within a historic preservation district unless and until a Certificate of Approval, where required, has been approved by the Board of Trustees, as provided herein.

The approval or disapproval of a Certificate of Approval is declared to be a legislative policy determination reserved to the Board of Trustees. For purposes of this ordinance, the approval or disapproval of a Certificate of Approval shall not be considered to be an administrative decision, a special use or special exception, or a variance from the terms of this ordinance or the Land Use Plan.

The Board of Trustees may, by Resolution, adopt exceptions wherein a permit is not required for minor categories of construction (swing sets, trellises, portable utility sheds, etc.) and



minor alterations and renovations, or where the Land Use District Administrator has the authority to issue a permit without a Certificate of Approval for certain specified minor construction, alteration, additions, restoration, renovation, or changes which may be made to property covered by this Chapter.

- D. Standards for Review. In considering an application for a Certificate of Approval, the Historic Preservation Commission and the Board of Trustees shall be guided by the following general standards and such other detailed design standards as may be adopted in the future.
1. Every reasonable effort shall be made to provide a compatible use for a property that - requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
  2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.
  3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
  4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
  5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
  6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
  7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should be discouraged.
  8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
  9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
  10. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- E. Amendments to-Zoning Districts. All requests or petitions to amend or change the regulations or boundaries affecting any historic preservation district shall be made in accordance with the provisions of Section 31.02.110 of this ordinance.

## Section 31.36.060 - Sub-District Regulations.

### A. HP-A Agricultural Sub-District.

#### 1. Principal Permitted Uses.

- a. Any use permitted under Section 31.16.020 of the ACOS District Regulations.
- b. Any other agricultural structure or use that the Board of Trustees and Historic Preservation Commission determine to be historically and traditionally representative of the pre-1932 Amana villages.
- c. Adaptive reuse of historic agricultural structures and uses to residential and limited commercial uses, such as but not limited to a museum, interpretive center, office craft center, storage. In their consideration of the proposed structural reuse, the Trustees and HPC shall give consideration to the design and compatibility of the structure with the surrounding agricultural uses and structures. In their consideration the Trustees and the HPC shall also be guided by the standards set forth in Section 31.36.050, D of this ordinance.<sup>1</sup>

#### 2. Permitted Accessory Uses. Uses of land or structures customarily incidental and subordinate to one of the principal uses.

#### 3. Bulk Regulations.

- a. The location of all structures and uses existing at the time of adoption of this ordinance shall be considered to meet the bulk regulations of this sub-district.
- b. All new construction and all additions, enlargements or modifications to existing structures shall be in accordance with such bulk regulations, as may be approved by the Board of Trustees and Historic Preservation Commission, at the time of consideration of the Site Plan and Certificate of Approval for each individual structure or use.

#### 4. Off-Street Parking and Loading.

- a. None required.
- b. Off-street parking may be provided, as necessary, to accommodate employees and visitors, provided such parking areas are effectively landscaped, screened or bermed so as not to adversely affect other historic areas outside of the HP-A Sub-District.

### B. HP-R Residential Sub-District. Only the use of structures or land listed in this sub-section shall be permitted in the HP-R-Sub-District.

#### 1. Principal Permitted Uses.

- a. One and two family dwellings.
- b. Conversions of one family dwellings into two family dwellings in accordance with the lot area, frontage, height and yard requirements of this sub-section.

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<sup>1</sup> Amended by Ordinance 2024-001: April 8, 2024.

- c. Multiple dwellings, including row dwellings and condominium dwellings.
  - d. Boarding and rooming houses.
  - e. Family homes as defined by and as limited by Chapter 358.A.25, Code of Iowa, 1985.
  - f. Nursing, convalescent and retirement homes.
  - g. Churches, chapels, temples, and similar places of worship.
  - h. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Amana Community public schools.
  - i. Other institutions of a religious, educational, or philanthropic nature, including libraries.
  - j. Public and privately owned parks, playgrounds and recreation areas.
  - k. Agricultural uses, including nurseries, greenhouses and truck gardens provided that no offensive odors or dust are created and provided further, that no retail sales or the raising and keeping of livestock or poultry shall be permitted on the premises.
2. Permitted Accessory Uses.
- a. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.
  - b. Private garage or carport.
  - c. Home occupations as permitted in and as limited by Section 31.02.050(I).
  - d. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.
  - e. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
  - f. Day nurseries and nursery schools.
3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.
- A. Lot Area: Single family dwelling - 12,000 square feet, Two family dwelling-15,000 square feet, Multiple family dwelling or other permitted use- 20,000 square feet
  - B. Lot Area per Row housing and multiple Dwelling Unit: 5,000 square feet.
  - C. Lot Width: Single family dwelling -80 feet, Two-family dwelling-90 feet, Row housing units-20 feet, Multiple family dwelling and other permitted uses -100 feet.
  - D. Front Yard: 20 feet, provided however that in the event a greater front yard area has been established by 75% of the historic structures within 500 feet of the proposed structure, such greater front yard requirement shall be considered the minimum front yard setback.
  - E. Amended 1998, to clarify starting with "provided..."

- F. Side Yards: 1 and 1-1/2 stories; total side yard 20 feet, minimum on one side 10 feet. 2 and 3 stories; total side yard - 25 feet, minimum on one side 12 feet, provided however, in the case of corner lots, where a greater side yard area has been established by 75% of the historic structures within 500 feet of the proposed structure such greater side yard area shall be considered the minimum side yard requirement.
  - G. Amended 1998, to clarify starting with "provided..."
  - H. Rear Yard: 25 feet
  - I. Maximum Height: Principal building - 35 feet, Accessory building - 12 feet.
  - J. Maximum Number of Stories: Principal building - 3 stories, Accessory Building - 1 story.
3. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31-06; provided, however, the Board of Trustees upon recommendation of the Historic Preservation Commission may approve or require appropriate changes or modifications to the parking requirements, that it deems necessary to preserve and protect the historic and cultural character of the sub-district.

C. HP-C Commercial Sub-District.

- 1. Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the HP-C Sub-District.
  - a. Any use permitted in the HP-R Sub-District.
  - b. Any use permitted in the C-1, District, as set forth in Section 31.26.020 of this ordinance.
  - c. Any commercial use or structure that the Board of Trustees and Historic Preservation Commission consider to be historically and traditionally representative of the pre-1932 Amana villages; including but not limited to such uses as, meat shops, wineries, bakeries, hotels, restaurants, arts and crafts shops, antique shops and similar uses.
- 2. Permitted Accessory Uses. Accessory uses and structures customarily incidental to any principal permitted use.
- 3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.
  - a. Lot Area: Same as required in the HP-R Sub-District for residential uses. No minimum requirement for any -other permitted uses.
  - b. Lot Area per Dwelling Unit: Same as required in the HP-R Sub-District.
  - c. Lot Width: Same as required in the HP-R Sub-District for residential uses. No minimum requirement for any other permitted uses.
  - d. Front Yard: 20 feet, provided however that in the event a greater front yard area has been established by 75% of the historic structures within 500 feet of the proposed structure, such greater front yard requirement shall be considered the minimum front yard setback. Amended 1998, to clarify starting with "provided..."
  - e. Side Yards: Same as required in the HP-R Sub-District for residential uses. No minimum requirement for any other permitted uses, except when adjoining any "R" or other "HP" district or street right-of-way, in which case ten (10) feet,

provided, however, in the case of corner lots, where a greater side yard area has been established by 75% of the historic structures within 500 feet of the proposed structure such greater side yard area shall be considered the minimum side yard requirement. Amended 1998, to clarify starting with "provided..."

- f. Rear Yard: 25 feet.
- g. Maximum Height: Principal Building - 35 feet, Accessory Building - 12 feet.
- h. Maximum Number of Stories: Principal Building - 3 stories, Accessory Building - 1 story.

- 4. Section 31.36.060(C)(4) – Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme, and except as provided as follows. The Board of Trustees authorizes that open space may be used on a limited basis for the display and sale of goods, in booths and stands, and similar activities on special festival days and other events for a maximum of four consecutive days, excluding setup and tear down. Amended Feb. 2014 to specifically allow limited use of minimum open space in HP-C zoning districts.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06; provided, however, the Board of Trustees upon recommendation of the Historic Preservation Commission may approve or require appropriate changes or modifications to the parking requirements, that it deems necessary to preserve and protect the historic and cultural character of the sub-district.

#### D. HP-I Industrial Sub-District.

1. Principal Permitted Uses. Only the use of structures or land listed in this sub-section shall be permitted in the HP-I Sub-District.

- a. Any non-residential use permitted in the HP-C Sub-District.
- b. Any use permitted in and as limited in the I-1 District, as set forth in Section 31.32.020 of this ordinance.
- c. Any manufacturing or industrial use or structure that the Board of Trustees and Historic Preservation Commission consider to be historically and traditionally representative of the pre-1932 Amana villages.

2. Permitted Accessory Uses.

- a. Accessory uses of land or structures customarily incidental and subordinate to any principal permitted use.
- b. Signs, as permitted and regulated by the HP-C Sub-District regulations.

3. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Section 31.02.100.

- a. Front Yard: 20 feet, provided however that in the event a greater front yard area has been established by 75% of the historic structures within 500 feet of the proposed structure, such greater front yard requirement shall be considered the minimum front yard setback. Amended 1998, to clarify starting with “provided...”
- b. Side Yards: No minimum requirement, except where adjacent to any “R” or other “HP” District or street right-of-way line, a side yard of ten (10) feet shall be required, provided however, in the case of corner lots, where a greater side yard area has been established by 75% of the historic structures within 500 feet of the proposed structure such greater side yard area shall be considered the minimum side yard requirement. Amended 1998, to clarify starting with “provided...”
- c. Rear Yard: 25 feet.
- d. Maximum Height: 40 feet.
- e. Maximum Number of Stories: 2 stories.

4. Minimum Open Space. The total land area devoted to open space and landscaping shall not be less than twenty (20) percent of the gross land area included in the building lot. Such open space shall be maintained as grassed and landscaped area and shall not include access drives, parking areas, structures or buildings; except ornamental structures included as part of the landscaping theme.

5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Chapter 31.06; provided, however, the Board of Trustees upon recommendation of the Historic Preservation Commission may approve or require appropriate changes or modifications to the parking requirements, that it deems necessary to preserve and protect the historic and cultural character of the sub-district.

## CHAPTER 31.37 SIGNAGE

### Sections:

31.37.010	Purposes
31.37.020	Applicability and Effect
31.37.030	Signs Exempt From Regulation Under This Ordinance
31.37.040	Signs Prohibited Under This Ordinance
31.37.050	Permit Procedures
31.37.060	Permitted Sign Characteristics
31.37.070	Design Construction and Maintenance
31.37.080	Design Requirements per Land Use
31.37.090	General Directional
31.37.100	Public Right of Way
31.37.110	Temporary Signage
31.37.120	Special Signage Permits
31.37.130	Exceptions
31.37.140	Time of Compliance: Non-Conforming Signs and Signs without Permits
31.37.150	Violations
31.37.160	Enforcement and Remedies
31.37.170	Definitions and Interpretation

### Section 31.37.010 Purposes.

The purposes of these sign regulations are: to preserve the Amana built environment and the conservation of Amana culture; to use the signage system as another tool to help the Amana Land Use Trustees, the Historic Preservation Commission, and village residents deal with development and growth; to facilitate movement of people and vehicles; to recognize the pedestrian as the primary measure of scale; to preserve historic signs; to recognize that most buildings in the District are residential and signage should demonstrate respect for the houses; to minimize the possible adverse effect of signs on nearby public and private property; and to enable fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the District in furtherance of the more general purposes set forth in the zoning ordinance.

### Section 31.37.020 Applicability--Effect.

A sign may be erected, placed, established, painted, created, or maintained in the District only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein is:

- To establish a permit system to allow a limited variety of sign types in all zones, subject to the standards and permit procedures of this ordinance;
- To prohibit all signs not expressly permitted by this ordinance; and
- To provide for enforcement of the provisions of this ordinance.

Amended 8-2-04 to eliminate allowance of certain "small, unobtrusive, and incidental to principal use of respective lots on which they are located, subject to the substantive requirements of ordinance, but without a requirement for permits;"

#### Section 31.37.030 Signs Exempt From Regulation Under This Ordinance.

The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
- C. Works of art that do not include a commercial message;
- D. Holiday lights and decorations with no commercial message; and
- E. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Iowa Department of Transportation standards and which contain no commercial message of any sort.

#### Section 31.37.040 Signs Prohibited Under This Ordinance.

All signs not expressly permitted under this ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the District. Such signs include, but are not limited to:

- Animated Signs
- Beacons
- Billboards
- Canopy Signs
- Inflatable signs and tethered balloons
- Marquee signs
- Neon signs
- Off-Premise signs
- Non-seasonal strings of lights
- Pennants, Banners, Windsocks,
- Portable Signs
- Projecting Wall Signs
- Roof Signs
- Street Banners
- Painted Wall Signs
- Signs with changeable messages (other than hours of operation, theatres, schools, churches, and Gateway Signs which are excepted)

#### **Signs expressly prohibited shall not receive Special Exceptions under Section 31.37.130.**

Amended 8-2-04 to remove Window Signs, add Off-Premise Signs, add theatres and churches to excepted item in changeable messages category, and to specify that prohibited signs shall not receive Special Exceptions.



The Board of Trustees may make an exception to this Section in the case of Off-Premise Signs whereby on a case-by-case basis, upon showing of good cause by evidence presented, that an on-premise sign is not readily visible, an exception may be made for one of the following reasons:

- A. Unique geographical and topological limitations for sign placement due to the location of the business, property, or nature of the immediate surrounding area, such as a property blocked or obscured by natural features, landscaping, or by other buildings not on the same property.
- B. In cases where the property may not be located in a prominent or easily identified location such as a parcel of land not bordering on routinely traveled streets where signage normally would be clearly visible by passing vehicle traffic or pedestrians.

The exception to the prohibition of an Off-Premise Sign may be made provided the aesthetic considerations and concept of sign conformity underlying both the requirement for uniform signage and non-proliferations of signage per community and business, as sought under this Chapter, is not hereby reduced. The quantities, size, and other limitations and specifications of this Chapter shall still apply and shall not be increased or changed by any exception granted. Any Off-Premise Signs shall be located as close to the property or business as is physically practicable and must be approved in writing by the owner of the property where the sign may be located. This requirement for approval in writing is the responsibility of the applicant.

#### Section 31.37.050 Permit Procedures.

- A. PERMIT REQUIRED. No sign shall be constructed or modified without a permit authorized by the Land Use Administrator unless the sign is allowed without a permit by Table 31 or by other specific written content contained in Chapter 31.37 of the Zoning Code. The property Owner(s) or the legally responsible entity owning the property for which the permit is issued, shall be held responsible for compliance with the zoning code.
- B. APPLICATION. All applications for construction, installation, or modification of a sign, or for approval of a Master or Common Signage Plan shall be in accordance with the application specifications established by the Land Use Administrator.
- C. FEES. Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the governing body of the District from time to time by resolution.
- D. SUPPORTING DOCUMENTATION. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign on the property. One application and permit may include multiple signs on the same zone lot.
- E. DURATION OF PERMIT. Sign permits shall be issued for five years. Except as provided herein, sign permits shall be renewable upon submission of a renewal application form and the applicable fees. Application for renewal must stipulate that no change has been made or include any changes requested.
- F. LAPSE OF PERMIT. A sign permit shall lapse automatically if not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the District to the

last permit-holder be sent to the premises, that the sign permit will lapse if such activity is not renewed.

