CLERK'S CERTIFICATE

I, the undersigned City Clerk of the City of Winterset, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of the City of Winterset, Iowa.

WITNESS my hand and the seal of the City of Winterset hereto affixed this 11th day of Feb., 1994.

Mark Nitchals
City Administrator/City Clerk
City of Winterset, Iowa

SEAL



COMPUTER ✓
RECORDED ✓
COMPARED ✓

REC $ 345.00
AUD $
R.M.F. $ 1.00

FILED NO. 2130
BOOK 42 PAGE 8
94 FEB 14 AM 9:10
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

4.1001 TITLE
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4.1004 PROCEDURE
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4.1001 TITLE. These regulations shall be known as the Subdivision Ordinance of Winterset, Iowa, and shall also be known as Title IV, Chapter 10 of the Winterset Municipal Code of 1992.

4.1002 JURISDICTION. This Chapter governs the subdivision of all lands within the corporate limits of the City and outside the corporate limits to the full extent provided by Chapter 409A of the Code of Iowa.

4.103 DEFINITIONS. For the purpose of this Chapter, 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, and the word "may" is permissive.

Architect:
An architect is a registered architect authorized to practice architecture as defined by the laws of the State of Iowa.

Block:
An area of land within a subdivision that is entirely bounded by streets, highways, parks, railroad or similar fixed land division and/or exterior boundaries of the subdivision.

Building Line:
Building lines are synonymous with setback lines and outline the buildable area of a lot which remains after the required yard areas have been established.

Building lines shall be shown on all lots intended for residential use of any character and on commercial and industrial lots when required by this Chapter. Such building lines shall not be less than required by Chapter 12 of this Title.

Collector Streets:
Those streets which carry traffic from minor streets to the major system of arterial streets and highways including the principal entrance streets of a residential development and streets for circulation within such a development.

Commission:
The Planning and Zoning Commission of Winterset,Iowa.

Council:
The City Council of Winterset, Iowa.

Cul-de-sac:

A short, minor street having one end open to motor traffic; the other end being permanently terminated by a vehicular turnaround.

District:
A section or sections of land area depicted on the Official Zoning Map as provided by the zoning regulations governing the use of buildings and land within the City.

Easement:
A grant by the property owner of the use, for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the land owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.

Engineer:
An Engineer is a Registered Engineer authorized to practice engineering as defined by the laws of the State of Iowa.

Lot:
A tract of land represented and identified by number or letter designation on an official plat.

Frontage Street:
A street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic, which limiting access to the major thoroughfare.

Performance Bond:
A surety bond or cash deposit made out to the City of Winterset in an amount equal to the full cost of the improvements which are required by this Chapter, said cost being estimated by the City, and said surety bond or cash deposit being legally sufficient to secure to the City that said improvements will be constructed in accordance with this Chapter.

Plat:
A subdivision plat that meets the requirements of Chapter 409A of the Code of Iowa and this Chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

Primary Street:
A roadway intended to carry the highest volume of vehicular traffic at intermediate speeds of thirty five to fifty miles per hour.

Roadway:
That portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

Street:
A public thoroughfare which affords the principal means of access to the abutting property.

Subdivider:
The term "subdivider" means any person, individual, firm,

partnership, association, corporation, estate, trust, or any other group or combination action as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein and includes any agent of the subdivider.

Subdivision:
A tract of land divided into three or more lots.

Surveyor:
A registered land surveyor who engages in the practice of land surveying pursuant to Chapter 114 of the Code of Iowa.

4.1004 PROCEDURE. In obtaining the final approval of a proposed subdivision by the Commission and the Council, the subdivider shall submit a preliminary plat and a final plat in accordance with the following order and procedure:

A. The subdivider shall first prepare and file with the Zoning Administrator six copies of a preliminary plat conforming in detail to the requirements set forth in this Chapter. Eight copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.

B. The Zoning Administrator shall forthwith refer two copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the County Zoning Administrator shall refer two copies of the preliminary plat to the City Planning and Zoning Commission.

C. The Zoning Administrator shall carefully examine said plat as to its compliance with the laws and ordinances of the City, the existing street system, good engineering practices, and shall as soon as possible, submit his findings in duplicate to the Commission. If deemed necessary, the Zoning Administrator may refer the preliminary plat to a registered engineer for findings and recommendations.

D. After receiving the Zoning Administrator's report, the Commission shall study the preliminary plat and other material for conformity thereof to these regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. The Commission shall approve or reject the preliminary plat.

E. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat upon notice pursuant to Iowa Code Section 362.3.

F. Upon approval of the preliminary plat by the Commission, the subdivider is to commence with the preparation of the final plat and of any detailed construction drawings and specifications for the improvements required under this Chapter.

G. Before submitting the final plat to the Commission for approval, the subdivider shall furnish the Zoning Administrator all plans and specifications required by Section 4.1008 of this Chapter necessary for the construction of the improvements required under this Chapter. These plans and specifications shall be endorsed by a engineer certifying them to be in compliance with all state and city regulations.

H. The final plat shall be filed in duplicate with the Zoning Administrator. The final plat shall be accompanied by the documents

required by Chapter 409A of the Code of Iowa and this Chapter. In addition, the subdivider shall include either the engineer's certificate that all improvements required by this Chapter have been installed in accordance with the approved plans and specifications or the bond required by Section 4.1006 of this Chapter.

I. The Commission shall then consider the final plat and accompanying documents. If the final plat is approved by the Commission, the Commission shall submit their recommendations to the Council.

J. The Council shall then consider the final plat. If the subdivision plat and all matters related to the final approval of the subdivision plat conform to the standards and conditions of state and city law, the Council shall approve the plat and cause the resolution approving the plat to be certified as provided by law.

K. The subdivider shall cause such plat to be recorded in the Office of the County Recorder as provided in Chapter 409A of the Code of Iowa.

4.1005 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances; however, in the design and development of a plat, the subdivider should use standards consistent with the site conditions to assure an economical, pleasant and durable neighborhood.

A. BLOCKS

No block shall be longer than 1,320 feet, except as approved by the Commission.

B. EASEMENTS

Ten (10) feet on each side of a lot line or twenty (20) total feet shall be provided for along the rear or side of lot lines for easements for utilities.
Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall whenever possible not disturb the natural water course. In the event it is deemed necessary by the subdivider to disturb or change the water course in any way, then the subdivider shall comply with all federal, state and local laws and regulations and shall at their expense submit to the Commission for its approval a plan showing compliance therewith. The subdivider shall dedicate to the City an easement along each side of the stream or other water course. Such easements shall be for the purpose of widening, improving, maintaining or protecting the stream. The total width of the easement shall be adequate to provide for any necessary channel straightening or relocation. The minimum width of such easements shall be not less than twenty feet on each side of the stream, plus the stream design width.

C. LOTS

1. Corner lots shall be not less than twenty feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.

2. Double frontage lots other than corner lots shall be avoided.

3. Each lot shall be provided by means of a public street with

satisfactory access to an existing public street.

4. Each lot shall be provided with not less than forty (40) feet of access frontage to a public street.

5. No lot shall be less in size or shape than that required to provide an adequate building site in compliance with the Chapter 12 of this Title.

6. For the purpose of complying with minimum, health standards, the following minimum lot sizes shall be observed:

Lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet or the minimum permitted by the Chapter 12 of this Title, whichever is the larger. However, in such cases the subdivider shall submit with the preliminary plat soil percolation test results for each lot showing each lot to be of sufficient size and otherwise suitable for a septic tank system.

7. Side lot lines where possible shall be at right angles or radial to the street lines.

E. MONUMENTS

Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with city specifications.

F. STREETS AND RIGHTS-OF-WAY

1. Alleys

Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead end alleys shall be provided with a means of turning around at the dead end.

2. Circulation

The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround shall be required by the City.

3. Comprehensive Plan

All proposed plats and subdivisions shall conform to the Comprehensive Plan.

4. Continuation of Existing Streets

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) to adjoining property at equal or greater width, but not less than sixty-six (66) feet in width, and in similar alignment, unless variations are recommended

by the Commission.

5. Cul-de-sac

Whenever a cul-de-sac is permitted, such street shall comply with sound engineering design standards and be approved by the City.

6. Dedication

The dedication of land incident to the subdivision shall be in the manner prescribed by Chapter 409A of the Code of Iowa.

7. Half Streets

Dedication of half streets is hereby prohibited.

8. Major Streets

When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide vehicle access by means of a frontage road running parallel to the traffic way.

10. Physical and Cultural Features

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas and other natural features which would lend themselves to attractive treatment.

11. Street Grades

Streets and alleys shall be completed to grades which have been officially determined or approved by the City. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six per cent for primary and secondary streets, or ten per cent for collector or minor streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary by the City; for secondary and minor streets, fifteen times. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City.

12. Street Intersections

Street intersections shall be as nearly at right angles as possible.

13. Street Names

All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall be subject to the approval of the City in order to avoid duplication or close similarity of names.

16. Street Widths

Streets shall have a width and cross-section as shown in the Comprehensive Plan for the type of street involved, and in any case, the street shall be not less than sixty-six (66) feet in width.

4.1006. IMPROVEMENTS. The Subdivider shall install and construct all improvements required by this Chapter as provided by this Chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the City and to its satisfaction. The Subdivider shall warrant the design, material and workmanship of such improvements and their installation and/or construction for a period of four (4) years from and after acceptance by the City.

The City Council is to approve either the installed improvements or the performance bond at the time of acceptance of the final plat. Before passage of said Resolution of acceptance, the Zoning Administrator shall report that said improvements meet all city specifications and requirements.

Upon the recommendation of the Commission, the Council may postpone the installation of any of the improvements if the subdivider will post a performance bond with the City prior to final acceptance of the plat guaranteeing that improvements not completed will be constructed within an approved period of time from final acceptance of the Plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no city funds will be expended in the subdivision for these deferred improvements until such improvements have been completed and accepted by the City.

The subdivider may divide the preliminary plat for an entire tract to be subdivided into numbered preliminary segments. Thereafter, the subdivider shall file final plats for each such segment. Said comprehensive development plan for the entire tract encompassed by the preliminary plat shall meet the approval of the Commission in the manner provided by this Chapter prior to acceptance of any final plat. A numbered segment shall not include less than two (2) acres in area and shall include all adjoining right-of-way areas to be dedicated according to the preliminary plat. The numbered final plats will be filed in the order provided by the approved preliminary plat in accordance with this Chapter. Changes in said preliminary plat may be made from time to time by the subdivider upon the approval of the Commission. The provisions of this Chapter regarding construction and/or installation of improvements shall apply to each numbered final plat and the subdivider shall comply with said provisions as to each numbered final plat prior to final acceptance thereof.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this Chapter would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions or circumstances, the City Council may, upon such terms and conditions as the City imposes, vary, modify or defer the requirements of this Chapter so that substantial justice may be done and the public interest secured. Provided however, that such variance, modification or deferment will not have the effect of nullifying the requirements of this Chapter. In no case shall any variance, modification or deferral be more than minimal easing of the requirements and in no instance shall it be in conflict with Chapter 12 of this Title. Such variances, modifications and deferrals may be granted only by affirmative vote of three-fourths of the members of the City Council.

The Council may waive the requirements of this Chapter for the construction and

installation of some or all of the improvements in cases of resubdivisions where only the size, shape and arrangement of the lots is being changed; provided however, such waiver shall be limited to existing improvements in good repair as determined by the City. Improvements not existing or in poor repair shall meet the City's specifications prior to acceptance.

A. All Improvements

All plans, specifications, installation and construction required by this Chapter shall be subject to the review, approval and inspection by the City. The subdivider shall furnish the City with a construction schedule prior to commencement of any and/or all construction.

B. Drainage

All subdivisions shall include storm drainage plans for the positive removal of storm waters. Such plans shall be prepared by a Registered Engineer and approved by the City. The following criteria shall be considered minimum standards:

1. Runoff for street and limited area drainage shall be determined by the rational method.

2. Storm frequency chart for determination of rainfall intensity shall be not less than ten years.

3. The system shall be designed with the use of materials, flow velocities and sizes so as to assure long life, low maintenance and self-cleaning of the drainage facilities.

4. The Designing Engineer shall upon the completion of construction certify to the City that the drainage facilities have been constructed and installed in accordance with the plans and specifications which have been designed to comply with the intent of this Chapter.

5. In addition to the storm drainage to handle surface water runoff, storm drains shall be made available to each lot for drainage of sump pump discharge or footing drains. These storm drains shall be for subsurface clean water and shall connect to the storm sewer system.

C. Gas

Gas Mains shall be installed underground by the franchisee gas utility. Natural gas will be required in all subdivisions where available.

D. Paving

Concrete pavement shall be designed by a Registered Engineer in accordance with the standard specifications established by the City.

The minimum roadway shall be twenty-nine (29) feet wide unless a greater width is required by the City. The minimum roadway for alleys shall be sixteen (16) feet.

The Engineer shall at the completion of construction certify to the City that the pavement has been constructed and installed in accordance with the plans and specifications.

Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City.

E. Sewer

Where a public sanitary sewer is reasonably accessible, the subdivider shall connect to the sanitary sewer main and provide each lot in the subdivision with connection to the sewer. Sanitary sewer lines shall be designed by a Registered Engineer in accordance with the standard specifications established by the City. Further, where the existing sewer may be reasonably extended through the subdivision at a greater depth and/or with a larger diameter pipe so as to provide for continuous future development, such installation shall be made at the subdivider's cost.

All house service lines shall be installed to the right-of-way line prior to paving of the street. Service lines shall have a minimum diameter of four (4) inches and be made available to each lot.

Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat. Such tests shall be in accordance with federal, state and local requirements.

The Engineer shall furnish the City with three certified copies of as-built plans and certify that the facilities have been installed in accordance with his plans and specifications. As-built plans shall specifically show service line locations.

F. ELECTRICITY

Electrical main lines with accessory equipment shall be installed available to each lot in compliance with City standards and procedures.

G. TELEPHONE

Telephone main lines with any accessory equipment shall be installed available to each lot in compliance with the telephone franchisee standards and procedures.

H. CABLE TELEVISION

Cable television lines with any accessory equipment shall be installed available to each lot in compliance with the cable television franchisee standards and procedures.

I. Water Lines

Where a public water main is accessible, the subdivider shall connect to such water main and provide a water connection for each lot, extended to the right-of-way line prior to the paving of the street. Water lines shall be designed by a Registered Engineer in

accordance with the standard specifications established by the City.

The Engineer shall furnish the City with three certified copies of as-built plans and certify that the facilities have been installed in accordance with his plans and specifications. As-built plans shall specifically show service line stub locations.

4.1007 PRELIMINARY PLAT REQUIREMENTS.

The preliminary plat of a subdivision is not intended to serve as a record plat and shall be submitted for review separately and prior to submission of the final plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or his representative may call at the office of the Zoning Administrator in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

A. NUMBER OF COPIES AND SCALE

Three copes of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be 1" = 50'on small subdivisions and 1" = 100' on large subdivisions unless otherwise approved by the Commission.

B. CONTENTS OF PRELIMINARY PLAT

1. Areas to be dedicated for public use such as parks, playgrounds, streets and utility easements.

2. Boundaries of the proposed subdivision shall be labeled and indicated by a heavy line.

3. Building setback lines for frontage and side streets.

4. Buffer easement and method where required.

5. Contour lines at intervals of not more than two (2) feet to City datum, except where the slope of the land exceeds twenty-five (25) per cent in which event five (5) foot intervals may be used.

6. Easements for public utility purposes.

7. Existing buildings, railroads, underground utilities, other rights-of-way and easements.

8. Location and name(s) of adjoining subdivision(s).

9. Location, names and widths of all existing and proposed roads, alleys, streets and highways adjoining the area being subdivided.

10. Lot area (approximate) of all non rectangular lots and the area of smallest rectangular lot.

11. Lot numbers

12. Name and address of engineer and surveyor.

13. Name and address of land owner(s) and/or developer.

14. Name of subdivision, date, compass point, scale and official

description and acreage of the property being platted.