- G. INSPECTION. The Land Use Administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the twelfth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and with the building and electrical codes, the Land Use Administrator shall issue a certificate of compliance. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Land Use Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then completed, and the deficiencies corrected the Land Use Administrator shall issue the certificate of compliance.
- H. MASTER SIGNAGE PLAN. Whenever a Site Plan is required for development of a property (See Land Use Ordinance Chapter 31.12, Site Plans), a Master Signage Plan must be submitted for the property being developed. The Plan must, in general, conform to Sign Ordinance regulations and include:
1. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
  2. Computation of the maximum area for individual signs, the height of signs, and the number of free-standing signs allowed.
  3. Sign characteristics, including:
    - a. Color
    - b. Typography
    - c. Lighting
    - d. Number of items/sign
    - e. Location of each sign on building
    - f. Sign material
    - g. Sign proportions
  4. Signature of owner of property.

Section 31.37.060 Permitted Sign Characteristics.

A. ITEMS OF INFORMATION.

Ten items of information may be displayed on a sign face. Buildings with more than one use will be allowed four more items of information per additional use. An item of information means any of the following:

ITEM	EXAMPLE
Word	Amana
Abbreviation	B&B
Number	109
Symbol	Grapes
Geometric Shape	An Arrow
Decoration	Leaf, Ribbon or Border
Change in typeface	Historic, contemporary
Lighting	All lights count as 1 item
Hood	Overhead lighting to be within the hood
Trademark/Logo	Registered with the Iowa Secretary of State in accord with Iowa Code Section 548. Trademark/Logo can contain a maximum of one graphic and 5 words and must specifically identify the business.

NOTE: A hood shall be constructed of non-painted wood on its exposed surfaces, within the maximum dimensions of a sign, and with a 7/12 pitch. Fascia and soffits shall be white or natural. It shall use the same type of shingles as the building with which it is associated.

Date stones and house numbers are excluded from computing items of information.

B. TYPOGRAPHY. Sign typography will be any of the following:

Avant Garde Bold  
Copperplate Gothic  
Palatino  
Palatino Bold  
Bookman Light

C. COLOR. Sign color will be black and white for wall, free standing, informational and incidental signs.

D. SIZE.

2. FREE-STANDING SIGNS.

- a. Area of Individual Signs. The surface area of a sign shall be computed as including the entire area of the display area of the sign and including all the elements of the matter displayed. Frames shall

be included in computation of the surface area. The maximum sign area shall not exceed 18 square feet with a maximum height of:

- i. Vertical Signs: 10 feet from ground level to top of the sign
- ii. Horizontal Signs: 7 feet from ground level to top of sign.
- b. For Businesses fronting Highways 6, 151, and 220<sup>th</sup> Trail, except for the Main Street of Amana (as defined by Main Street Project), the area of the free-standing sign may be up to 32 square feet including the framing of the sign.
- c. Two-faced Signs. The sign area of a free-standing sign shall be allowed on both sides of the sign when placed back to back, so that both sign faces cannot be viewed from any point at the same time. The sign faces are not allowed to be separated other than what is necessary for framing purposes.
- d. Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- e. Maximum size:
  - i. Free-standing Vertical including frame: 10 feet maximum height
  - ii. Free-standing Horizontal including frame: 7 feet maximum height
- f. Low wattage, directional lighting of a free-standing sign is permitted, upward focused lighting is prohibited.

### 3. WALL SIGNS

- a. Length. The maximum length of any wall sign shall be half the building's frontage, or 20 feet, whichever is less.
- b. Height. The maximum height of a wall sign depends on the cladding on the building for which the sign is intended. Cladding is modular, each piece--a clapboard, a brick, a shingle, a stone--is considered a standard unit of measure. The proper height of each wall sign shall be a specified unit of measure.

Units of Measure	Sign Height
Clapboard	4 boards or approximately 15 inches
Brick <sup>1</sup>	5 courses or approximately 15 inches
Stone <sup>2</sup>	2 courses or approximately 15 inches
Asbestos shingle	2 courses or approximately 15 inches
Vertical cladding	18 inches maximum

<sup>1</sup>Rolled asphalt siding is to be measured the same as brick.

<sup>2</sup>Stone courses are not uniform on Amana buildings, so a typical stone size needs to be determined for each building.

- c. Low wattage directional lighting of a wall sign is permitted, avoiding spillover beyond the sign onto the building

3. Informational. Maximum size is 2 feet square
4. Incidental. Traffic control signs shall meet Iowa Department of Transportation standards for size. All other incidental signs shall be one (1) square foot maximum.

#### Section 31.37.070 Design, Construction, And Maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the Uniform Building Code and the National Electrical Code at all times.
- B. Except for flags, temporary signs, and special event signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure. On brick or stone buildings, the sign shall be attached to the mortar, not the brick or stone.
- C. All signs shall be maintained in legible and good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

#### Section 31.37.080 Sign Requirements For Land Use.

- A. Commercial, Industrial, And Cultural. The system is designed to preserve the cultural resources of the historic district and celebrate the architecture with which the signage is associated. Therefore, all signage dimensions and placement shall relate to the features of a building and be proportional to the size of the building.

1. Allowed Signs:

1 rectangular free-standing sign per property  
1 wall sign, per building per lot  
Incidental sign(s) – parking/no parking, loading; on building or free-standing  
Informational sign(s) – hours

Direct, low wattage lighting of a wall sign is permitted. Internal lighting is not permitted. Free standing signs may have shingled gabled hoods.

2. Free-Standing Sign. Free-standing signs may be placed anywhere on the property, as long as the placement is within the signage setback requirements. The free standing sign shall be placed behind, rather than in front of, Amana Fences. In the case where no fence is present, assume a fence line exists on the property and locate the sign accordingly. In no case shall the sign be located closer than three feet to the property line or right-of-way. When in the C-2, Highway Service District, the setback shall be ten feet.

On a property owned by one single owner or entity, where multiple and individual principle buildings are located, there may be allowed one free-standing sign for each principle building of different use or business. To avoid sign congestion, the distance between free-standing signs must be at least 30 feet.

Direct, low wattage lighting of a free standing sign is permitted. Internal lighting is not permitted.

3. Signs for multiple use buildings.

Items: Commercial buildings with more than one business are allowed four extra items of information per additional business, on a wall or on a free standing sign. For example, a free-standing sign with 3 businesses would be allowed 18 items on the sign (10 plus 4 for each of the 2 additional businesses).

For buildings housing multiple businesses with separate entrances from the outside, a wall sign at the entrance of each business is allowed. Sign size will be proportional to the business's frontage, the maximum length of which will be half the business frontage, or 20 feet, whichever is less. Architectural features of the building such as gables, awnings, doors, windows, proximity of other signs and other entrances, or other obstructions may require a sign size less than stated above based on aesthetic concerns and proportionality. The Land use Administrator may require that a Master Signage Plan for the building by submitted before any permit is granted. All other items pertaining to colors, items and fonts, etc. apply.

On a property owned by one single owner or entity, with multiple businesses housed in one principal building which has main public business entrances for separate businesses fronting on two or more major named or numbered streets (not alleyways, driveways, or walkways), each separate business so situated may be treated as a single business in regard to signage. All individual signs for these separate businesses must nevertheless be separated by at least 30 feet.

In order to be eligible for a multiple business sign, each separate business must have separate Iowa Tax numbers and be able to satisfy 3 out of the following 5 standards:

- a. A separate entrance for each business.
- b. Separate ownership of each business.
- c. Separate membership in the Amana Colonies Convention and Visitors Bureau for each business.
- d. Separate property tax bills from Iowa County for each business.
- e. Separate phone numbers listed in a print telephone book for each business.

4. Additional signs for buildings with commercial or cultural activities. The following signs are permitted and not computed as items of information:

- a. One open/closed sign per entrance with no more than three signs per building when displayed inside a building and visible from the outside. When placed in a window the maximum size is 9 inches by 12 inches (9"x12").
- b. Date Stones and Integral Signs.
- c. Address Numbers.
- d. Informational sign.
- e. Temporary sign.
- f. Flag.
- g. Incidental.
- h. Building Markers
- i. Seasonal Decoration.

B. Residential

1. Home occupation

- a. Wall Sign. Two (2) square feet in area displaying the presence or conduct of the home occupation. The height of the sign shall be regulated by the cladding material on the home and shall be the same as wall signs outlined in section 31.37.060. Low wattage, downward-focused directional lighting of the wall sign is permitted.
- b. Informational. One open/closed sign (for residences with a home occupation) when displayed inside the residence and visible from the outside. When placed in a window the maximum size is 9 inches by 12 inches (9"x 12").

2. Address

- a. Signs on the building, not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, or other identification of premises not having commercial connotations.
- b. House numbers must comply with County Home Rule Ordinance No. 21 that requires uniform placement of house address numbers in conjunction with the Enhanced 911 Emergency Telephone Service. Number height must be 3 inches minimum to 6 inches maximum and white on a black background.
- c. Bed and Breakfasts. Bed and Breakfast establishments may have a maximum 2x2-foot free-standing sign or a maximum 2x2-foot wall sign with the name of the establishment. Amended 8-2-04, to distinguish this category in residential districts from other Home Occupations and to increase sign size.
- d. Grandfathered Commercial Inn Properties in Residential Districts. Commercial Inn properties grandfathered into the Amana Colonies Land Use District at the time of establishment of the District are to be treated as commercial entities for sign purposes. Amended 8-2-04 to add this category in residential districts and specify commercial signs allowed.
- e. Temporary Signs: (See Section 31.37.110)
- f. Multifamily Residences. In addition to the above signs, one (1) non-lighted sign not to exceed two (2) square feet in total area attached flat against the principal structure, indicating the name of the premises and/or the names of the occupants.
- g. Mobile Home Parks and Subdivisions. In addition to the above signs, one (1) directly lighted sign facing each public street on which the zoning district fronts, showing the name of the mobile home park or subdivision and other information pertinent thereto with no more than 10 items; provided that such sign shall not have an area of more the eighteen square feet.

C. Institutional.

- 1. One (1) on-premises sign, 18 square feet maximum, on which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its services or activities.
- 2. Temporary Signs. (See Section 31.37.110)
- 3. Address Numbers.

- a. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- b. House numbers must comply with County Home Rule Ordinance No. 21 that requires uniform placement of house address numbers in conjunction with the Enhanced 911 Emergency Telephone Service. Number height must be 3 inches minimum to 6 inches maximum and white on a black background.

D. ACOS And ACOS-NA.

1. Agricultural Signs. These signs are intended to convey messages about the agricultural products and materials used on agricultural lands within the Amana Colonies. Agricultural signs are to be free standing or attached to fences. A maximum of ten square feet is permissible with a minimum of one square feet.  
  
Agricultural signs are intended for placement along rights-of-way and shall relate to discernible tracts of agricultural lands. These tracts shall be individual fields distinguishable by changes in agricultural patterns. At a maximum the allowable signage area shall not be over 1320 feet of right-of-way frontage.
2. Conservation and Open Space Signs. Signs related to the identification of environmental preserves, parks, trails, and the amenities thereto. The applicant must submit a Master Plan for Board of Trustees approval identifying examples of signs, and locations.

Section 31.37.090 General Directional Signs

- A. Free Standing Village Information Signs. Each village may have one free standing wooden sign placed at each entrance to the village. These signs may contain only a "generic" listing of activities in each village. Dimensions: 6 feet-2 inches in height, 42 inches in width, with 1 inch by 6 inches by 42 inches (1"x 6"x 42") wood sign boards, painted white with black letters being half the height of the board. The posts will be 4 inch by 4 inch (4"x 4") wood. The maximum height from ground level is 10 feet. [See Appendix for example.]
- B. Corner Directional Signs. A system of signage to direct pedestrians to individual businesses or institutions off principal streets. They shall be placed within the boundaries of the village at decision points. The typical decision point in the Amanas is a corner, where a side street intersects with a principal street. They shall be free standing double post signs, uniformly dimensioned at 6 feet-2 inches in height and 36 inches (6'x 36") in width in a vertical format. The top board will indicate that parking is available. Each sign board will be made of 1 inch by 4 inches by 36 inches (1" x 4"x 36" ) wood, painted white with black letters, and the letters being half the height of the board. Each board shall have a directional arrow on the left or right, whichever is appropriate. The posts will be 4 inches by 4 inches (4"x 4"). On streets abutting a major highway, directional signs may be increased to 42 inches in width with 1 inch by 6 inch (1"x 6") boards.
- C. Gateway Signs. Three Gateway Signs, a maximum of 10 feet by 30 feet (10'x 30') and conforming to all other design standards will be allowed at the North entrance along Highway 151 near the Visitor's Center, at the West entrance along Highway 6



near South Amana and at the East entrance along Highway 6 near Homestead. In addition, one Map Sign no larger than 20 feet by 56 feet (20'x56') shall be permitted at either of the two junctions of Highway 151 and Highway 6.

- D. Interpretive Sign. Signs non-commercial in nature displaying historical information about the property. Not to exceed two (2) square feet, to be dark gray/white or light gray/black in color and to be placed on the building or fence, on the property or near a roadway.

#### Section 31.37.100 Public Right Of Way (ROW).

A. No signs shall be allowed in the public right-of-way, except for the following:

- 1. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
- 2. Bus stop signs erected by a public transit company; and
- 3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
- 4. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

- B. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the District shall have the right to recover from the owner or person placing such a sign the full costs, for removal and disposal of such sign.

#### Section 31.37.110 Temporary Signs.

Temporary signs on private property shall be allowed per the designations on Table 31. (If marked "P", a permit must be obtained from the Land Use Administrator.) The following stipulations apply:

A. Construction Signs.

- 1. Time. duration of project, to be removed within 1 week of completion of project
- 2. Size. no greater than 4 square feet in area and no higher than 4 feet.

B. Political Campaign.

- 1. Time: Up: no more than 45 days before election; Down: within 7 days after election
- 2. Size: does not obstruct sign distance for motorists

C. Real Estate.

- 1. Time. Up: duration of sale process; Down: within 2 days of sale or withdrawal from market
- 2. Size. no greater than 4 square feet

D. Seasonal Decoration.

- 1. Time. appropriate to season

E. Special Event.

1. Time. Up: 7 days before the event; Down: within 2 days after the event
  2. Size and Locations. Determined by Land Use Administrator
- F. Yard Sales.\* (as authorized in Table 31; no permit is required)
1. Time. Maximum of three (3) days
  2. Size. No greater than four (4) square feet
  3. Number. Two (2) signs on owner's property.
- \*Village-wide District-wide Yard Sales: (permit required) There will be allowed up to ten (10) temporary signs per application of which only two (2) may be on the same property. The remainder of the maximum 10 signs is allowable for other private property owners participating in the same event or project. Any additional signage also will require a permit and be subjected to additional fees per each 10 signs for the same event and any single event is limited to a total of three permits for a total of 30 signs. These multiple temporary signs must be limited to a size no larger than 4 square feet.