15. Proposed lot lines with approximate dimensions.

16. Proposed utility services required by this Chapter.

C. ACCOMPANYING MATERIAL

1. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat as required by this Chapter.

2. Restrictions proposed, if any, to be included in the owner's dedication of the plat.

3. Written statement by the appropriate officials of the availability to the proposed subdivision of all utilities required by this Chapter.

4.1008 FINAL PLAT REQUIREMENTS.

A. NUMBER OF COPIES AND SCALE

After the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The scale of the plat shall be approved by the Zoning Administrator.

B. CONTENTS OF FINAL PLAT

The following information shall be shown on the plat:

1. Block lines shall be designated by heavy solid lines.

2. Boundary lines shall be designated by a heavy line.

a. Boundary dimensions from angle point to angle point shall be shown for all sides of the closed traverse.

b. Bearings, based on an assumed meridian approximating north, of all boundary lines or internal angles of all angles points on the boundary shall be shown.

3. Building setback lines for frontage and side streets shall be designated by a fine short dashed line, labeled "Building Setback Line" and dimensioned.

4. Certification by a registered Land Surveyor in accordance with the Iowa law.

5. Easements for public utilities and drainage facilities shall be designated by fine line of medium length dashes, and appropriately labeled with reserved width and type of easement.

6. Fractional lines and corners of the government township and section surveys shall be appropriately labeled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners or adjoining subdivisions by distances and bearing or angles.

7. Legal description of the platted area shall be included on the plat.

8. Lot lines shall be designated by medium fine to solid lines.

9. Lots shall be numbered consecutively with all sides dimensioned. The bearings or corner angles of all lot lines which are not parallel to the block lines shall be shown and lines intersecting a curved line shall be labeled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data.

10. Permanent reference monuments shall be labeled (P.R.M.) and located.

11. Scale shall be indicated graphically as the scale in feet along with the compass point.

12. Street names, location, lot designation and right-of-way width for all streets within or abutting the plat shall be shown.

13. Surveyor's notes shall include the following as appropriate or applicable to the particular plat.

a. All bearings are based on an assumed meridian for computation purposes.

b. A legend indicating the meaning of various lines and symbols in the plat.

c. Any other notes deemed necessary for the particular plat.

C. ACCOMPANYING MATERIAL

The final plat upon filing with the Zoning Administrator shall be accompanied by the following material:

1. All documents required by Iowa Code Section 409A.11 as that section now or hereafter requires, except for the resolution of the City Council approving the final plat.

2. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

3. Plans and profiles of all streets and alleys at a appropriate scale approved by the Zoning Administrator. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be installed.

4. The following documents:

a. A certificate by the Engineer that all improvements required by this Chapter have been installed in accordance with the approved plans and specifications; and,

b. Maintenance bond for all installed improvements warranting the materials and construction methods for a period of two (2) years from the date of acceptance by the City of the improvements (four years for the street paving); or,

c. Performance bond, if necessary, for any improvements not installed at the time of filing of the final plat.

D. RECORDING PLAT

After approval of the final plat by the City Council, the final plat and the pertinent accompanying material shall be recorded at the subdivider's cost in the manner required by Iowa Code Chapter 409A.

4.1009. FEES. Before a preliminary plat may be considered by the Commission, the subdivider shall pay the City a fee of twenty-five (25) dollars.

4.1010. ENFORCEMENT.

A. No plat of any subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein.

B. The City Council shall not permit any city funds to be expended for repairs or maintenance on any improvements in any area that has been subdivided unless such subdivision has been approved and the improvements accepted in accordance with this Chapter.

C. No building permit shall be issued for any lot in a subdivision which has received final approval under this Chapter, wherein the improvements as provided in Section 4.1006 of this Chapter have neither been installed nor a performance bond for said improvements posted with the City as provided in this Chapter.

D. No more than two building permits for each separate tract existing as of January 1, 1973 shall be issued unless said tract has been platted, except that this provision shall not limit the number of building permits that may be issued for accessory buildings or additions to building already existing on said tract. Separate tract means an aliquot part of a section, a lot within an official plat, or a government lot under one ownership as of January 1, 1973.

4.1011. COMMISSION REGULATIONS. The Commission may issue rules and regulations implementing the provisions of this Chapter.

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PREAMBLE

4.1201 SHORT TITLE. This Chapter shall be known as the Zoning Ordinance of the City of Winterset, Iowa, and shall also be known as Title IV, Chapter 12 of the Winterset Municipal Code.

4.1202 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements. Where this Chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or Chapters, the provisions of this Chapter shall control.

4.1203 DEFINITIONS. For the purpose of this Chapter, certain terms or words used herein shall be interpreted as follows:

Person. The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes plural, and the plural number includes the singular.

The word shall is mandatory; the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel, and all other words or phrases used to denote an individual building site which complies with the minimum provisions of this Chapter.

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

Agriculture:
The use of land for agricultural purposes, including animal husbandry, agriculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for pacing, treating or storing the produce; however, the operation of the accessory uses shall be subordinate to that of the normal agriculture activities.

Alley
A public way other than a street, twenty-six feet or less in width, affording secondary means of access to abutting property. An alley shall not be considered a public thoroughfare.

Automobile Service Station:
A retail place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed directly into the motor vehicle. Sales and installation of auto accessories, washing, polishing, inspections and cleaning, but not steam cleaning, may be carried on incidental to the sale of such fuel and lubricants.

Automobile Wrecking:
(See "Junk Yard")

Awning:
Roof like cover entirely supported by and extending from a building for the purpose of protecting openings therein from the elements.

Basement:
A story having more than one-half of its heights below grade.

Block:
Property abutting on one side of a street and property lying between the two nearest intersecting or intercepting streets, railroad right-of-way, waterway, golf course, campus, park or other definite boundary.

Building Height:
The vertical distance from the average finished ground 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 mean height level between caves and ridge for gable, hip, and gambrel roofs.

Centerline, Public Thoroughfare:
A line running parallel with the thoroughfare right-of-way which is half the distance between the extreme edges of the official right-of-way width.

Certified Survey:
A sketch, plan, map or other exhibit bearing a written statement of its accuracy or conformity to specified standards which is signed by a Registered Land Surveyor as defined by the Code of Iowa.

Church:
Any building or site whose primary use is public religious worship.

Commercial Use:
A use operated for profits or compensation.

Commission:
The Planning and Zoning Commission.

Conditional Permit:
A permit issued either by the Zoning Administrator or the Board of Adjustment with specified conditions, limitations or restrictions which is subject to enforcement as provided by this Chapter.

Court:
An open, unoccupied, unobstructed space, except for trees, shrubs, statuary or other articles normally considered accessory to landscaping, which is bounded on two or more sides by a building on the same lot.

District:
A section or sections of land area depicted on the Official Zoning Map, within which zoning regulations and standards are uniform.

Dwelling:

Any building, or portion thereof, which is designed or used exclusively for residential purposes including modular homes and manufactured homes as defined in this section, but not including a tent, cabin, trailer, travel-trailer or mobile home.

Dwelling Unit:
One or more rooms in a building used for occupancy by one family as a home or residence for living or sleeping purposes and in which the cooking and

sanitary facilities are designed for the use of one family only.

Dwelling, One-Family:
A building designed for an used exclusively for residential purposes by one family and containing one dwelling unit.

Dwelling, Multiple:
A building designed for and used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Dwelling, Earth Sheltered:
A residential building constructed underground, or with more than one-half of its height (measured from floor to ceiling) below the adjoining exterior grade on one or more walls, having one or more sides completely exposed and having its main floor level at or above the approximate grade between the building and property line on one or more sides and generally not more than one-half story below the grade of the street from which access is obtained unless the natural slope would normally accommodate a full walk-out story.

Duplex:
A building designed for and used for occupancy by two families living independently of each other and containing two dwelling units.

Establishment:
A use, building, structure or premises which is used for business, office or commercial purposes.

Factory-Built Housing:

A factory-built structure designed for long term residential use. For the purposes of these regulations, factory-built housing consists of three (3) types: modular homes, mobile homes and manufactured homes.

Factory-Built Structure:

Any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

Family:
A family is:
a. An individual or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit in a dwelling unit, or

b. A group of not more than five persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

Farm:
An area comprising ten acres or more which is used for agriculture.

Garage, Mechanical:
A structure in which major mechanical repair or rebuilding of motor powered vehicles is performed for commercial gain and in which the storage, care, and minor servicing is an accessory use.

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 main building.

Grade:
A. For building having walls adjoining one street only, the elevation of the regularly established sidewalk grade at the center of the wall adjoining the street.

B. For buildings having walls adjoining more than one street, the average elevation of the regularly established sidewalk grades at the center of walls adjoining the street.

C. For buildings having no wall adjoining the street the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is considered as adjoining the street.

Home Occupation:
Any occupation or profession conducted solely by resident occupants in their place of abode, involving primarily service and not the sale of commodities upon the premises; provided further that not more than one quarter the area of not more than one floor level of the building may be used in pursuit of the occupation, and in connection therewith is used no sign other than one name plate affixed to the outer wall, of not more than one square foot in area that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; one person other than the occupants of the building may be employed.

Loading Space:
Any off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking (less than twenty-four hours) of a commercial vehicle while loading or unloading merchandise or materials.

Lot:
A parcel of land or two or more contiguous parcels to be used as a unit under the provisions of this Chapter, and having its principal frontage on a dedicated street and may consist of any one of the following:

A. A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.

B. A parcel of land described by metes and bounds: provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Chapter.

C. A single lot of record.

Lot Lines:
A. Front: The front property line of a lot shall be determined as follows:

Corner Lot. The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided, or laid out. Where the lines are equal, the front line shall be that line which is obviously the front

by reasons of the prevailing custom of the other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.

Interior Lot. The front property line of an interior lot shall be the line bounding the street frontage.

Through Lot. The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block.

Where such front property line is not obviously evident, the Board of Adjustment shall determine the front property line. Such a lot over 200 feet deep shall be considered for the purpose of this definition, as two lots each with its own frontage.

B. Rear: The rear property line of a lot is that lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to the front property line. If the front property line is a curved line, then the property line shall be assumed to be a line not less than ten feet long lying within the lot and parallel to a line tangent to the front property line at its midpoint.

C. Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

Lot Measurements:

A. Area. The gross area exclusive of streets or other public rights-of-way within the boundary lines of a lot, except as noted in Article XIV.

B. Depth. The mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth shall be the horizontal distance between the midpoints of the front and rear lot lines.

C. Width. The horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front setback. Where the lot width is decreasing from front to rear, the horizontal distance between the side lot lines as described above shall be measured at its point of intersection with the required minimum rear setback.

Lot Types:

A. Corner Lot. A lot located at the intersection of two or more streets and having the street right-of-way abut the front and one or more side lines of the lot.

B. Double Frontage Lot. A lot located at the intersection of two or more streets and having the street right-of-way abut the front and one or more side lines of the lot.

C. Interior Lot. A lot other than a corner lot having frontage on but one street or public thoroughfare.

D. Key Lot. An interior lot, one side of which is contiguous to the rear line of a corner lot.

Major Recreational Equipment:
Travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats or boat trailers, horse trailers, snow mobiles or snow mobile trailers and similar equipment.

Manufactured Home:

A factory-built single family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 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 as defined in Iowa Code Section 135D.1 is not a manufactured home unless it has been converted to real property as provided by Iowa Code Section 135D.26 and is taxed as a site dwelling. For the purposes of these regulations, manufactured home shall be considered the same as any other site built single family dwelling.

Modular Home:

Factory-built housing as provided by Iowa Code Section 135.1(3) which has been certified as meeting the State Building Code Applicable to modular housing. Once certified by the State of Iowa, modular homes shall be subject to the same standards as site built homes.

Mobile Home:

Any vehicle as provided by Iowa Code Section 135.1(1) without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home is a factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or any other form of recreation 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 pertinence of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes." Nothing in this Chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home. A mobile home shall be a dwelling unit for density and parking requirements purposes, but shall not be considered a single or multiple dwelling, apartment, efficiency apartment, rooming unit or guest room. A mobile home shall be larger than eight (8) feet in width and thirty-two (32) feet in length. The mobile home shall contain sleeping accommodations, a flush toilet, a tub, or shower, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

Mobile Home Park:
Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied

mobile homes and travel trailers subject to Article X and used solely for living and/or sleeping purposes. Travel trailers shall not occupy more than fifteen percent of the spaces of the total mobile home part.

Motel or Motor Hotel:
A building or group of two or more buildings designed to provide sleeping accommodations for transient or overnight guests with garage attached or parking facilities conveniently located to each such unit.

Non-Conforming Use:
Any use of land inconsistent with or contrary to this Code.

Parking Space, Automobile:
An area other than a street or alley reserved for the parking of an automobile--such space having a dimension not less than ten feet by twenty feet, plus such additional area as is necessary to afford adequate ingress-egress. Where four or more automobile parking spaces are to be grouped as a common facility meeting a requirement of this Chapter, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space.

Premises:
A lot or tract of land and any structure located thereon.

Public Thoroughfare:
(See "Street".)

Residential Purposes:
The intent to use and/or the use of a room or group of rooms for the living, sleeping and housekeeping activities for persons on a permanent or semi-permanent basis of an intended tenure of one month or more.

Setback:
The building restriction line nearest the front of and across a lot establishing the minimum distance to be provided between the line of a building located on said Lot and the nearest street right-of-way line.

Spas:
A bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use and not designed to be drained, cleaned, and refilled for each individual use. Spas shall have a means of agitation to include, but not be limited to, hydrojet circulation; hot water, cold water, mineral baths, air inductions systems; or, any combination thereof.

Street:
A public thoroughfare which affords the principal means of access to the abutting property. (See "Public Thoroughfare.")

Street Line:
A dividing line between a lot, tract or parcel of land and a contiguous street. (See "Lot Line, Front.")

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

Structure:
Anything constructed or erected with a rigid or fixed location on the

ground, or attached to something having a permanent location on the ground, including buildings, walls, fences, signs, light standards, towers, tanks and billboards.

Subdivision:
A division of a lot, tract or parcel of land into three or more lots, plats, sites for the purpose, whether immediate or future, of sale, lease, conveyance or transfer with the appurtenant streets, alleys, and easements, dedicated or intended to be dedicated to public use or for the use of purchasers or owners within the tract subdivided. If a new street is involved, any division of a parcel of land or the division into two or more parts of any residential lot shall also be deemed a subdivision.

Supervised Group Residence: A residential facility, occupied by three or more persons under the supervision of one or more persons who are unrelated to the persons being supervised by blood, marriage or adoption, wherein the individuals supervised have mental, social or substance-abuse problems which hinder their functioning in society and require the protection and supervision of a group environment to facilitate their becoming functional members of society; provided that family homes, hospitals, correctional placement residences, and nursing, convalescent and retirement homes are not included within this definition.

SWIMMING POOL:
A body of water which has a depth of eighteen (18) inches or more in an artificial or semi-artificial receptacle, except for spas.

Travel Trailer:
Any vehicular, portable structure built on a chassis, designed as a temporary dwelling not exceeding eight feet in width and not exceeding thirty-two 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:
Any lot, tract or parcel of land licensed and used or offered for use in whole or in part, with or without charge, for the parking of occupied mobile homes, travel trailers, pick-up campers, converted buses, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes.

Variance:
A modification of the specific regulations of this Chapter granted by resolution of the Board of Adjustment in accordance with the terms of this Chapter for the purpose of assuring that no property, because of special circumstances applicable to it shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

Yard:
An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except for landscaping or as otherwise provided in this Chapter.

Yard, Front:
The yard area extending across the front of a lot between the public right of way and the part of a structure nearest the public right of way.

Yard, Rear:
The yard area extending across the rear of a lot between the lot line and

the part of the primary structure nearest the rear lot line.

Yard, Side:
The yard area lying between a front and rear yard between the side lot lines.

Zone:
Any one of the classes of districts established by this Chapter.

4.1204 OFFICIAL ZONING MAP. The City is hereby divided into districts as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by this reference and declared to be a part of this Chapter.

The Official Zoning Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 4.1204 of the Winterset Municipal Code".