#### Section 31.37.120 Special Signage Permits.

The Administrator shall be authorized to issue special sign permits when, in his/her discretion, it is in the public interest and does not violate the purposes and interests of the Ordinance. Any permits issued under this subsection are subject to revocation at any time. Any person aggrieved by a decision of the Administrator under this section may appeal to the Board of Trustees.

#### Section 31.37.130 Exceptions To This Chapter.

The Board of Adjustment, pursuant to its authority under Section 31.08.020 of this Ordinance to grant special exceptions to provisions of this chapter. Before granting any special exception, the Board of Adjustment must review the request first with strict interpretation of the rules and guidelines to determine that conformity would yield a result ineffective or impossible to read from the street of the address of the business, or that it is physically not feasible to construct a conforming sign.

After making such a determination, and in granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards 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 the ordinance as provided in Section 31.02.90. Signs expressly prohibited in section 31.37.040 shall not receive special exceptions.

Amended 8-2-04 to call for strict interpretation of Ordinance and to preclude special exceptions for signs prohibited in 31.37.040.

#### Section 31.37.140 Time Of Compliance: Non Conforming Signs And Signs Without Permits.

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this ordinance or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a non conforming sign, to bring into conformity with the requirements of this ordinance.

- A. Existing Signs on Annexed Property. For any sign on property annexed at a later date than the effective date of this ordinance, applications for sign permits shall be submitted within six months of the effective date of the annexation or within such period as may be established in

an annexation agreement between the District and the landowner. Such signs shall be subject to all of the terms and conditions of this ordinance.

- B. Non-conforming Existing Signs, Permits and Terms. A sign which was in existence on the effective date of this ordinance or on a later date when the property is annexed to the District, which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be issued a Non-Conforming Sign Permit upon application.

Such permit shall allow the sign(s) subject to such permit, which were made non-conforming by the adoption of this ordinance, to remain in place and be maintained for a period ending no later than seven years after annexation, provided that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of Section 31.37.130.C. A change in the information on the face of an existing non-conforming sign is allowed. However, any non-conforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than 25 percent of the lesser of the original value or replacement value of the sign.

- C. Lapse of Non-conforming Sign Permit. A Non-conforming Sign Permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.
- D. Sign Removal Required. A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for which the time allowed for the continuance of non-conforming sign has expired, shall be forthwith removed.
- E. Historic Signs. A Non-conforming Sign Permit for Historic Signs will be issued to those signs that meet the definition of Historic Sign. Historic Signs will be exempt from the requirements of section 31.37.130.D.

#### Section 31.37.150 Violations.

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and by state law:

To install, create, erect, or maintain any sign requiring a permit without such a permit;

To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;

To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

#### Section 31.37.160 Enforcement And Remedies.

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other

appropriate proceedings pursuant to state law. A violation of this ordinance shall be considered a violation of the zoning ordinance of the District. The remedies of the District shall include the following:

- Issuing a stop-work order for any and all work on any signs on the same zone lot;
- Seeking an injunction or other order of restraint or abatement that requires removal of the sign(s) or correction of the nonconformity;
- Imposing any penalties that can be imposed directly by the District under the zoning ordinance;
- Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
- In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the District under the applicable provisions of the zoning ordinance and building code for such circumstances.

The District shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

All remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

#### Section 31.37.170 Definitions And Interpretation.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the District shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in Section 31.37.060. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in interpretation of this ordinance.

*Address Numbers.* House and Business Numbers.

*Agricultural Sign.* Any sign that displays an agricultural product grown or agricultural material used within the ACOS District.

*Animated Sign.* Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

*Banner.* Any sign, including pennants and balloons, constructed of lightweight fabric or similar material that is mounted to a pole or a building, at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

*Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

*Building Sign.* Any sign attached to any part of a building, as contrasted to a freestanding sign.

*Canopy Sign.* Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor services area. A marquee is not a canopy.

*Changeable Copy Sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

*Commercial Message.* Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Common Signage Plan.* The plan required for the coordination of signage for multiple contiguous zone lots that permits a 25 percent increase in maximum sign area.

*Construction Sign.* Signs identifying the architect, landscape architect, engineer, contractor or other individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended, but not including product advertising.

*Corner Directional Sign.* An overall system of directional signage to direct visitors to businesses or institutions. The system of signs shall be constructed and installed by an entity composed of, or representing, a majority of merchants and commercial businesses. Signs shall contain generic listings of village attractions with no more than five (5) boards per sign.

The signs shall be placed within the boundaries of the village at decision points. The typical decision point in the Amana Colonies is a corner, where a side street intersects with a principal street. Approval of all locations shall be made during the sign permitting process. They shall be free standing double or triple post signs, uniformly dimensioned at 6 feet-2 inches in height and 36 inches in width (6' 2" x 36") in a vertical format. The posts will be 4 inches by 4 inches (4" x 4"). The signs may be one or two sided or arranged in an "L" shape.

Each sign board will be made of 1 inch by 8 inches by 36 inches (1" x 8" x 36") wood, painted black with white letters with letters being not more than 6 inches in height. Each board shall have a directional arrow(s). On intersections of streets where they abut Highways 6, 151 and 220, directional signs may be increased to 42 inches in width with 1 inch by 10 inch boards with letters not more than 7.5 inches in height.

Signs for the "Visitors Center" along 220<sup>th</sup> Trail in Amana may have the top board, as one of the five boards of the directional sign, sized at 1 inch by 10 inches by 36 inches (1" x 10" x 36"). Individual off-premises directional signs shall be prohibited. Description of Corner Directional Signs was revised June 6, 2005 to allow for generic business types rather than specific business names

*Date Stone.* Letters or numbers carved into or secured in such a way that they are an architectural detail of a building, providing they are not made of reflecting material and do not contrast sharply in color with the building.

*District.* When the word District is used it shall mean the same as Amana Land Use District, except in those instances where it is used as part of a zoning district.

*Flag.* Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

*Free-standing Sign.* Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

*Free-standing Village Entrance Sign.* A free-standing sign allowed at the entrance or entrances to each village. These signs will contain a "generic" listing of activities in each village. For example: food, lodging, shops, gas, etc.

*Gateway Sign.* Three "gateway signs", a maximum of ten feet by thirty feet, and conforming to all other design standards will be allowed at the North entrance along Highway 151 near the Visitor's Center, at the West entrance along Highway 6 near South Amana and at the East entrance along Highway 6 near Homestead. One map sign will be permitted at either of the two "T" intersections of Highway 151 and Highway 6.

*Historic Sign.* As part of the preservation of the built environment, historic signs are to be preserved by retaining their historic shape, typography, support material and paint color. The test of historic value will be based on any sign's age and its success in reflecting Amana culture. Based on the evidence in historic photographs or other documentation, only signs built before 1932 shall be considered historic; signs built after 1932 shall not be considered historic. Amended 8-2-04, to specify only signs constructed before 1932 may be considered historic.

*Home Occupation Sign.* An unlighted sign attached flat against the dwelling displaying the occupant's name and occupation.

*Hood.* A pitched roof over a sign within which all lighting shall be housed.

*Incidental Sign.* A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking..... entrance..... loading only," "telephone," and other similar directives.

*Informational Sign.* A wall sign, non-commercial in nature, indicating public services, hours of operation, handicapped access, open/closed notice, and menu signs for businesses whose primary business is serving food and/or beverages. Amended 2006 to add provision for menu signs.

*Institutional Sign.* A free standing sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and announcement of its services or activities

*Integral Sign.* Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets and other similar signs when carved into stone, concrete or other building material, or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

*Interpretive Sign.* Signs non-commercial in nature displaying historical or cultural information about the property. Placed on the building or fence, on the property or near a roadway. Must conform to shape and typography standards.

*Land Use Administrator.* The Land Use Administrator of the District or his or her designee.

*Lot.* Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

*Major Highway.* U.S. Highway 6, Iowa Highway 151 and Iowa Highway 220.

*Map Sign.* A directional/location sign at either of the two "T" intersections of Iowa Highway 151 and Iowa Highway 6.

*Marquee.* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*Marquee Sign.* Any sign attached to, in any manner, or made a part of a marquee.

*Master Signage Plan.* The plan required for a zone lot owner to construct, erect or modify a sign.

*Non-conforming Sign.* Any sign that does not conform to the requirements of this ordinance and signs not conforming to the ordinance after a grace period of seven years from the date of passage of this ordinance.

*Obsolete Sign.* Signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located.

*Painted Wall Sign.* Off premises signs painted on building wall. If there is historical evidence that a painted wall sign is part of the cultural heritage, i.e., 1932 or earlier, it may be retained as a ghost sign, but not restored.

*Person.* Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

*Political Campaign Sign.* Signs announcing candidates seeking public political office or pertinent political issues.

*Portable Sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Principal Building.* The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

*Projecting Sign.* Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

*Property.* Something owned or possessed, specifically, a piece of real estate to which a person has legal title, normally identified as parcel with a lot and block number, or by metes and bounds, as used on the application for a permit.

*Public Sign.* Signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

*Real Estate Sign.* Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed.

*Roof Sign.* Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

*Roof Sign, Integral.* Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

*Seasonal Decorations.* Signs and decorations pertaining to recognized national and local holidays and observances. (Temporary Sign)

*Setback.* The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

*Sign.* Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

*Special Event Sign.* A temporary sign advertising the occasion and location of community events, including, but not limited to fairs, festivals, and celebrations open to the general public and hosted by 501(c)(3)s, schools, organizations of public benefit and churches.<sup>2</sup>

*Street.* A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

*Street Frontage.* The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

*Suspended Sign.* A sign suspended from the underside of a horizontal plane surface and supported by such surface.

*Temporary Sign.* Any sign intended to be displayed for a short period of time.

*Typography.* Style of lettering on a sign.

*Wall Sign.* Any sign attached parallel to, but within six inches of, a wall, erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. (See Painted Wall Sign)

*Window Sign.* Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and visible from the exterior of the window.

*Yard Sale Sign.* An on-site free standing residential sign announcing the sale of household items by the occupants of a residential lot. Also includes sales held in garages, basements, patios, etc.

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<sup>2</sup> Amended by Ordinance 2024-002: April 8, 2024.



*Zone Lot.* A parcel of land in single ownership of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and open spaces as required by the zoning regulations.

## CHAPTER 31.38 INFRACTIONS AND PENALTIES

### Section 31.38.01 Municipal Infraction.

A violation of any ordinance adopted by the Amana Colonies Land Use District or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under state laws 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 an Amana Colonies Land Use District Infraction punishable by civil penalty as provided herein.

### Section 31.38.02 Environmental Violation.

An Amana Colonies Land Use District Infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the Amana Colonies Land Use District in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the Amana Colonies Land Use District has offered to participate in informal negotiations regarding the violation or to the following specific violations:

1. A violation arising from non-compliance with a pretreatment standard or requirement referred to in 40 C.F.F. Section 403.8.
2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.
3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

### Section 31.38.03 Penalties.

An Amana Colonies Land Use District Infraction is punishable by the following civil penalties: (*Code of Iowa, Sec. 364.2[1]*)

#### A. Standard Civil Penalties.

1. First Offense, not to exceed \$750.
2. A Repeat Offense, \$1,000. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

#### B. Special Civil Penalties.

1. An Amana Colonies Land Use District infraction arising from non-compliance with a pretreatment standard or requirement, referred to in 40 C.F.R. Section 403.8, by an industrial user is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each day a violation exists or continues.
2. An Amana Colonies Land Use District Infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all the following conditions are satisfied:

- a. The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation of the equipment designed to reduce or eliminate the violation.
- b. The Amana Colonies Land Use District is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- c. The violation does not continue in existence for more than eight (8) hours.

#### Section 31.38.04 Civil Citations.

Any officer authorized by the Amana Colonies Land Use District to enforce its Ordinances may issue a civil citation to a person who commits an Amana Colonies Land Use District Infraction. The citation may be served by personal service as provided in the Iowa Rules of Civil Procedure, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in the Iowa Rules of Civil Procedure. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- A. The name and address of the defendant.
- B. The name or description of the infraction attested to by the officer issuing the citation.
- C. The location and time of the infraction.
- D. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- E. The manner, location, and time in which the penalty may be paid.
- F. The time and place of court appearance.
- G. The penalty for failure to appear in court.

#### Section 31.38.05 Alternative Relief.

Seeking a civil penalty as authorized in this chapter does not preclude the Amana Colonies Land Use District from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.

#### Section 31.38.06 Criminal and Other Penalties.

This chapter does not preclude a peace officer from issuing a criminal citation for a violation of the Amana Colonies Land Use District Ordinances or regulations if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the Amana Colonies and Use District to enforce the provisions of its Ordinances by any other lawful means.

CHAPTER 31.39 – WARRANTS, GENERAL STANDARDS, EXTENSION OF AUTHORITY AND PROVIDING PENALTIES.

Section 31.39.01 Warrants.

If consent to enter upon or inspect any building, structure or property pursuant to an Amana Colonies Land Use District ordinance is withheld by any person having the lawful right to exclude, the Amana Colonies Land Use District officer or employee having the duty to enter upon or conduct the inspection may apply to the Iowa District Court, pursuant to Section 808.14 of the Code of Iowa, for an administrative search warrant. No owner, operator, or occupant or any other person having charge, care, or control of any dwelling unit, rooming unit, structure, building or premises shall fail or neglect after presentation of a search warrant, to permit entry therein by the Amana Colonies Land Use District officer or employee.

Section 31.39.02 General Standards for Action.

Whenever the Amana Colonies Land Use District ordinance grants any discretionary power to any commission, board, officer or employee of the Amana Colonies Land Use District and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety, and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

Section 31.39.03 Extension of Authority.

Whenever an officer or employee is required or authorized to do an act by an Amana Colonies Land Use District Ordinance, the provision shall be construed as authorizing performance by a regular assistant, subordinate or duly authorized designee of said officer or employee.

Section 31.39.04 Standard Criminal Penalty.

Unless another penalty is expressly provided by the Amana Colonies Land Use District ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days. (September 2006, Ordinance 2006-09)

## CHAPTER 31.40 SHORT-TERM RENTAL OF GUEST ACCOMODATIONS<sup>3</sup>

### Sections:

31.40.010	Definitions and Interpretations
31.40.020	Short-Term Rental Parameters
31.40.030	Permit Availability
31.40.040	STR Permit Application and Approval
31.40.050	STR Permit Renewal and Approval
31.40.060	Penalties And Enforcement

### Section 31.40.010 Definitions And Interpretations

Words and meanings set forth in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but already defined in the zoning ordinances of the District shall be given the meanings set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

*Agricultural Area.* Refers to ACOS, ACOS-NA and HP-A districts and sub-districts.

*Building.* Principle and accessory buildings on a property.

*Commercial Area.* Refers to ACOS, ACOS-NA and HP-A districts and sub-districts.

*Dwelling.* Any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

*Residential Area.* Refers to R-1, R-2 and HP-R districts and sub-districts.

*Short-Term Rental (STR).* A guest accommodation, not meeting the definition of a Bed and Breakfast Establishment, where, in exchange for compensation, a dwelling is provided for lodging for a period of time not to exceed thirty (30) consecutive days.

*Short-Term Rental Owner.* The owner of record of the property.

### Section 31.40.020 Short-Term Rental Parameters

The Short-Term Rental Owner, or a person or organization designated by the owner, shall be available for and responsive to contact at all times. The STR Permit document shall be posted on an interior wall next to the primary entrance of the dwelling being rented, and 24/7 contact information shall be available for viewing at any time at this location.