If, in accordance with the provisions of this Chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City with an entry on the Official Zoning Map as follow: "On (date), by action of the City changes in the Official Zoning Map were made as follows: (brief description)." This entry shall be signed by the Mayor and attested by the City Administrator.

4.1205 DISTRICTS. For the purpose of this Chapter, the City is hereby divided into land use districts as follows:

R - 1 Single and Two Family Residential District
R - 2 Multi-Family Residential District
C - Commercial District
DC- Downtown Commercial District
I - Industrial District
A - Agricultural District

4.1206 BOUNDARIES. Where uncertainty exists as to the boundaries of any of these districts, the district boundaries are either lot lines or the center lines of street and alleys.

GENERAL REGULATIONS

4.1207 RECREATIONAL EQUIPMENT. No major recreational equipment shall be parked or stored in any front yard in a residential district for more than twenty-four hours except on the driveway for the residence. Major recreational equipment shall not be used for living, sleeping, or housekeeping purposes except in a mobile home park.

4.1208 CONFORMANCE REQUIRED. Except as hereinafter specified, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used which does not comply with all of the district regulations established by this Chapter for the district in which the building or land is located.

4.1209 CONTINUING EXISTING USES. Except as hereafter provided, the lawful use of a lot or parcel of land at the time the lot or parcel first became subject to zoning regulation by the City may be continued even though such use may not conform with the regulations of this Chapter for the district in which it is located. This provision shall not be construed to authorize a land use which under prior zoning regulations was invalid.

4.1210 NONCONFORMANCE. Within the districts established by this Chapter or by amendments which may later be adopted, there exist lots, structures, buildings and uses which were lawful before this Chapter was effective or amended, but which would be prohibited regulated or restricted under the provisions of this Chapter or future amendment, the intent of this Chapter is to permit these nonconformities to continue until they are removed or cease to be so used, but not to encourage their survival. It is further the intent of this Chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

4.1211 NONCONFORMING LOTS OF RECORD. A single family dwelling and customary accessory buildings, notwithstanding limitations imposed by other provisions of this Chapter, may be erected in any district in which single family dwellings are permitted on any single lot of record at the date the lot or parcel first became subject to city zoning regulations . Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

4.1212 NONCONFORMING USES IN ANY DISTRICT. No building or land devoted to a use not permitted by this Chapter in the zoning district in which such building or land is located shall be enlarged, extended constructed, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such buildings, structure or premises is located, except as follows:

A. SUBSTITUTION. If no structural alterations are made, a nonconforming use of building or structure may be changed to another nonconforming use of the same or of a more restrictive zoning use classification. Whenever a nonconforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

B. DISCONTINUANCE. In the event that a nonconforming use classification

of any building or premises is discontinued or abandoned or is a nuisance as defined by this Code, the use of premises shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no improvement or building is erected or constructed, which becomes nonconforming by reasons of a subsequent change in this Chapter, shall be discontinued within one year from the effective date of the zoning change.

C. REPAIR AND MAINTENANCE OF NONCONFORMING STRUCTURES. Any nonconforming building or structure requiring repairs or maintenance as a result of ordinary wear and tear, depreciation, or for any other reason which costs more than fifty percent of its then existing value, as determined by the building inspector, shall not be repaired, restored or reconstructed and the nonconforming use shall then cease; but, if the cost of such repairs or maintenance is less than fifty percent of the then existing value of the structure, it may be restored, reconstructed and used as before provided that such repairs can be completed within six months.

4.1213 STREET FRONTAGE REQUIRED. Except as permitted in Section 4.1210, no lot shall contain any building used in whole or in part for residence purposes unless such lot abuts at least forty feet on at least one street or right-of-way, or unless it has an exclusive unobstructed private easement of access or right-of-way at least twenty feet wide to a street; and there shall be not more than one single-family dwelling for such frontage or easement, except that a common easement of access at least fifty feet wide shall be provided for two or more such single-family dwellings or for one or more two-family or multiple dwellings.

4.1214 ACCESSORY BUILDINGS AND STRUCTURES. No accessory building or structure which is erected on a permanent foundation shall be erected in a required yard, except as provided hereinafter.

1. Accessory building or structure which is located entirely within the principal building area of the lot (the lot area minus the required yards) whether attached or detached to the principal building, shall be subject to the regulations applicable to the principal building.

2. Accessory building or structures, except buildings housing animals or fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said building shall comply with all yard requirements for a principal building.

3. Detached accessory buildings may be located in rear yards as follows:

a. A minimum of ten feet distant from other structures.

b. A minimum of three feet from alley lines and lot lines.

4. Accessory buildings may be located in side yards no closer than five feet to the side of the principal building providing the minimum side yard requirements can be met on both corner and side lots.

5. Accessory buildings shall be no closer to the front right-of-way line than the front line of the principal building.

6. The accessory building shall not exceed one story of fifteen feet in height.

7. Accessory buildings and structures shall not occupy more than thirty per cent of the yard area in which they are located; however, this

regulation shall not be interpreted to prohibit the construction of a garage which does not exceed 550 square feet gross building area.

8. Only one accessory building or structure constructed on a permanent foundation shall be located on a lot in any residential district.

4.1215 CORNER LOTS. For corner lots platted after the date the City zoning ordinances first became effective, the street side yard shall be equal in width to the minimum required side yard for the district in which it is located, plus twenty feet; provided however, this regulation shall not require a side street yard of greater width than the minimum required front yard width.

On corner lots platted and of record at the time of the date the City zoning ordinances first became effective, the same regulations shall apply except that this regulation shall not reduce the buildable width of the corner lot facing an intersecting street and of record to less than twenty-eight feet nor to prohibit the erection of an accessory building.

For corner lots, platted after the date the City zoning ordinances first became effective, the minimum required lot width shall be increased by an amount not less than twenty feet so as to allow for the additional required street side yard.

4.1216 FENCES, WALLS AND VISION CLEARANCE.

1. On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half feet and ten feet above the centerline grades of the area described as follows:

That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five feet from the point of intersection of said right-of-way lines.

This regulation shall not apply to the DC-Downtown Commercial District.

2. In any district, fences and walls not exceeding six feet in height are permitted within the side and rear yard areas. A fence or wall not exceeding four feet in height is permitted within the front yard area. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

3. In any district where a fence or wall is required by this Chapter, the Subdivision Chapter or other Chapter, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of Paragraph 1 above, shall yield to the requirements of the specific Ordinance.

4.1217 REQUIRED YARD CANNOT BE REDUCED. No lot shall be reduced in size so as to make the width or total area of the lot or any yard, or any other open space, less than the minimum required by this Chapter. No part of a yard or other open space about any building or structure for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other open space required under this Chapter for another building or structure. Off-street parking and loading areas may occupy all or part of any required yard or open space except as otherwise specified in this Chapter.

The following parking regulations shall apply in all R-Residential Districts within the City:

a. FRONT AND SIDE YARDS. No off-street parking allowed except for licensed and operable motor vehicles on the private driveways or parking lots which are duly approved or authorized for such use by the appropriate City officials pursuant to this Zoning Ordinance:

b. REAR YARDS. No off-street parking allowed except for:

1. Licensed and operable motor vehicles on driveways or parking lots duly approved or authorized for such use by the appropriate city officials pursuant to this Zoning Ordinance or:

2. Not more than one of any of the following types of property on the other rear yard areas:

Licensed and operable motor vehicles;
Licensed trailers; and,
any other type of operable machinery or equipment

Any person desiring a variance from these regulations shall apply for a permit temporarily permitting parking for a period not to exceed 60 days. This application shall be in writing to the Zoning Administrator upon such application form as is prescribed by the Zoning Administrator. The fee to accompany said application shall be $5.00 and is non-refundable in all cases. The application shall include a site plan, if required, and such other plans, information or justification necessary to clearly establish the basis for the requested permit or such other information as may reasonably be required by the Zoning Administrator in reviewing the application. Nothing herein shall be construed so as to prevent application for a new temporary permit following expiration of any permit obtained in accordance herewith; however, the granting thereof shall not be deemed a matter of right on the part of the applicant and the granting thereof, as in the case of an initial permit, shall be at the discretion of the Zoning Administrator. Appeals from the decision of the Zoning Administrator upon said application shall be taken pursuant to Section 4.1277 of this Code.

These off-street parking regulations within R-Residential Districts shall not apply to any vehicle or trailer which in common usage is moved by human power alone or to any vehicle parked within either an attached or detached garage or within other duly authorized accessory structure.

4.1218 BUILDING LINES ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the City and on record in the office of the County Recorder shows a setback building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Chapter unless specific yard requirements in this Chapter require a greater setback.

4.1219 PENDING APPLICATIONS FOR BUILDING PERMITS. 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 building permits have been granted before the enactment of this Chapter.

R-1 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT REGULATIONS

4.1220 PURPOSE. The R-1 Single and Two-Family Residential District is for single and two-family dwellings designed to maintain, protect and preserve a character of development with not more than two-family dwellings and customary accessory buildings on one lot.

4.1221 USE REGULATIONS. A building or premises shall be used only for the following purpose:

A. PRINCIPAL PERMITTED USES.

1. A single-family dwelling on each lot or building site.

2. Two-family dwellings.

3. Earth sheltered dwellings as defined by this Code.

4. Agricultural field crops but not including the raising of poultry, pets, or livestock for commercial or agricultural purposes.

B. ACCESSORY USES

1. Normal accessory buildings and structures for a dwelling such as private garages, children's playhouses, radio and television receiving antennas, barbecue pits, playground equipment, tennis courts, etc. A private garage of less than three car capacity may be rented for the storage of private vehicles of persons not residents on the premises.

2. Normal accessory buildings and structures for public recreation areas such as refreshment stands, playground equipment, all-weather shelters, tennis courts, barbecue pits, etc.

3. Domestic animals such as cats, dogs, birds, tropical fish, etc. Horses, cows, sheep, chickens, etc., normally considered farm or wild and untamed animals, shall be excluded except as otherwise provided in this Code.

4. Flower and vegetable gardening for noncommercial purposes.

5. Greenhouses and horticultural nurseries for noncommercial purposes.

6. Home occupations which are conducted entirely within a dwelling and carried on by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling as a residence and does not change the character thereof. Those occupations shall be excluded which normally are classified as a trade and require the substantial use of employees or subcontractors or mechanics tools or equipment.

7. Horses for personal use only rather than commercial use may be kept in this District provided that no grazing or structure housing of such animals shall be located less than 200 feet from any structure either now or in the future used for dwelling purposes (other than the residence of the owner of such animals), nor less

than 200 feet from the front lot line. Any structure housing such animals shall be located at least fifty feet from all side or rear boundary lines of the property on which the structure is located. Not more than two animals may be kept on any lot or parcel of land of less than one acre in area, and one additional animal may be added for each additional acre over one acre. (These number limitations shall not apply to tracts of ten acres or more in size.)

8. Poultry, rabbits, chinchillas, mink, hamsters, pigeons and other fowl or small animals for personal use only rather than commercial use may be kept in this District provided that no grazing or structure housing such animals shall be located less than 200 feet from any structure either now or in the future used for dwelling purposes (other than the residence of the owner of such animals), nor less than 200 feet from the front lot line. Any structure housing such animals shall be located at least fifty feet from all side or rear boundary lines of the property on which the structure is located. Not more than twelve of such poultry, fowl, or small animals may be maintained on any lot or parcel of land of less than one and one-half acres in area.

4.1222 MAXIMUM HEIGHT REGULATION. No principal building shall exceed thirty-five feet in height.

4.1223 LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Depths	Side Yard Least width on any One Side	Sum of Side Yards	Depths
Single-Family dwellings	7,500 sq.ft.	70 ft.	30 ft.	5 ft.	15 ft.	30 ft.
Two-Family dwellings	12,000 sq. ft.	80 ft.	35 ft.	12 ft.	25 ft.	30 ft.
Non-dwellings	1 acre	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.

4.1224 SINGLE AND TWO FAMILY DWELLING STANDARDS. The following standards shall apply to all single and two family dwellings:

1. The minimum dimension of the main body of the dwelling unit shall not be less than twenty-four feet.
2. The dwelling unit shall be erected on frost-free footings of poured concrete installed around the entire perimeter of the structure in accordance with the Building Code.
3. The dwelling unit shall be erected on a continuous permanent foundation of either poured concrete or concrete block and securely fastened to this foundation.
4. The dwelling unit shall have a minimum area of eight hundred sixty (860) feet.

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

4.1225 PURPOSE. The R-2 Multi-Family Residential District is a District containing family residences and similar compatible uses designed to maintain, protect and preserve a character of development in which a minimum of 2,000 square feet must be provided for each dwelling unit.

4.1226 USE REGULATIONS. A building or premises shall be used only for the following purposes:

A. PRINCIPAL PERMITTED USES.

1. Any use permitted in the R-1 Residential District providing such use shall comply with the minimum requirements of the R-2 Residential District.

2. Multi-family dwellings; providing however, that a minimum of 2,000 square feet of lot area be provided for each dwelling unit.

B. ACCESSORY USES.

1. Any use permitted in the R-1 Residential District providing such use shall comply with the minimum requirements of the R-2 Residential District.

2. Playground areas and equipment accessory to multi-family dwellings.

3. Community centers for recreational,laundry and other service facilities for multi-family dwellings, providing such areas shall not be located to the front of the principal building at ground level or above and such areas shall be screened from public view.

4.1227 BUILDING AREA PERMITTED.

Height of Building	Maximum Building Area of Lot
1 story	35%
2 story	25%
3 story	25%
4 story	20%

4.1228 LOT AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Frontage	Front Yard Depths	Side Yard Least Width on any One Side	Width Minimum Sum of Both Side Yards	Rear Yard Depth
Single-Family dwellings	6,500 sq.ft.	60 ft.	25 ft.	5 ft.	15 ft.*	30 ft.
Two-Family dwellings & day nurseries	7,500 sq.ft.	60 ft.	30 ft.	10 ft.	20 ft.	35 ft.
Multi-family dwellings	10,000 sq.ft.	80 ft.	30 ft.	10 ft.	20 ft.	35 ft.
Non-dwellings	1 acre	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.

*Each lot shall have a minimum access to the rear yard of 10 ft.

4.1229 SINGLE AND TWO FAMILY DWELLING STANDARDS. The following standards shall apply to all single and two family dwellings:

1. The minimum dimension of the main body of the dwelling unit shall not be less than twenty-four feet.
2. The dwelling unit shall be erected on frost-free footings of poured concrete installed around the entire perimeter of the structure in accordance with the Building Code.
3. The dwelling unit shall be erected on a continuous permanent foundation of either poured concrete or concrete block and securely fastened to this foundation.
4. The dwelling unit shall have a minimum area of eight hundred sixty (860) feet.

DC-DOWNTOWN COMMERCIAL DISTRICT

4.1230 REGULATIONS. The DC-Downtown Commercial District is a District to provide for the retail goods and service commerce within the community through a viable "business district" in the downtown area where the normal parking area requirements are inapplicable.

4.1231 DISTRICT BOUNDARIES. The DC-Downtown Commercial District shall consist of the following portion of the City of Winterset:

Blocks 10, 11, 12, 17, 18, 23,24 and 25 of the Original Town of Winterset, Madison County, Iowa.