The Short-Term Rental Owner, or a person or organization designated by the owner, must have their permanent residence or place of business located within a 50-mile radius of the property being used for STR.

No entity shall operate a Short-Term Rental without first having obtained a STR Permit.

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<sup>3</sup> Included by Ordinance 2024-003.

Existing ordinances regarding Change of Use Permits may apply to a particular property prior to it being approved for rental.

No person or immediate family, individually or as part of a corporation, may hold more than quantity two (2) STR Permits at any given time. Permits are non-transferable, however, new owners of a property with an existing STR Permit will have first option to renew. The renewal process requires re-application and re-evaluation by ACLUD as well as up to date permit fees.

A minimum of forty per cent (40%) of the total STR permits made available will be reserved for individuals who are permanent residents within the Land Use District.

Buildings with approved STR Permits shall be limited to no more than three (3) separate dwellings within them. Parking shall be made available on-site at a rate of one (1) parking space for each bedroom located in each dwelling.

#### Section 31.40.030 Permit Availability

It shall be at the sole discretion of the ACLUD Board of Trustees as to the quantity of STR permits to be made available for use within the various districts and sub-districts of the Amana Colonies Land Use District. This also applies to the proportion of the number of permits to be allowed within a given village within the District. The total quantity of permits allowed, their proportion of application within a given village and the STR application fee structure shall be stated on the Short Term Rental Guest Accommodations Permit Application form.

#### Section 31.40.040 STR Permit Application and Approval

Each applicant for a STR Permit will pay an initial, non-refundable permit application fee, even if the permit is not granted. There shall also be an additional fee charged for each additional rental dwelling within a building up to the maximum of three (3) allowed. The current permit application fees shall be stated on the Short-Term Rental Guest Accommodations Permit Application form.

There will be an approval process in place for each individual permit application. The Board of Trustees, at their discretion, may either perform this review process themselves, or appoint a Review Committee for this purpose. Only upon successful completion of this review will an entity be granted an active STR Permit.

#### Section 31.40.050 STR Permit Renewal and Approval

Any STR Permit holder who wishes to renew their permit for another year shall submit the renewal within sixty (60) days of expiration. Renewals will require a non-refundable permit renewal fee, even if the renewal of the permit is not granted. There shall also be an additional renewal fee charged for each additional rental dwelling within a building up to the maximum of three (3) allowed. The current permit renewal fees shall be stated on the Short-Term Rental Guest Accommodations Permit Renewal form.

There will be an approval process in place for each individual permit renewal. The Board of Trustees, at their discretion, may either perform this review process themselves, or appoint a Review Committee for this purpose. Only upon successful completion of this review will an individual be granted a STR Permit Renewal.

#### Section 31.40.060 Penalties And Enforcement

For those entities operating a Short-Term Rental without an active STR Permit, following notification of the permit requirements by the ACLUD Administrator, all rentals shall cease until the permit approval process has occurred and an STR Permit has been granted. Failure to comply with the ACLUD Infraction Notice will result, at the discretion of the ACLUD Board of Trustees, in a fine being levied against said entity per parameters stated in the Infraction Notice.

It is the responsibility of the Short-Term Rental Owner, or a person or organization designated by the owner, to operate and maintain their STR dwelling(s) in a safe and effective manner. Failure to follow existing ACLUD and/or Iowa County ordinance regulations may result, at the discretion of the ACLUD Board of Trustees, in revocation of an active STR Permit.

#### CHAPTER 31.41 THROUGH 31.49

Reserved for future use.

#### CHAPTER 31.50 SEVERABILITY CLAUSE

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

#### CHAPTER 31.51 REPEALER

All resolutions or ordinances or parts of resolutions or ordinances in conflict with the provisions of this ordinance are hereby repealed.

#### CHAPTER 31.52 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 18th day of December 1985. Effective: March 1, 1986

BOARD OF TRUSTEES  
AMANA COLONIES LAND USE DISTRICT

By /s/ Harold Pitz  
President

ATTEST:  
By /s/ Reynold Moessner  
Clerk

DIVISION 3.0, ARTICLE 2.0 SUBDIVISION ORDINANCE, Ordinance No. SO 12-18-85

AMANA COLONIES LAND USE DISTRICT  
IOWA COUNTY, IOWA

An ordinance prescribing minimum requirement for the design and development of new subdivisions and re-subdivisions of land; providing for the preliminary and final approval of such subdivisions, and providing for the enforcement of these regulations; in accordance with the provisions of Chapters 303 and 306.21, Code of Iowa, 1985, and for the repeal of all ordinances, resolutions, rules, and regulations in conflict therewith.

WHEREAS, the Board of Trustees of the Amana Colonies Land Use District, pursuant to Chapter 303, Code of Iowa, has adopted a Land Use Plan as a guide to the future development of the Land Use District, and

WHEREAS, in accordance with said Land Use Plan the Board of Trustees has adopted a zoning ordinance to assist in controlling the future development of the Land Use District by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings, the density of population and the locations and uses of buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, it is essential that the subdivision of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the Land Use District as outlined in the Land Use Plan in a manner which will maintain and enhance the distinctive historical and cultural character of the District,

WHEREAS, Chapter 306.21, Code of Iowa, 1985, provides that all plans and plats for rural subdivisions shall be approved by the Board of Supervisors and the County Engineer before a subdivision is laid out and platted; NOW THEREFORE,

Be it enacted by the Board of Trustees of the Amana Colonies Land Use District, that the following ordinance relating to and prescribing rules for the subdivision and platting of land be adopted as follows:

## CHAPTER 32.02 GENERAL PROVISIONS

### Sections:

32.02.010	Title
32.02.020	Definitions

### Section 32.02.010 Title.

This ordinance may be known and cited as the “Subdivision Ordinance” of the Amana Colonies Land Use District, and shall be referred to herein as “this ordinance.”

### Section 32.02.020 Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular; the word “shall” is mandatory, the word “may” is permissive.

*Alley:* A public right-of-way, other than a street, twenty (20) feet or less in width affording secondary means of access to abutting property. (See also Road and Street Systems below.)

*Auditor’s Plat:* A plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.

*Board of Supervisors:* The Board of Supervisors of Iowa County, Iowa.

*Building Line:* A line on a plat between which line and public right-of-way line no building or structures may be erected.

*County Engineer:* The County Engineer of Iowa County, Iowa.

*Cul-de-sac:* A dead-end street permanently closed to through traffic being terminated by a vehicular turn-around.

*Easement.* A right-of-way granted for the purpose of limited private, public, and quasi-public uses across private land.

*Land Use Administrator:* The person designated by the Board of Trustees to administer and enforce the provisions of this ordinance.

*Lot:* A portion of a subdivision or other plot or parcel of land which is, or in the future, may be, offered for sale, conveyance, transfer or improvement.

*Major Street:* A street, which is included in the municipal arterial or municipal collector system, as may be designated on the Land Use Plan of the Amana Colonies Land Use District.

*Plat:* A map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which he submits for approval and intends in final form to record.

*Proprietor’s Plat:* A plat as defined herein submitted by the owner of the land being platted, or his agent, or other private entity, acting with the consent of the owner.

*Residential Street:* A local service street, included in the municipal service system, used primarily for access to abutting property.



*Road and Street Systems:* The roads and street within the Amana Colonies Land Use District are functionally classified in accordance with Chapter 306.1, Code of Iowa, as follows:

- A. The municipal arterial system consists of those streets within municipalities not included in other classifications which connect principal traffic generating areas or connect such areas with other systems.
- B. The municipal collector system consists of those streets within municipalities that collect traffic from the municipal service system and connect to other systems.
- C. The municipal service system consists of those streets and commercial alleys within municipalities which serve primarily as access to commercial and residential property and shall also include streets within municipal parks.
- D. The municipal residential alley system consists of those alleys which serve primarily as secondary access to residential property.

*Subdivisions:* The division of a lot, tract, or parcel of land into three or more lots, parcels, or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or the land subdivided.

The division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new road, street, easement or other dedication, shall not be considered a subdivision, as defined above, and shall be exempt from the requirements of this ordinance. Such division into parcels of more than 10 acres shall not be further divided into parcels of less than 10 acres without meeting all of the requirements of this ordinance.

## CHAPTER 32.04 PRELIMINARY PLATS

### Sections:

- |           |   |
|-----------|---|
| 32.04.010 | Preliminary Approval by Board of Trustees |
| 32.04.020 | Information Required on Preliminary Plats |

### Section 32.04.010 - Preliminary Approval by Board of Trustees.

Whenever the owner, or owners, of any tract or parcel of land within the boundaries of the Amana Colonies Land Use District wishes to make a subdivision of the same, he shall cause to be prepared a preliminary plat of said subdivision and shall submit ten (10) copies of said preliminary plat and such other information as is hereinafter required to the Board of Trustees for its preliminary study and approval.

The Board of Trustees shall refer the preliminary plat to the Land Use Administrator who shall examine said preliminary plat as to its compliance with the ordinances and regulations of the Amana Colonies Land Use District, the existing street system, and good utility practices. The Land Use Administrator shall submit his recommendations along with a copy of the preliminary plat to the Board of Trustees for its consideration.

The Board of Trustees shall also refer two (2) copies of the preliminary plan to the County Engineer for his review and recommendations.

The Board of Trustees shall study such preliminary plat, along with the comments and recommendations of the County Engineer and the Land Use Administrator, to see if it conforms with the standards and requirements as outlined in this ordinance and shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Board. If the Board does not act within sixty (60) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension to the time for a period not to exceed ninety (90) days. The approval of the preliminary plat by the Board shall be null and void unless the final plat for at least a portion of the preliminary plat is presented within one hundred eighty (180) days after date of approval.

Before approving a preliminary plat, the Board of Trustees may in its discretion hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the Land Use District or by placing in the United States mail appropriate form of notice setting the time and place at which said plat shall be considered by the Board.

### Section 32.04.020 – Information Required on Preliminary Plats.

Each sub-divider of land should confer with the Board of Trustees before preparing the preliminary plat in order to become thoroughly familiar with the Land Use Plan and with other regulations affecting the area in which the proposed subdivision lies. The owner shall submit ten (10) copies of a preliminary plat to the Board which shall be drawn to a scale of not less than one (1) inch to one hundred (100) feet by a registered engineer and licensed land surveyor and shall show the following:

- A. The complete legal description of the property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions.

- B. Existing contour intervals of not more than two (2) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat.
- C. The location of property lines and all such surface features as buildings, railroads, utilities, water courses, and similar items affecting the development. Also, the location and size of such subsurface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.
- D. A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.
- E. All existing adjacent subdivisions, streets, and tract lines of acreage parcels together with the names and addresses of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets.
- F. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date, name of surveyor and engineer.
- G. Sites for schools, parks, playgrounds, and provision for major streets, where applicable, in accordance with the Land Use Plan.
- H. The zoning district or districts in which the land to be subdivided is located according to the zoning ordinance.
- I. For all streets, the minimum radius of curvature, the maximum grade, changes in grades, and grade alignment shall be worked out in detail to meet the approval of the County Engineer.
- J. Any plat that cannot reasonably be served by public sewer shall show the results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be made in accordance with the specifications approved by the County Engineer or the County Health Department.
- K. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are no outstanding liens or encumbrances on the property. The names of all record title holders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa.

Any plat not containing all information specified above shall not be considered by the Board of Trustees.

## CHAPTER 32.06 AUDITOR'S PLAT

### Sections:

32.06.010 Auditor's Plats, Purpose and Waiver

### Section 32.06.010 – Auditor's Plats, Purpose and Waiver.

With regard to Auditor's plats as distinguished from proprietor's plats, the Board of Trustees may, in its discretion, waive provisions governing preliminary approval and public improvements outlined in Chapters 32.04, 32.10, and 32.12 providing there is on file with the Board a copy of the request of the Iowa County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

## CHAPTER 32.08 FINAL PLATS

### Sections:

- 32.08.010 Final Approval by Board of Trustees
- 32.08.020 Approval by Board of Supervisors
- 32.08.030 Information Required on Final Plats

### Section 32.08.010 – Final Approval by Board of Trustees.

The sub-divider shall also submit to the Board of Trustees for its approval or rejections, ten (10) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 32, 08.030 of this ordinance. If the Board approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the President of the Board. The approval of the final plat by the Board shall be null and void unless the final plat is submitted to the Board of Supervisors within sixty (60) days after date of approval by the Board of Trustees.

### Section 32.08.020 – Approval by Board of Supervisors.

After approval of the final plat of the subdivision by the Board of Trustees, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Board of Supervisors by the Clerk of the Board of Trustees for approval and for the acceptance of all streets, alleys, easements, or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Chapter 32.12 herein, shall be installed.

Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is made in writing during said thirty (30) day period to both the Board of Trustees and the Board of Supervisors, and granted.

### Section 32.08.030 – Information Required on Final Plats.

Following preliminary approval, ten (10) copies of the final plat shall be submitted to the Board of Trustees for study and review. Ten (10) copies of the final plat as ultimately approved by the Board of Trustees shall also be necessary for submission to the Board of Supervisors for its approval. This plat shall be made from an accurate survey by a licensed land surveyor and engineer and drawn to a scale of one hundred (100) feet to the inch or larger. The final plat shall show the following:

- A. The boundaries of the property, the lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner. The allowable unadjusted error of closure on the traverse of the boundaries of the plat shall be 1 in 10,000. Latitude and departure computations on the traverse closure shall be submitted with the plat.
- B. The lines of adjoining streets and alleys with their width and names.
- C. All lot lines, lot and block numbers, lot area in acres, building lines and easements, with figures showing their dimensions.
- D. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements, and building line setbacks, and

any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.

- E. Radii, arc, and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.
- F. All surveyor's monuments, together with their descriptions. Monumentation shall be the requirements of Section 409.30, Code of Iowa.
- G. Title and complete legal description of property subdivided, showing its location and extent, points of compass, scale of plat, and certification and name of engineer or surveyor staking the lots.
- H. Accompanying Material. The following material shall be required to be submitted prior to or at the time the final plat is submitted to the County Engineer and the Board of Supervisors for approval.
  - 1. Plans and profiles shall be submitted of all streets and alleys, 50 feet horizontal scale and 5 feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the south end of the profile shall be at the left side of the drawing.
  - 2. Any easements or deeds, properly executed, for all streets or roads intended to be dedicated for public use.
- I. Certificates. It shall be the responsibility of the owner to obtain and submit to the County Recorder the following certificates, prior to or at the time that the final plat is submitted for record.
  - 1. Certificate from the County Treasurer that the subdivision land is free from taxes.
  - 2. Certificate from the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics, or other liens of record in his office.
  - 3. Certificate from the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
  - 4. Certificate by the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgement of deeds.

## CHAPTER 32.10 DESIGN AND DEVELOPMENT STANDARDS

### Sections:

32.10.010	Conformance Required
32.10.020	Acre Subdivision
32.10.030	Relation to Adjoining Street System
32.10.040	Street Width
32.10.050	Blocks
32.10.060	Lots
32.10.070	Street Names
32.10.080	Building Lines
32.10.090	Character of Development
32.10.100	Easement Along Streams

### Section 32.10.010 – Conformance Required.

No subdivision plat shall be approved by the Board of Trustees unless it conforms to the following minimum standards and requirements, except those plats referred to in Chapter 32.06 as Auditor's Plats.

### Section 32.10.020 – Acre Subdivision.

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be re-subdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

### Section 32.10.030 – Relation to Adjoining Street System.

The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

### Section 32.10.040 – Street Width.

- A. The width for major streets shall conform to such widths as may be designated on the Land Use Plan.
- B. The minimum width for local service streets shall be sixty (60) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the

Board of Trustees, after conferring with the County Engineer, may reduce the above requirements.

- C. Dead-end streets shall not be over six hundred (600) feet in length and shall have a minimum width of sixty (60) feet, unless, because of unusual conditions the Board of Trustees shall approve a street of greater length and/or width. All dead-end streets shall terminate in a circular right-of-way or cul-de-sac with a minimum diameter of one hundred (100) feet or other equally suitable provision for vehicular turning space.
- D. Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, telephone and other utilities.

#### Section 32.10.050 – Blocks.

No block shall be longer than one thousand (1,000) feet, except where topography or unusual conditions permit a greater length.

#### Section 32.10.060 – Lots.

- A. All side lot lines shall be substantially at right angles or radial to street center lines unless the Board of Trustees shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.
- B. The minimum dimensions for lots shall be in accordance with the bulk regulations of the zoning ordinance for the district within which the subdivision is located; provided, however, that the minimum depth for a lot shall be one hundred (100) feet.
- C. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the zoning ordinance.
- D. All lots at street intersections shall have a radius of not less than fifteen (15) feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

#### Section 32.10.070 – Street Names.

Street names for streets which are in alignment with or extensions of existing streets shall be the same. Street names shall be subject to approval by the Board of Trustees.



#### Section 32.10.080 – Building Lines.

Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the zoning ordinance for the district within which the property is located.

#### Section 32.10.090 – Character of Development.

The Board of Trustees shall have the right to agree with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate development of the property being subdivided.

#### Section 32.10.100 – Easements Along Streams.

Whenever any stream or major surface water course is located in an area that is being subdivided, the sub-divider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to Iowa County an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the stream.

## CHAPTER 32.12 IMPROVEMENTS

### Sections:

32.12.010	Improvements Required
32.12.010	Streets
32.12.030	Lot Grading
32.12.040	Sewers
32.12.050	Water Mains
32.12.060	Sidewalks
32.12.070	Monuments
32.12.080	Underground Utilities
32.12.090	Review, Approval and Inspection

### Section 32.12.010 – Improvements Required.

Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the sub-divider shall make and install the improvements described in this chapter. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the County Attorney and County Treasurer, with Iowa County, which bond will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or any portion thereof to complete same..

The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following sections:

### Section 32.12.020 – Streets.

The sub-divider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving on such new streets shall be built according to the standards and specifications of the County Engineer, but in no case shall it consist of less than an asphaltic concrete surface course laid on a base approved by the County Engineer or six (6) inches of reinforced or seven (7) inches of non-reinforced Portland cement concrete. Minimum pavement widths shall be in accordance with the requirements of the County Engineer.

### Section 32.12.030 – Lot Grading.

The sub-divider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residence or other structures thereon.

### Section 32.12.040 – Sewers.

The sub-divider shall construct sanitary and storm water sewers according to the standards and specifications of the County Engineer and the affected Sanitary District, and provide a connection

for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible as a temporary measure pending future sewer service; provided the subdivider shall furnish a report from the County Health Department and County Engineer stating that the proposed lots have been tested and found suitable for septic tank installation. All driveway and road culverts shall be installed in accordance with the standards and specifications of the County Engineer.

#### Section 32.12.050 – Water Mains.

The sub-divider shall provide for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction, and shall be in accordance with the standards and specifications of the Amana Service Company.

#### Section 32.12.060 – Sidewalks.

The Board of Trustees may require that the sub-divider provide for the installation of sidewalks along all new or existing streets in the subdivision. The sidewalks, where required, shall be built according to the standards and specifications of the County Engineer.

#### Section 32.12.070 – Monuments.

Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least 30 inches long, and shall conform with standard specifications of the County Engineer.

#### Section 32.12.080 – Underground Utilities.

The Board of Trustees may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The sub-divider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right of any street, alley, or way in the subdivision. Incidental appurtenances, such as transformers, and their enclosures, pedestal mounted terminal boxes, meters, and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public.

Such incidental appurtenances shall be in accordance with the standards and specifications of the Amana Service Company. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In its determination on whether or not to require underground utilities, the Board of Trustees may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

#### Section 32.12.090 – Review, Approval, and Inspection.

All plans, specifications, installation and construction required by this ordinance shall be subject to review, approval, and inspection by the County Engineer or his authorized representative.

- A. The County Engineer may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.
- B. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the Engineer not less than 48 hours in advance of readiness for required inspection. The subdivider shall reimburse the County for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the County.
- C. The sub-divider shall be responsible for the installation and/or construction of all improvements required by this ordinance, and shall warrant the design, materials, and workmanship of such improvements, installation, and construction for a period of two (2) years from and after completion. Such warranty shall be by bond or other acceptable collateral; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

## CHAPTER 32.14 VARIATIONS AND EXCEPTIONS

### Sections:

32.14.010 Variations and Exceptions

### Section 32.14.010 – Variations and Exceptions.

Whenever a tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this ordinance would result in substantial hardships or injustices, the Board of Trustees may modify or vary such requirements to the end that the subdivider is allowed to develop his property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this ordinance and granted with the view toward protecting the public welfare and interest of the Land Use District, Iowa County and surrounding area.

## CHAPTER 32.16 FEES

### Sections:

32.16.010 Fees Designated

### Section 32.16.010 – Fees Designated.

Before a preliminary plat shall be considered by the Board of Trustees, the sub-divider or his agent shall deposit with the Treasurer a fee of fifty dollars (\$50.00). A receipt of such filing fee shall be filed with the preliminary plat.

Before a final plat shall be considered by the Board of Trustees, the subdivider or his agent shall deposit with the Treasurer a fee of twenty-five dollars (\$25.00) plus one dollar for each lot included in the final plat. A receipt of such filing fee shall be filed with the final plat.

## CHAPTER 32.18 ENFORCEMENT

### Sections:

32.18.010      Enforcement

### Section 32.18.010 Enforcement.

- A. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.
- B. The Land Use Administrator shall not issue permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this ordinance but which has not been approved in accordance with the provisions contained herein.
- C. The Board of Supervisors shall not permit any public improvement over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date of the adoption of this ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein.

## CHAPTER 32.20 CHANGES AND AMENDMENTS

### Sections:

32.20.010      Changes and Amendments

### Section 32.20.010 - Change and Amendments.

Any regulation or provision of this ordinance may be changed and amended from time to time by the Board of Trustees; provided, however, that such changes and amendments shall not become effective until after study and report by the Land Use Administrator and County Engineer and after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the Land Use District at least fifteen (15) days prior to such hearing.

## CHAPTER 32.22 REPEALER

All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed.

#### CHAPTER 32.24 SAVING CLAUSE

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

#### CHAPTER 32.26 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this 18<sup>th</sup> day of December, 1985. Effective March 1, 1986.

BOARD OF TRUSTEES  
AMANA COLONIES LAND USE DISTRICT

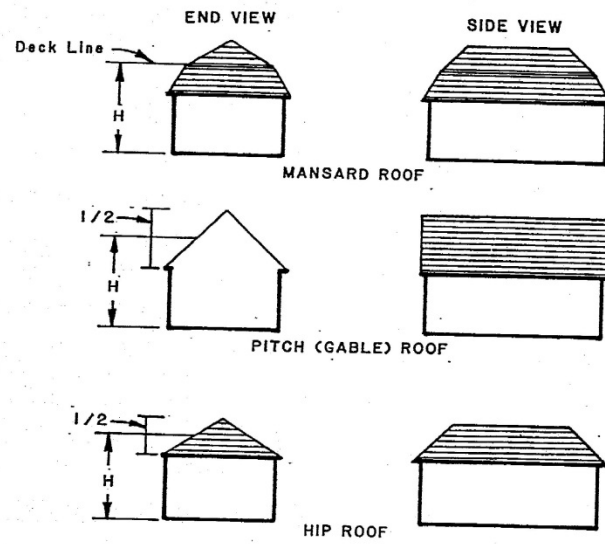
By /s/ Harold Pitz, President

ATTEST:

By /s/ Reynold Moessner, Clerk

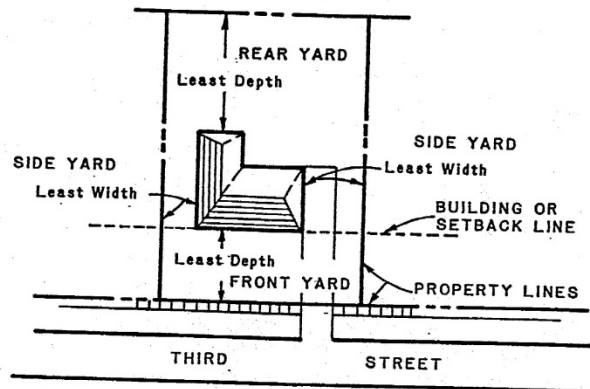
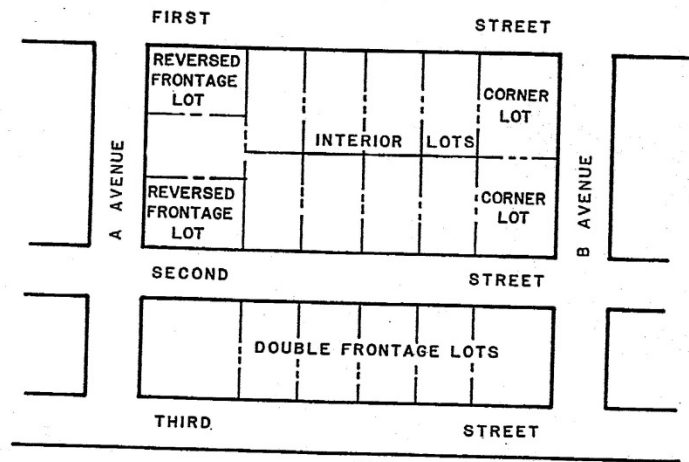


Attachment A



**BUILDING HEIGHTS**  
ATTACHMENT A

A-1



## LOT & YARD DEFINITIONS

ATTACHMENT A

A-2 .

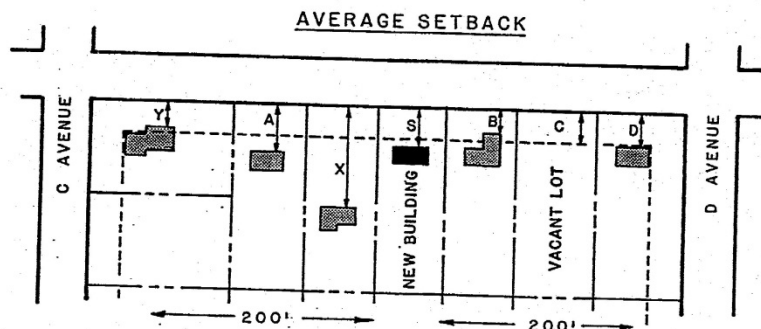
The diagram shows two side-by-side lot layouts. The left layout is labeled 'NEW LOTS' and the right layout is labeled 'OLDER LOTS'. Both layouts show a grid of lots with various building footprints. A solid line represents the 'A=MINIMUM SETBACK LINE' and a dashed line represents the '1/2 A=MINIMUM SETBACK LINE'. The 'NEW LOTS' layout shows a larger setback area (A) compared to the 'OLDER LOTS' layout, which shows a smaller setback area (1/2 A).

**NEW LOTS**

**OLDER LOTS**

**A=MINIMUM SETBACK LINE**

**1/2 A=MINIMUM SETBACK LINE**



X=BLDGS. ENTIRELY ON THE REAR HALF OF  
LOTS SHALL NOT BE COUNTED

Y-REVERSE CORNER LOTS SHALL NOT BE COUNTED

S=MINIMUM SETBACK OF PROPOSED BLDG.

$$S = \frac{A + B + C + D}{4}$$

## BUILDING SETBACK LINES

ATTACHMENT A

A3 - Replaced by SignOrd.