4.1232 USE REGULATIONS. A building or premises shall be used only for the following purposes.

A. PRINCIPAL PERMITTED USES.

1. Retail business or service establishments to include, but not limited to, the following:

Animal hospital, veterinary clinic or dog kennel; providing any exercising runway or pasture shall be at least 200 feet from any R-District.
Antique shop
Apparel shop
Art goods and bric-a-brac shop
Artist shop and studio
Automobile service station excluding auto body repair work
Automobile, trailer and farm implement dealership for display, hire, sales and minor repairs, including sales lots but not including body repair work.
Bakery
Ballroom and dance hall
Bank, including drive-in teller service
Barber shop or beauty salon
Bicycle sales
Billiard parlor and pool hall
Bookstore
Bowling alley
Candy shop
Catalog merchandise store
Cigar and cigarette store
Clothes cleaning and laundry pickup station
Cocktail lounge or tavern
Collection office of a public utility
Confectionery and ice cream store
Curio, hobby and bric-a-brac store
Dance and/or music studio
Drugstore
Earth Anchor Construction and Assembly
Florist shop
Furniture store
General hardware store
General department store
Gift shop
Grocery, delicatessen or meat market
Haberdashery

Hotel
Household appliance store
Jewelry store
Landscape garden plant store
Laundromat
Leather goods store
Messenger office
Millinery shop
Motel and auto court
Music store and record shop
Newsstand
Night club
Office equipment sales and service
Paint and wallpaper store
Pet shop
Photographic store and/or studio
Post Office substation
Printing
Radio and television sales and repair
Radio or TV broadcasting station, studios and offices but not towers in excess of 100 feet
Restaurant
School-business, commercial, dancing or music
Shoe and Shoe repair shop
Variety store

2. Any use found by the Zoning Administrator to be compatible with those retail uses specified herein and not injurious to the neighborhood or detrimental to the public welfare may be permitted by the Zoning Administrator subject to such reasonable restrictions established by the Zoning Administrator to preserve and maintain the intent and purpose of this Zoning District. Subsequent violation of these restrictions shall be grounds for termination of the permitted use by the Zoning Administrator, in addition to any other penalties or remedies prescribed by law.

3. Outdoor advertising signs in accordance with provisions of Section 4.1268 of this Code.

B. ACCESSORY USES

1. Any accessory uses customarily incidental to the principal use permitted providing such accessory use shall comply with the minimum requirements for the DC-Downtown Commercial District.

2. Multi-family dwelling only when located on the second floor or above.

4.1233 HEIGHT REGULATIONS. No principal building shall exceed thirty-five feet in height.

4.1234 LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed:

Lot area	None
Lot frontage	None
Front yard depth	None
Side yard least width any one side	None, except adjacent to an R-Residential District in which case not less than 10 feet.
Rear yard depth	None, except abutting an R-Residential District in which case not less than 25 feet.

4.1235 OFF STREET PARKING. The DC-Downtown Commercial District shall be exempt from all off-street parking requirements imposed by this Chapter.

COMMERCIAL DISTRICT

4.1236 PURPOSE. The C-Commercial District is a District providing for the retail goods and service commerce of the community subject to reasonable set back and parking requirements.

4.1237 USE REGULATIONS. A building or premise shall be used only for the following purposes:

A. The use regulations of Section 4.1232 of this Code shall apply and are hereby incorporated into this section by reference.

B. Any other use involving the exchange or buying and selling of commodities or services whether for profit or not, but not including any principal permitted uses in the I-Industrial District.

C. No occupancy permit shall be issued for any of the following uses until such use shall have been authorized by the Board of Adjustment after reports by the Planning and Zoning Commission, engineer, Chief of the Fire Department and the Health Department:

1. Gas cylinder recharging

4.1238 HEIGHT REGULATIONS. The height regulations of Section 4.1233 of this Code shall apply and are hereby incorporated into this section by this reference.

4.1239 LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be followed:

Front yard depth:	10 feet
Side yard least width on any one side	5 feet except adjacent to R-Residential District in which case not less than 10 feet.
Width: minimum sum of both side yards:	15 feet
Rear Yard depth:	25 feet

4.1240 OFF-STREET PARKING. The provisions of Section 4.1260 of this Code shall apply.

I-INDUSTRIAL DISTRICT

4.1241 PURPOSE. The I-Industrial District is one of the industrial uses designed to serve the needs of the community. Additional safeguards are provided for the control of the more offensive uses.

4.1242 USE REGULATIONS. A building or premises may be used only for any of the following permitted uses:

A. PRINCIPAL PERMITTED USES.

1. Any business or service establishment allowed in the Downtown Commercial District, and

Automobile body repair shop
Automobile repair garage
Automobile construction, assembly or factory specializing in the rework or rebuilding of automobile components
Bag, carpet and rug cleaning
Bakery
Carpenter and cabinet shop
Concrete mixing, concrete products manufacture
Contractor's equipment and materials storage yard
Creamery, bottling works, dairy ice cream manufacturing ice manufacturing and cold storage plant.
Enameling, lacquering or japanning
Flammable liquids, underground storage only, not to exceed 25,000 gallons and located not less than 200 feet from an R-Residential District.
Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.
Laboratory - experimental, film or testing
Laundry
Lumber and building supply yard
Machine shop
Milk distributing station
Motor freight terminal
Plumbing, heating and air-conditioning shop
Sawmill, planning mill, including manufacture of wood products
Sheet metal shop

2. Caretaker's quarters incidental to a permitted industrial use.

B. No occupancy permit shall be issued for any use in conflict with any Ordinance of the City of Winterset, Iowa; or law of the State of Iowa which regulates nuisances.

C. No occupancy permit shall be issued for school, hospital, clinic, or other institution for human care, except where incidental to a permitted principal use.

D. No occupancy permit shall be issued for any of the uses until and unless the location of such use shall have been authorized by the Board of Adjustment after reports by the Planning and Zoning Commission and, when deemed appropriate by the Board, the City Engineer, Chief of the Fire Department and the County Health Department:

1. Abattoir and slaughter house or stockyard
2. Acid manufacture or wholesale storage of acid
3. Cement lime, gypsum, or plaster of paris manufacture
4. Chemical manufacturing
5. Distillation of bones
6. Explosive manufacture or storage
7. Fat rendering
8. Fertilizer manufacture
9. Garbage, offal or dead animals reduction or dumping provided that all refuse is earth covered daily
10. Gas manufacture and cylinder recharging
11. Glue, size or gelatin manufacture
12. Junkyard where the premises upon which such activities are conducted are wholly enclosed within a building, wall or fence, not less than six feet in height, completely obscuring the activity from surrounding lots.
13. Petroleum or its products, refining or wholesale storage of gasoline, gasohol and diesel.
14. Rubber goods manufacture
15. Sand or gravel pits provided they are enclosed by a fence which provides an effective barrier against trespassing.
16. Smelting of tin, copper, zinc or iron ores
17. Transmitting station

E. ACCESSORY USES

1. Any accessory use customarily and incidental to a permitted principal use.

4.1243 REQUIRED CONDITIONS.

A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, offensive or will pollute the air or water due to the emission of cinders, fumes, noise, odor, smoke, refuse matter or water carried waste.

B. The best practical means known shall be employed for the disposal of refuse or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance.

C. All principal buildings and all accessory buildings or structures, including loading and unloading facilities shall be located at least 200 feet from any R-Residential District and not less than 100 feet from any other district except an I-Industrial District.

4.1244 HEIGHT REGULATIONS. No structure shall exceed in height the distance measured to the center line of the nearest street from any portion of the proposed building or structure, except as hereinafter modified by Code Section 4.1263.

4.1245 LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed.

Use	Lot Area	Lot Width	Front Yard Depth*	Side Yard Each Side	Rear Yard Depth
All uses	no minimum	no minimum	45 feet	10 feet	45 feet

*All yards in the I-Industrial District abutting a public thoroughfare shall be considered front yards and shall comply with the requirements for a front yard.

I-Industrial District adjacent to any R-Residential District, the minimum setback shall be fifty feet from the I-Industrial District boundary line, except in such cases where the district line is construed to follow the centerline of a public thoroughfare, wherein such cases shall be determined by the provisions of the required minimum front yard dept.

4.1246 OFF-STREET PARKING. The provisions of Code Sections 4.1257 and 4.1258 pertaining to off-street parking and loading areas shall apply to this Zoning District.

A-AGRICULTURAL DISTRICT

4.1247 PURPOSE. The A-Agricultural District is one of agricultural uses designed to permit the continuation of agricultural uses.

4.1248 USE REGULATIONS. A building or premises shall be used only for the following purposes:

A. PRINCIPAL PERMITTED USES.

1. Agricultural with the usual agricultural buildings and structures.

2. Truck gardening and nurseries, provided that no permanent dwelling units shall be erected thereon unless the tract contains ten or more acres.

3. Mining and extraction of minerals or raw material, subject to prior recommendation from the Planning and Zoning Commission and approval by the Board.