A-4

Figure 3 – generalized land use plan map - ACLUD

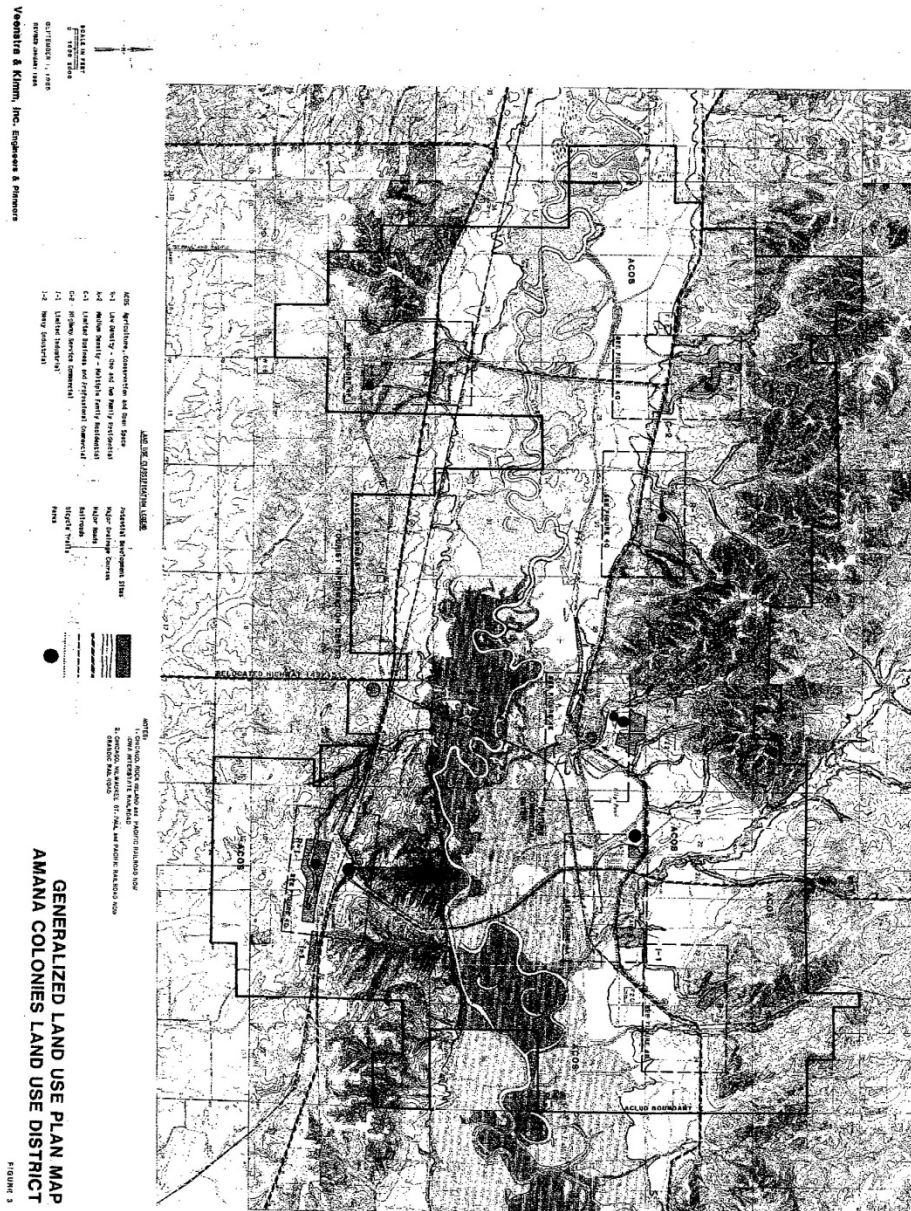




Figure 4B – Land Use Plan – East Amana

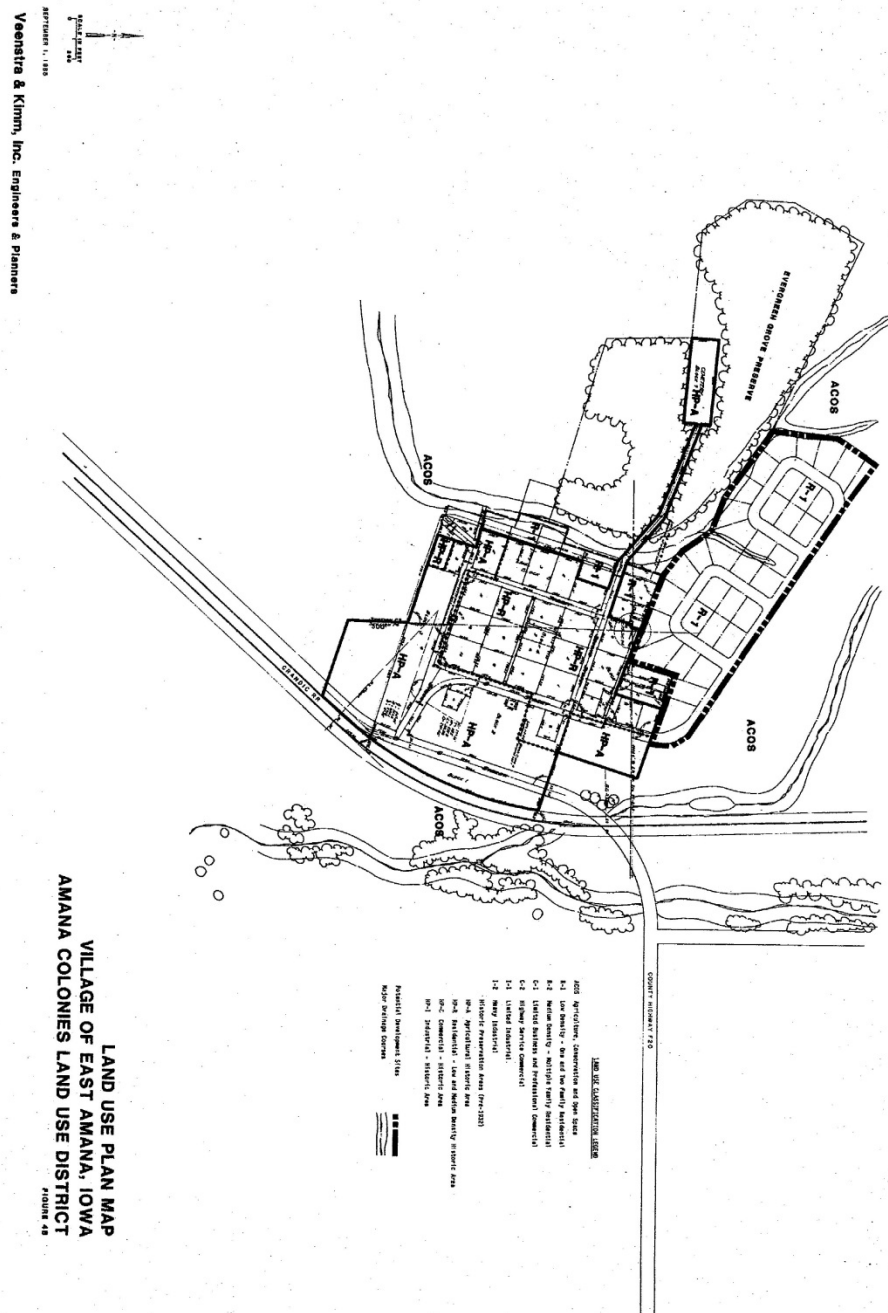


Figure 4C – Land Use Plan – High Amana

Veestra & Kimm, Inc. Engineers & Planners

DATE: 11/13/05

SCALE: 1" = 100'

FIGURE 4C

LAND USE PLAN MAP  
VILLAGE OF HIGH AMANA, IOWA  
AMANA COLONIES LAND USE DISTRICT  
FIGURE 4C

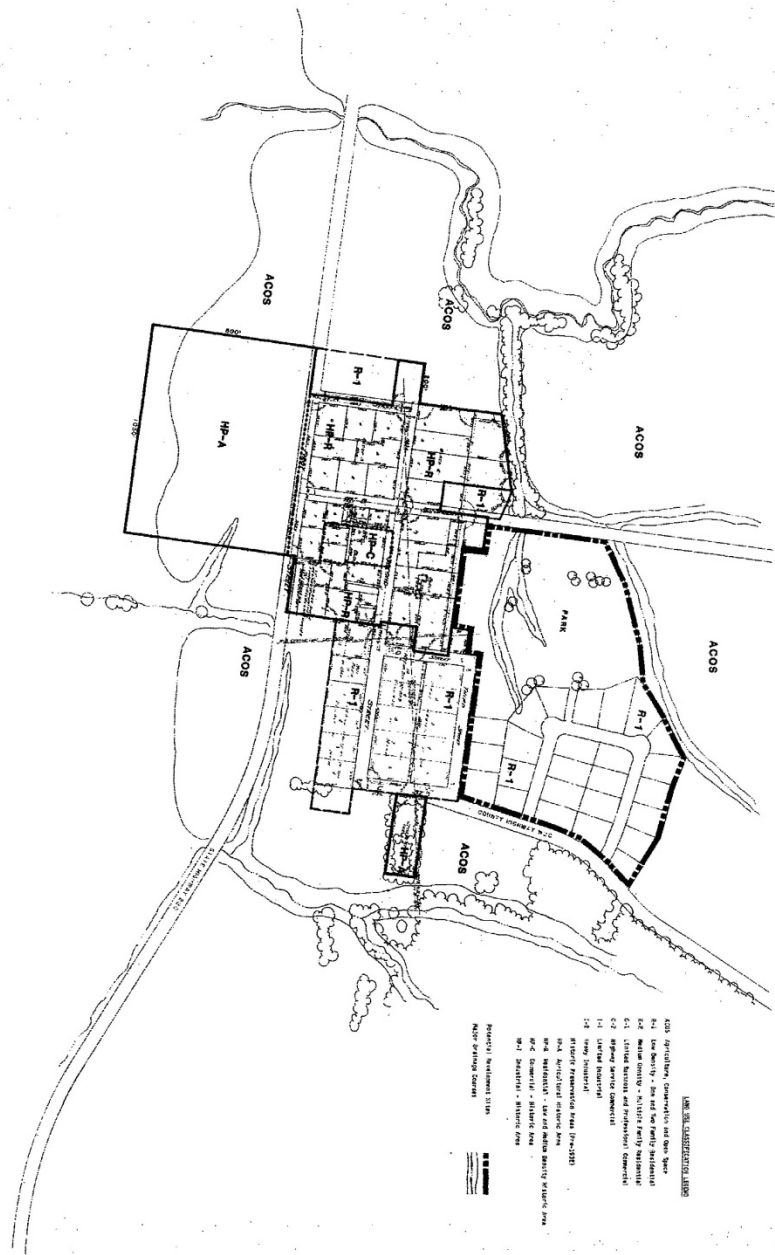
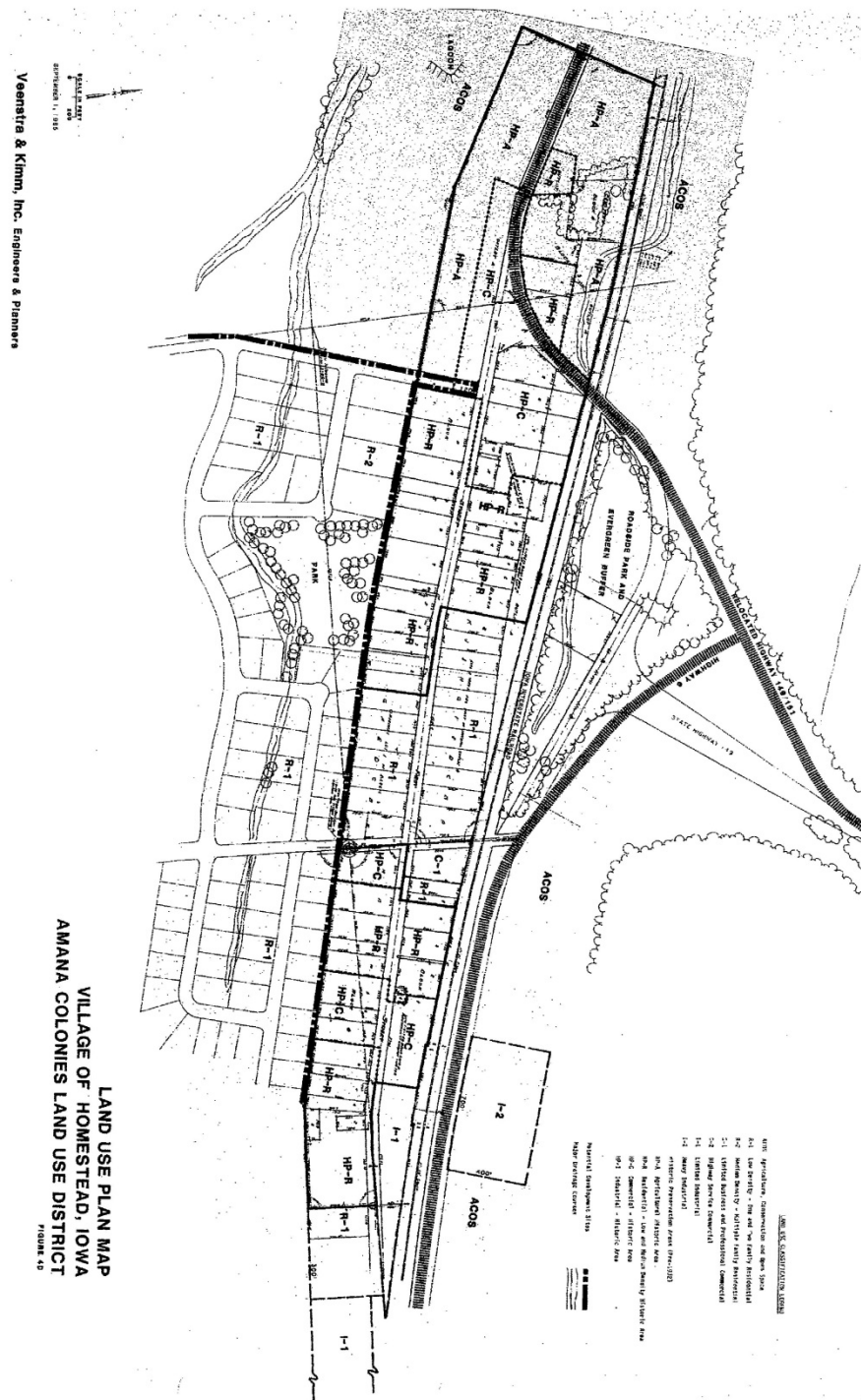


Figure 4D – Land Use Plan Homestead





[illegible]

Figure 4F – Land Use Plan – South Amana

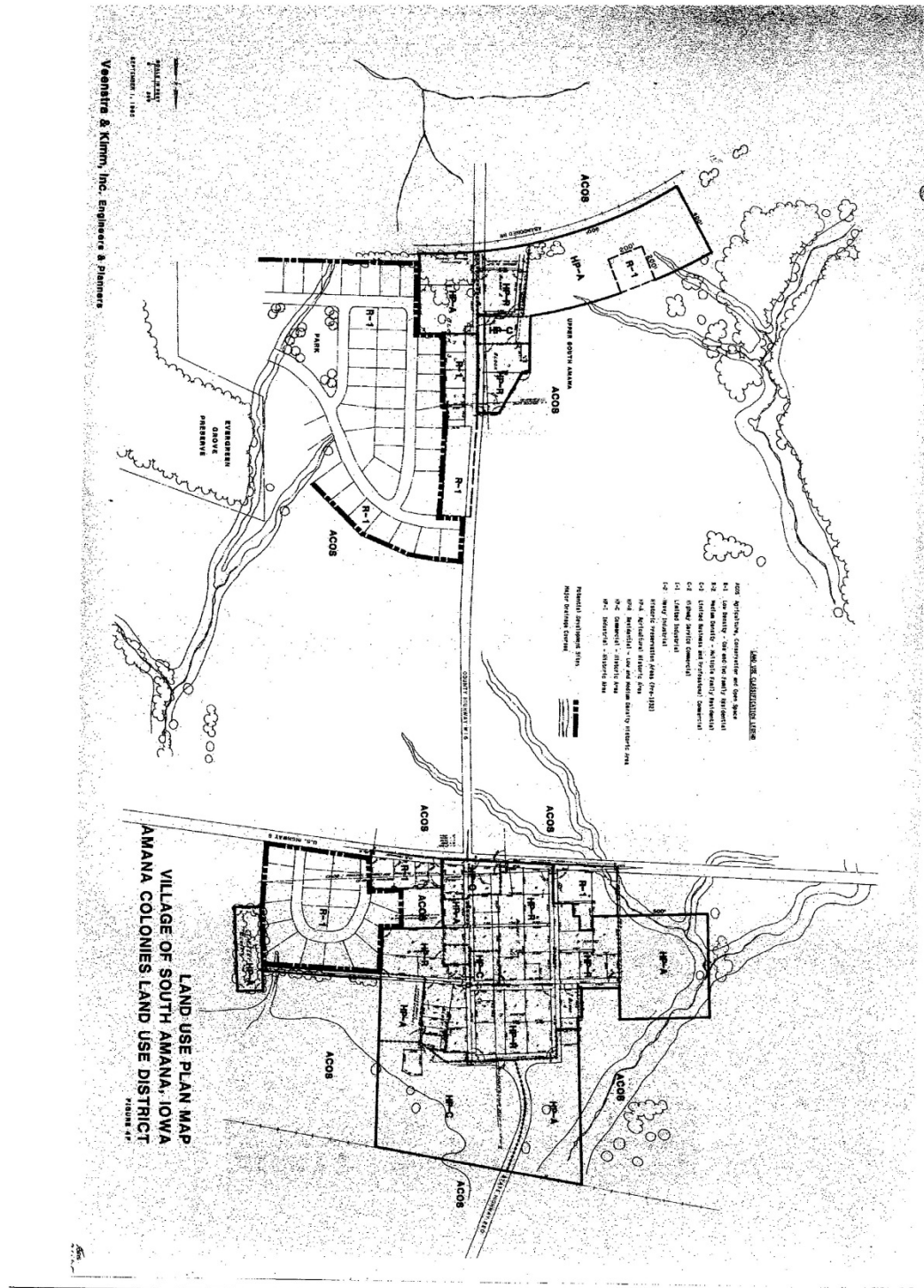
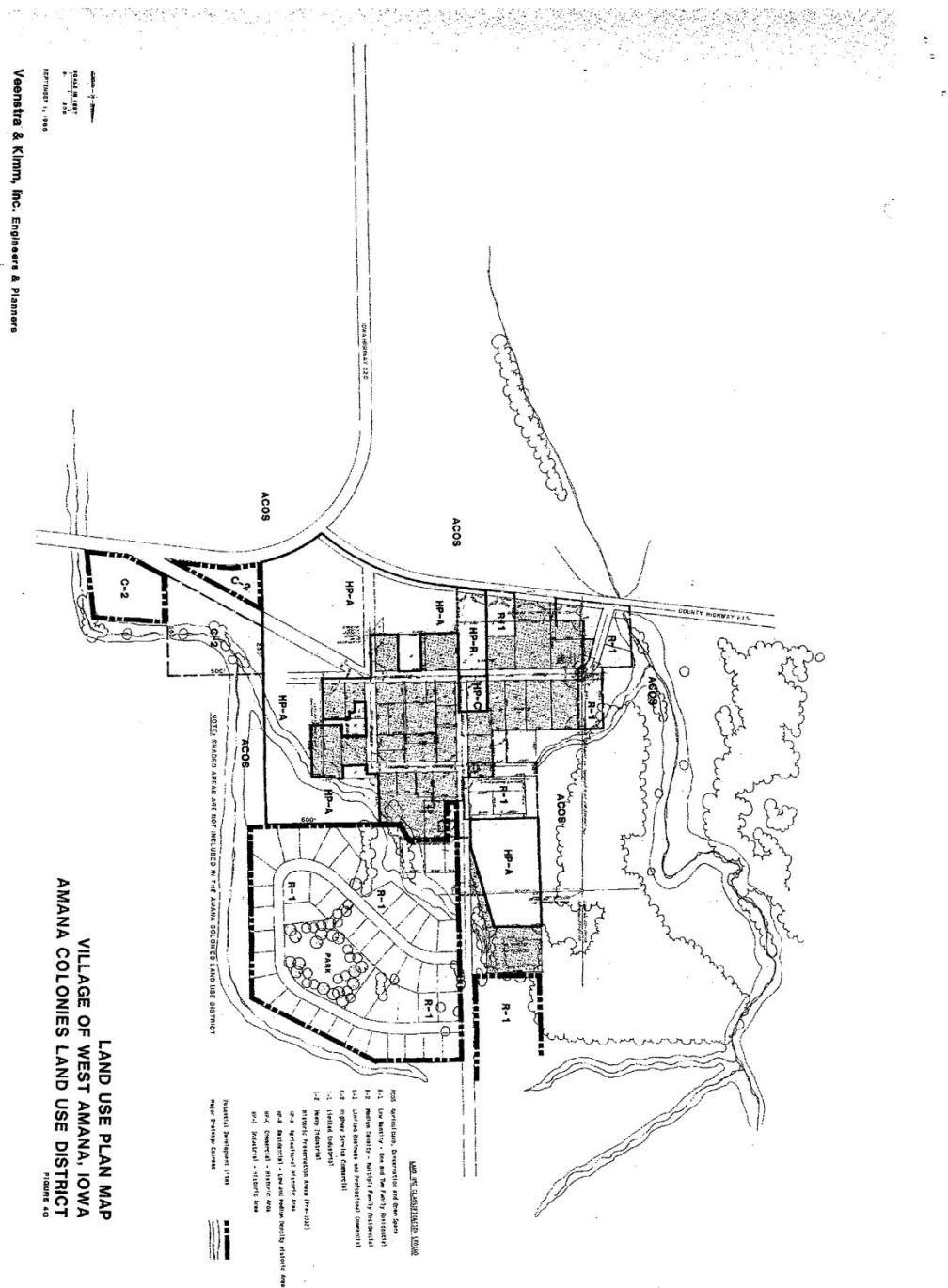


Figure 4G – Land Use Plan – West Amana



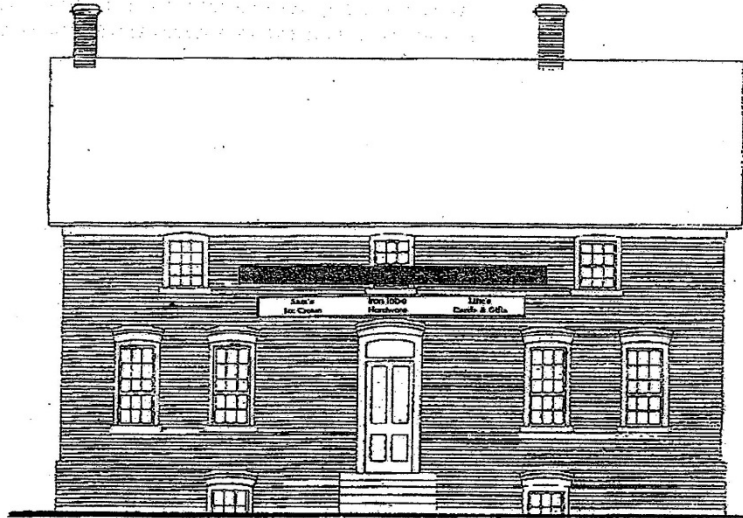
## AMANA COLONIES LAND USE DISTRICT SIGNAGE GUIDELINES – APPENDIX

Amana Colonies Land Use District Signage Guidelines

Appendix

### Wall Signs

#### Maximum Length of Wall Sign



#### Maximum Wall Sign

Acceptable Alternate,  
meets requirements for  
length and architecture

#### Maximum Wall Sign

Maximum Allowable Wall Sign Length:  
one half the length of the building frontage.

#### Wall Sign Example

Less than one half the length of the building  
frontage, conforms to architectural features  
of the building.

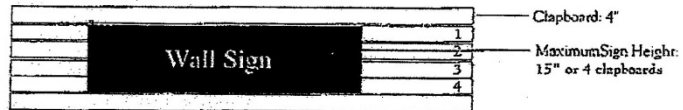
January 31, 1996

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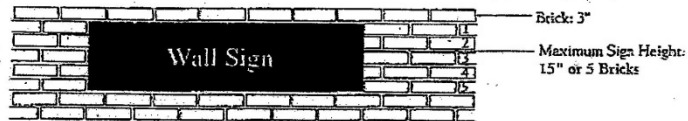
Wall Signs

Height of Wall Sign Related to Cladding

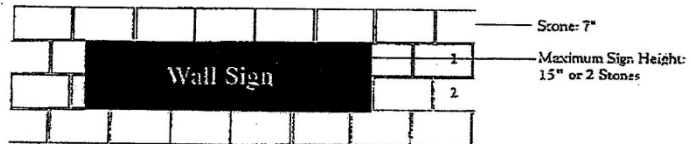
Clapboard Siding



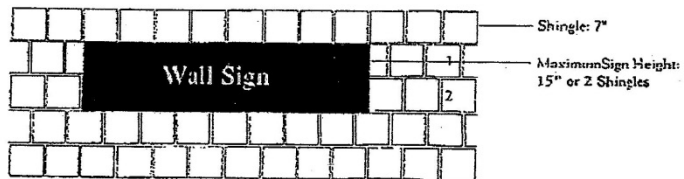
Brick



Stone



Asbestos Shingle



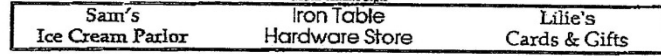
Sign Layout

Signage Examples - Multi-tenant and Individual Business

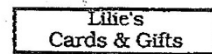
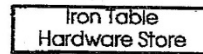
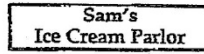
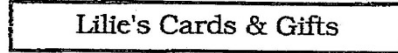
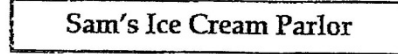
Wall Signs

Sign length equals one half building width or 50' maximum  
Sign height is proportionate to cladding material or 15" maximum

Multi-tenant Sign



Individual Signs



Palatino Bold

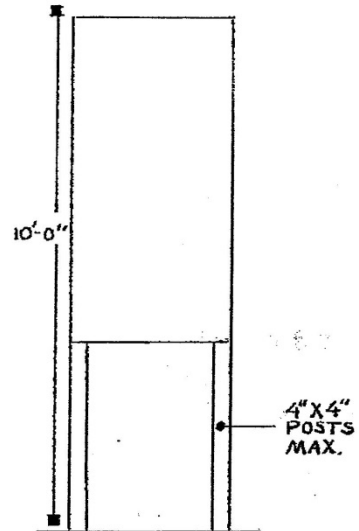
Typography Examples  
Avant Garde

Sign Scale: 1/4" = 1'-0"  
Bookman

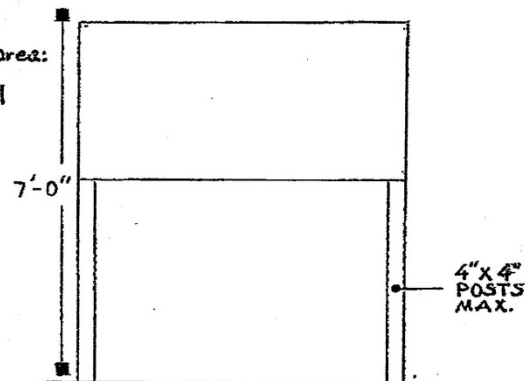
**Freestanding  
Signs**

**Maximum Height of Freestanding Signs**

Maximum sign area:  
6' Vertical  
3' Horizontal



Maximum sign area:  
3' Vertical  
6' Horizontal

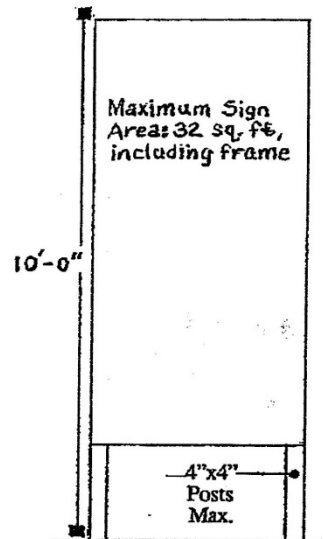


A-4

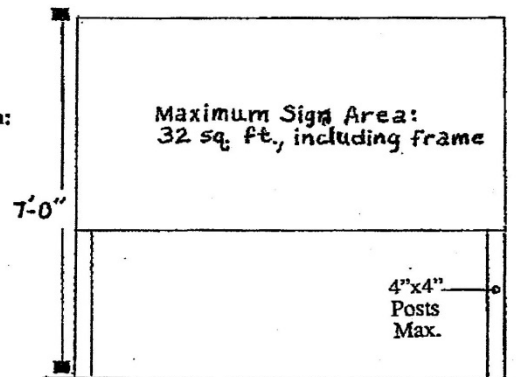
**Freestanding  
Signs \***

**For Businesses fronting Highways 6,151**

Maximum sign area:  
6' Vertical  
4' Horizontal



Maximum sign area:  
4' Vertical  
8' Horizontal



\* See Section 31.37.060, D.I.B., Land Use Ordinance

A-5



Freestanding  
Signs

Freestanding Village Information Signs

Sign Dimensions:  
6'2" Vertical  
42" Horizontal

10'-0"  
MAX.

Sign Boards  
1" X 6" X 42"

Willkommen!

Amana

NATIONAL  
HISTORIC  
LANDMARK

Restaurants • Shops

Museum • Lodging

4" X 4"  
POSTS

A-6

**Freestanding  
Signs**

**Maximum Height of Freestanding Signs in the C-2 District**

**Maximum sign area:  
7'-8" Vertical  
3'-10" Horizontal**

10'-0"

**Maximum  
Sign  
Area**

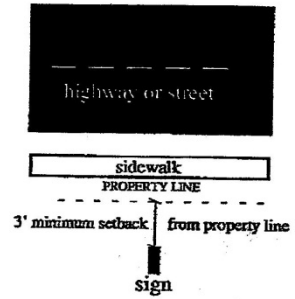
**4"x4"  
Posts  
Max.**

January 31, 1996

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**Freestanding  
Sign**

**Minimum Freestanding Sign Setback**

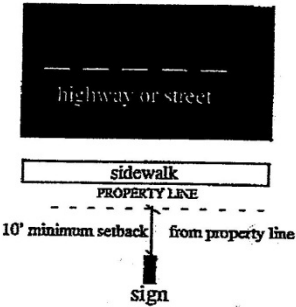


January 31, 1996

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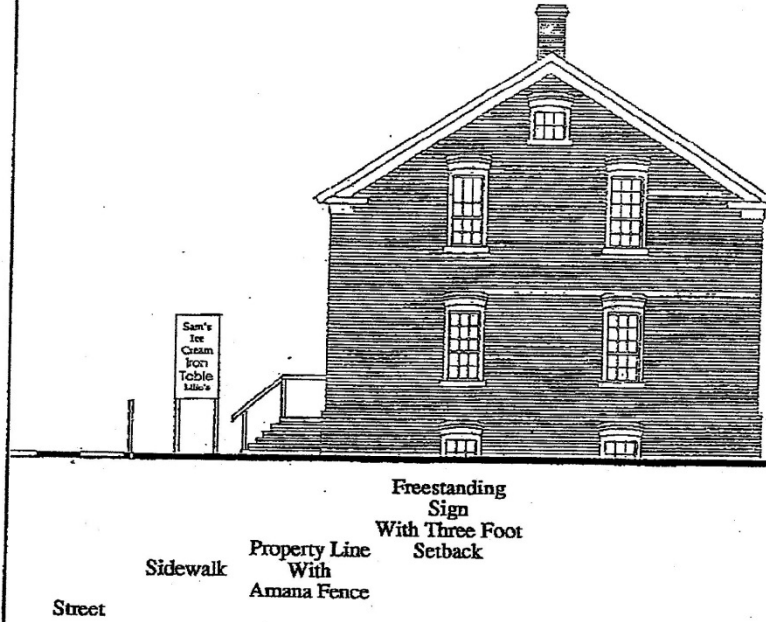
**Freestanding  
Sign**

**Minimum Freestanding Sign Setback for C-2 District**



**Sign  
Setbacks**

**Freestanding Sign Setback Behind Amana Fence**

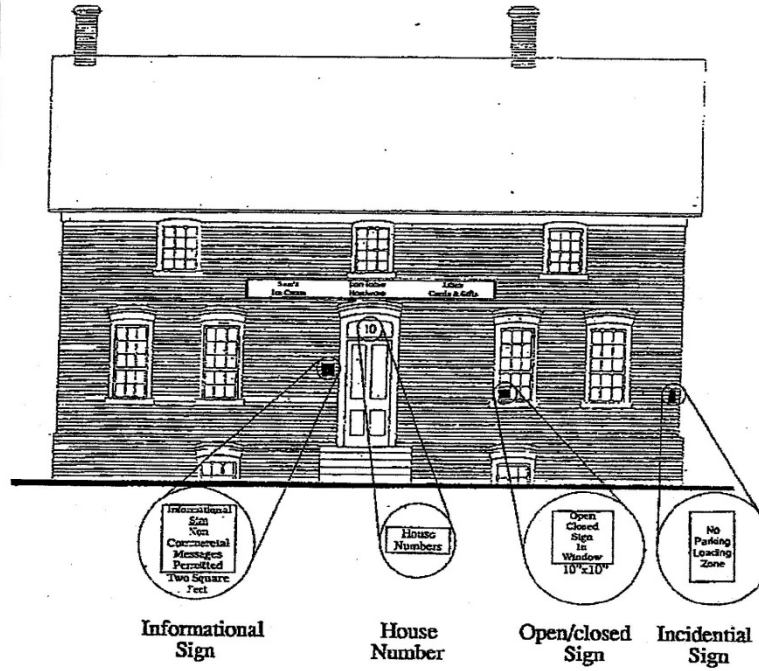


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Other Signs

Additional Permitted Signs



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Items Of  
Information

How To Do An Item Count

*Free Standing Sign*  
One Business:  
Ten Items of  
Information Allowed

Total points for this Sign:  
Ten

Items counted:  
nine words and one symbol

This sign would not  
be allowed lighting.

**Iron Table  
Hardware  
Store**

Handicapped  
Parking & Entrance  
In Rear

January 31, 1996

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Items Of  
Information

How To Do An Item Count, Multi-tenant Building

*Free Standing Sign*  
Three Businesses:  
Eighteen Items of  
Information Allowed

Total points for this Sign:  
**Eighteen**

No penalty for type face  
change between  
different businesses.

Items counted:  
sixteen words  
and two symbols

This sign would not  
be allowed lighting.

**Sam's  
Ice Cream  
Parlor**

**Iron Table  
Hardware  
Store**

**Lilie's  
Cards & Gifts**

Handicapped  
Parking & Entrance  
In Rear



Items Of  
Information

How To Do An Item Count, Multi-tenant Building

Sam's Ice Cream Parlor	Iron Table Hardware Store	Lilie's Cards & Gifts
---------------------------	------------------------------	--------------------------

*Wall Sign*  
Three Businesses:  
Eighteen Items of  
Information Allowed

Total points for this Sign:  
Twelve

No penalty for type face  
change between  
different businesses.

Items counted:  
Eleven words  
and one symbol

This sign would  
be allowed lighting.

Items Of  
Information

How To Do An Item Count

Sam's Ice Cream Parlor

*Wall Sign*  
One Business:  
Ten Items of  
Information Allowed

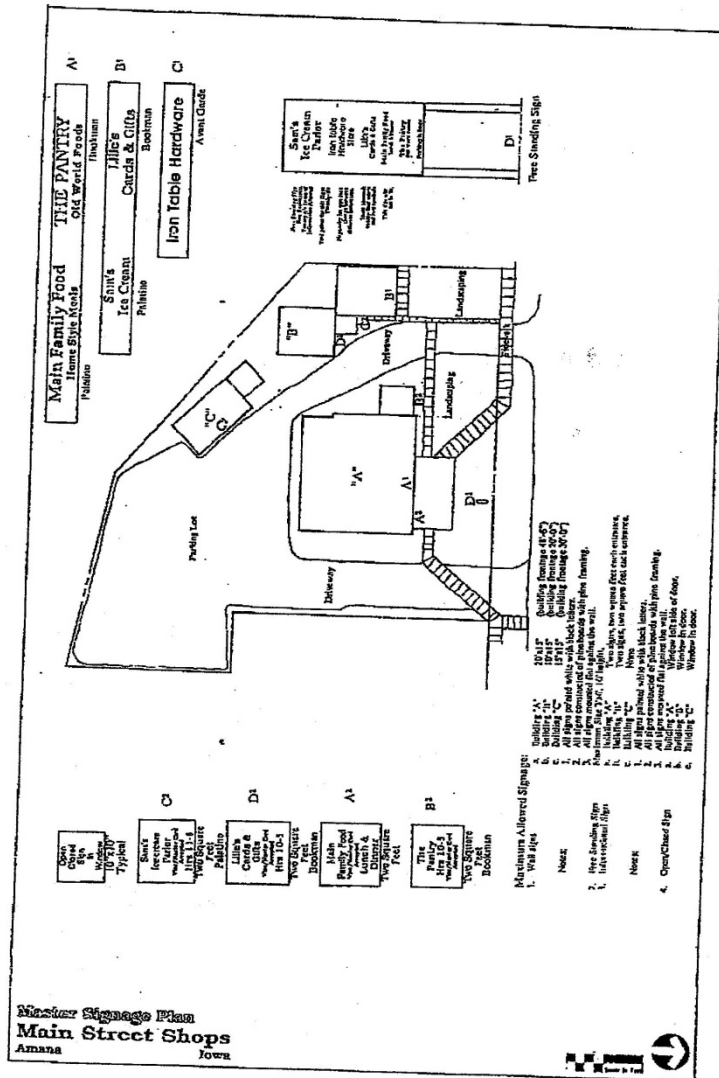
Total points for this Sign:  
Four

Items counted:  
Four words

This sign would  
be allowed lighting.

Master  
Signage Plan

Signage Plan - Example



January 31, 1996

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**Typography****Permitted Sign Typography Types**Avant Garde Bold

Aa Bb Cc Dd Ee Ff  
 Gg Hh Ii Jj Kk Ll Mm  
 Nn Oo Pp Qq Rr Ss Tt  
 Uu Vv Ww Xx Yy Zz

Bookman light

Aa Bb Cc Dd Ee Ff  
 Gg Hh Ii Jj Kk Ll Mm  
 Nn Oo Pp Qq Rr Ss  
 Tt Uu Vv Ww Xx Yy  
 Zz

Palatino

Aa Bb Cc Dd Ee Ff Gg  
 Hh Ii Jj Kk Ll Mm Nn  
 Oo Pp Qq Rr Ss Tt Uu  
 Vv Ww Xx Yy Zz

Palatino Bold

Aa Bb Cc Dd Ee Ff Gg  
 Hh Ii Jj Kk Ll Mm Nn  
 Oo Pp Qq Rr Ss Tt Uu  
 Vv Ww Xx Yy Zz

**Typography**

**Permitted Sign Typography Types (Continued)**

**Copperplate Gothic**

ABCDEFGHIJ  
KLMNOPQRS  
TUVWXYZ

Table 31. Permitted Signs By Type And Zoning District

TABLE 31. PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

	ACOS	ACOS- NA	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2	HP-A	HP-R	HP-C	HP-I
<u>Freestanding</u>															
Residential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Agricultural	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Corner Directional	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Village Entrance <sup>b</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Gateway <sup>a</sup>	P	P	N	P	P	P	P	P	P	P	P	P	P	P	P
Incidental <sup>b</sup>	P	P	N	N	A	P	P	P	P	P	P	P	P	P	P
Institutional	N	P	N	P	P	P	P	P	P	P	P	P	P	P	P
Map Sign	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N
Public Sign	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>Building</u>															
Building Marker <sup>d</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Incidental <sup>b</sup>	A	A	N	N	A	A	A	A	A	A	A	A	A	A	A
Informational	N	N	N	N	P	N	P	P	P	P	P	P	P	P	P
Integral	P	P	N	N	N	N	P	P	P	P	P	P	P	P	P
Interpretive <sup>a</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home Occupation <sup>a</sup>	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P
House Number	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Wall	N	N	N	P	P	N	P	P	P	P	P	P	P	P	P
Residential <sup>a</sup>	A	A	A	A	A	A	N	N	N	N	N	N	N	N	N
<u>Miscellaneous</u>															
Flag <sup>a</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Open/Closed	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>Temporary</u>															
Construction <sup>c</sup>	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Political Campaign <sup>e</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Real Estate <sup>e</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Seasonal Decoration <sup>e</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Special Event <sup>e</sup>	P	P	N	N	N	N	P	P	P	P	P	P	P	P	P
Yard Sale	A	A	A	A	A	A	N	N	N	N	N	A	A	N	N

A = Allowed without sign permit

P=Allowed only with sign permit

N = Not allowed

a. No commercial message allowed on sign, except for name of the business legally allowed at the premises.

b. No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.

c. Only address and name of occupant allowed on sign.

d. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.

e. No commercial message of any kind allowed on sign.

f. The conditions of Section 31.37.15 of this ordinance apply.

g. Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

h. Signs intended to be designed, located and controlled by the Armana Colonies Land Use District

# **Compendium of Ordinances**

# Amana Colonies Land Use District

## Ordinance 2024-001

An ordinance amending the Amana Colonies Land Use District Code of Ordinances (Reference Land Use Plan, Phase II – Division 3.0 – Zoning and Subdivision Ordinances)

Be it resolved by the Board of Trustees of the Amana Colonies Land Use District by a vote at their April 8, 2024 Regular Meeting that effective April 8, 2024, Section 31.36.060(A)(1)(c) be amended to include the following change (underlined): *Adaptive reuse of historic agricultural structures and uses to residential and limited commercial uses, such as but not limited to a museum, interpretive center, office craft center, storage. In their consideration of the proposed structural reuse, the Trustees and HPC shall give consideration to the design and compatibility of the structure with the surrounding agricultural uses and structures. In their consideration the Trustees and the HPC shall also be guided by the standards set forth in Section 31.36.050, D of this ordinance.*

This ordinance modification would allow more flexibility in potentially converting HP barn structures into some type of residence. It was moved by Emilie Hoppe and seconded by Tyler Stockman that the ordinance amendment be adopted. The motion passed unanimously with the following Trustees present and voting: Joe Parcell, Bruce Trumpold, Tyler Stockman, Norine Magee, Peter Hoehnle, Emilie Hoppe and Lynn Trumpold.



# Amana Colonies Land Use District

## Ordinance 2024-002

An ordinance amending the Amana Colonies Land Use District Code of Ordinances (Reference Land Use Plan, Phase II – Division 3.0 – Zoning and Subdivision Ordinances)

Be it resolved by the Board of Trustees of the Amana Colonies Land Use District by a vote at their April 8, 2024 Regular Meeting that effective April 8, 2024, Section 31.37.170 be amended to include the following change (underlined): *Definitions And Interpretation: Special Event Sign. A temporary sign advertising the occasion and location of community events, including, but not limited to fairs, festivals, and celebrations open to the general public and hosted by 501(c)(3)s, schools, organizations of public benefit and churches.*

This ordinance modification is to clarify which types of entities are allowed to have temporary special event signs displayed. It was moved by Emilie Hoppe and seconded by Bruce Trumpold that the ordinance amendment be adopted. The motion passed unanimously with the following Trustees present and voting: Joe Parcell, Bruce Trumpold, Tyler Stockman, Norine Magee, Peter Hoehnle, Emilie Hoppe and Lynn Trumpold.

# Amana Colonies Land Use District

## Ordinance 2024-003

An ordinance amending the Amana Colonies Land Use District Code of Ordinances to add a previously unincluded subdivision addressing the issue of short-term rental of guest accommodation.

### CHAPTER 31.40 SHORT-TERM RENTAL OF GUEST ACCOMODATIONS

#### Sections:

31.40.010	Definitions and Interpretations
31.40.020	Short-Term Rental Parameters
31.40.030	Permit Availability
31.40.040	STR Permit Application and Approval
31.40.050	STR Permit Renewal and Approval
31.40.060	Penalties And Enforcement

#### Section 31.40.010 Definitions And Interpretations

Words and meanings set forth in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section but already defined in the zoning ordinances of the District shall be given the meanings set forth in such ordinances. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

*Agricultural Area.* Refers to ACOS, ACOS-NA and HP-A districts and sub-districts.

*Building.* Principle and accessory buildings on a property.

*Commercial Area.* Refers to ACOS, ACOS-NA and HP-A districts and sub-districts.

*Dwelling.* Any stationary, permanent building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.

*Residential Area.* Refers to R-1, R-2 and HP-R districts and sub-districts.

*Short-Term Rental (STR).* A guest accommodation, not meeting the definition of a Bed and Breakfast Establishment, where, in exchange for compensation, a dwelling is provided for lodging for a period of time not to exceed thirty (30) consecutive days.

*Short-Term Rental Owner.* The owner of record of the property.

#### Section 31.40.020 Short-Term Rental Parameters

The Short-Term Rental Owner, or a person or organization designated by the owner, shall be available for and responsive to contact at all times. The STR Permit document shall be posted on an interior wall next

to the primary entrance of the dwelling being rented, and 24/7 contact information shall be available for viewing at any time at this location.

The Short-Term Rental Owner, or a person or organization designated by the owner, must have their permanent residence or place of business located within a 50-mile radius of the property being used for STR.

No entity shall operate a Short-Term Rental without first having obtained a STR Permit.

Existing ordinances regarding Change of Use Permits may apply to a particular property prior to it being approved for rental.

No person or immediate family, individually or as part of a corporation, may hold more than quantity two (2) STR Permits at any given time. Permits are non-transferable, however, new owners of a property with an existing STR Permit will have first option to renew. The renewal process requires re-application and re-evaluation by ACLUD as well as up to date permit fees.

A minimum of forty per cent (40%) of the total STR permits made available will be reserved for individuals who are permanent residents within the Land Use District.

Buildings with approved STR Permits shall be limited to no more than three (3) separate dwellings within them. Parking shall be made available on-site at a rate of one (1) parking space for each bedroom located in each dwelling.

#### Section 31.40.030 Permit Availability

It shall be at the sole discretion of the ACLUD Board of Trustees as to the quantity of STR permits to be made available for use within the various districts and sub-districts of the Amana Colonies Land Use District. This also applies to the proportion of the number of permits to be allowed within a given village within the District. The total quantity of permits allowed, their proportion of application within a given village and the STR application fee structure shall be stated on the Short Term Rental Guest Accommodations Permit Application form.

#### Section 31.40.040 STR Permit Application and Approval

Each applicant for a STR Permit will pay an initial, non-refundable permit application fee, even if the permit is not granted. There shall also be an additional fee charged for each additional rental dwelling within a building up to the maximum of three (3) allowed. The current permit application fees shall be stated on the Short-Term Rental Guest Accommodations Permit Application form.

There will be an approval process in place for each individual permit application. The Board of Trustees, at their discretion, may either perform this review process themselves, or appoint a Review Committee for this purpose. Only upon successful completion of this review will an entity be granted an active STR Permit.

#### Section 31.40.050 STR Permit Renewal and Approval

Any STR Permit holder who wishes to renew their permit for another year shall submit the renewal within sixty (60) days of expiration. Renewals will require a non-refundable permit renewal fee, even if the renewal of the permit is not granted. There shall also be an additional renewal fee charged for each

additional rental dwelling within a building up to the maximum of three (3) allowed. The current permit renewal fees shall be stated on the Short-Term Rental Guest Accommodations Permit Renewal form.

There will be an approval process in place for each individual permit renewal. The Board of Trustees, at their discretion, may either perform this review process themselves, or appoint a Review Committee for this purpose. Only upon successful completion of this review will an individual be granted a STR Permit Renewal.

#### Section 31.40.060 Penalties And Enforcement

For those entities operating a Short-Term Rental without an active STR Permit, following notification of the permit requirements by the ACLUD Administrator, all rentals shall cease until the permit approval process has occurred and an STR Permit has been granted. Failure to comply with the ACLUD Infraction Notice will result, at the discretion of the ACLUD Board of Trustees, in a fine being levied against said entity per parameters stated in the Infraction Notice.

It is the responsibility of the Short-Term Rental Owner, or a person or organization designated by the owner, to operate and maintain their STR dwelling(s) in a safe and effective manner. Failure to follow existing ACLUD and/or Iowa County ordinance regulations may result, at the discretion of the ACLUD Board of Trustees, in revocation of an active STR Permit.