4. Forest and forestry.

5. Noncommercial park, playground, golf course (both public and private) and recreational use.

6. Any use erected or maintained by a public agency.

7. Public utility structures and equipment necessary for the operation thereof.

8. Transmitting station and tower.

9. Dumping of noncombustible materials for land fill purposes.

10. Outdoor advertising signs and billboards shall comply with the general provisions of Code Section 4.1268; however, prior recommendations must be obtained for such signs and/or billboards from the Planning and Zoning Commission and approval granted by resolution of the Board.

B. ACCESSORY USES.

1. Accessory buildings and uses customarily incidental to any of the above uses.

2. Bulletin boards and signs pertaining to the lease, hire, or sale of a building or premises, or signs pertaining to any material that is grown, or treated within the district; provided, however, that such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed, or stored.

4.1249 HEIGHT REGULATIONS. Any building hereafter erected or structurally altered may be erected to any height not in conflict with other existing or future Ordinances of the City of Winterset, Iowa.

4.1250 LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed:

Principal Use	Lot Area	Lot Width	Front Yard Depths	Side Yard Least Width on any One Side	Width Minimum Sum of both Side Yards	Rear Yard Depths
All uses	10 acres	200 ft.	50 ft.	50 ft.	100 ft.	50 ft.

SPECIAL USES

4.1251 REGULATIONS. The regulations set forth in this Article or elsewhere in this Chapter which are applicable shall apply to the special uses listed in this Article. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various districts established by this Chapter; therefore, these uses shall be subject to certain conditions and standards set forth in this Article, and the authority for the location thereof shall be subject to review by the Planning and Zoning Commission, and the issuance of a special use permit by the Board of Adjustment provided; however a special use permit may not be granted for a use in a zoning district from which it is specifically excluded by the provisions of this Article.

4.1252 SPECIAL USES. The following uses are declared "special uses" and upon issuance of a special use permit, such special uses may be authorized in any zoning district, except as it is specifically excluded or limited by the provisions of this Section.

1. Accessory or branch structures and facilities for public utilities and public service uses, including reservoirs and tanks, pumping stations, telephone exchanges and power and transformer stations; providing, however, equipment storage yards and garages which are considered commercial, business and industrial uses shall not be permitted in any R-Residential District.

2. Borrow pits and quarries for rock, sand, gravel, or other soil deposits; providing, however, these uses are specifically excluded from any R-Residential District of C-Commercial District.

3. Buildings and uses owned by the City, County, State of Iowa or its political subdivisions or by private agencies providing public services for general public benefit on behalf of a political subdivision under written contract with and funded, in whole or in part, by the federal or state governments, or the political subdivisions thereof; provided, however, all such uses shall be compatible with surrounding land uses in the zoning district and shall not be disruptive of, or contrary to, the provisions of Section 4.1201 of this Code. Equipment and vehicle storage yards and public garages involving major mechanical repair or rebuilding shall not be permitted in any R-Residential District.

4. Churches

5. Hospitals, nursing homes, boarding homes, clubs, lodge and fraternal organizations.

6. Columbariums, crematories, mausoleums unless inside a cemetery; providing, however, these uses are specifically excluded from any R-Residential District.

7. Educational schools, facilities and institutions including elementary schools, junior high schools, high schools and colleges, both public and privately owned providing for the general education of mankind. Schools which specialize in limited short business, commercial and industrial training courses and are operated for commercial gain, are specifically excluded from this Article and shall be considered as a regular business or commercial use.

8. Establishments or enterprises involving large assemblages of people and/or motor vehicles as follows: provided, however, these uses are specifically excluded from any R-Residential District.

a. Amusement parks

b. Carnivals, circuses and fairgrounds, except as hereinafter provided.

c. Commercial sport or recreational enterprises, including nonprofit amphitheaters, convention halls and auditoriums.

d. Race tracks and rodeo grounds.

9. Public or private parks, golf, swimming and tennis clubs or country clubs and similar public and private owned uses including necessary accessory or service structures.

10. Mental hospitals; providing, however, these uses are specifically excluded from any R-Residential District.

11. Mining operations, providing, however, these uses are specifically excluded from any R-Residential District.

12. Mink ranch - A-Agricultural District only.

13. Mobile home parks, subject to the minimum development requirements as follows: C-Commercial Districts only.

a. Park

Front yard Seventy-five feet.

Side yard. Thirty-five feet.

Area. Two acres.

Drives. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of twenty-nine feet, measured back to back of curbs. All interior streets shall be not less than twenty-nine feet in width, measured back to back of curbs. All streets shall be constructed with either hot mix asphaltic concrete or Portland cement concrete with an approved curb to provide for drainage. Such streets shall meet the specifications contained in Section 4.1006 of this Code.

Sanitary facilities. Connection with the municipal sewer system or adequate private sewage disposal facilities.

b. "Home" spaces

Space size. Fifty feet by ninety feet.

Space area. 4,500 square feet.

Off-drive parking. One parking space for each home space.

Front yard. Fifteen feet.

Rear yard. Ten feet.

Side yard. Five feet.

14. Museums and libraries not operated for profit.

15. Funeral homes; provided, however, that this use is excluded from R-1 Residential District.

16. Radio and television transmitters.

17. Rescue missions and leagues; provided, however, these uses are specifically excluded from R-Residential District.

18. Refuse and garbage dumps, incinerators and other waste disposal methods providing, however, these uses are specifically excluded from R-Residential, DC-Downtown Commercial, C-Commercial, or I-Industrial District.

19. Shooting ranges, including pistol, rifle, skeet and trap ranges.

20. Travel Trailer Parks C-Commercial Districts Only

a. Minimum Requirements for Park:

Front yard. Same as the zoning district or fifty feet, whichever is greater. This requirement shall apply to any and all roads or streets upon which "park" abuts.

Side yard. Thirty-five feet.

Rear yard. Thirty-five feet.

Minimum area. One and one-half acres.

Maximum density. Twenty unit spaces per gross acre of park site.

Drives. Twenty-five feet in width with asphaltic concrete surface.

A common service building providing laundry facilities, short order, food service, accessory supplies, etc, may be included in the "parks" permitted in the A-Agricultural District, provided such a building shall be located within the central "park" area, shall not be visible to passing traffic, and shall be restricted to the use of the park occupants. Such service buildings shall be permitted in the C-Commercial.

District providing such use shall conform to the requirements provided in the C-Commercial District Regulations. The rear and/or side yards shall be screened from adjacent property access by planting screen not less than ten feet in width, or by a fence wall.

b. Requirements for trailer spaces:

Minimum space size. Twenty feet by fifty- five feet.

Minimum space area. 1,100 square feet

Off-drive parking. One parking space for and within the area of each trailer space.

Minimum front yard. Ten feet.

Minimum rear yard. Five feet.

Minimum side yard. Five feet.

Trailer separation. The minimum distance between any two trailers shall be not less than ten feet.

25. Grain elevators including commercial grain drying facilities in A-Agricultural or I-Industrial districts only.

26. All private swimming pools, surface ponds, reservoirs, or any areas containing runoff surface water in any zoning district within the City shall meet the following minimum requirements:

a. No public swimming, or sunbathing or ice skating will be allowed unless specific permission is granted to do so by the City.

b. Terrain surrounding any surface water area(s) will be so graded to prevent runoff into any developed areas or into soils with a high permeability rating, that may result in high levels of ground water in nearby developed areas.

c. Any discharge of water into the City's underground storm or sanitary sewer system from a private surface water source must be approved by the City on a case by case basis.

d. All such uses must meet applicable Federal, State or County Public Health and Safety Standards.

e. A fence constructed of solid materials (wood, brick, cinder block, chain link, etc.) must surround the immediate surface water area. Any such fence must be a minimum of six (6) feet in height.

27. Display and sale of antiques and locally produced art and craft articles in an R-2 Multi-Family Residential District only, provided that the activity occupies an area less than 1,200 aquare feet; is conducted in a non-accessory building or structure which formerly has had a principal permitted use as single or multi-family residential or as an authorized special use under this Chapter; has no employees unless rear yard off street parking complying with this Chapter for all employees with screened fencing is provided; and, has no advertising signage, except as permitted by this Chapter.

28. Bed and breakfast hostels with no more than four (4) guest rooms in an R-2 Multi-Family Residential District only, provided that the activity is conducted in a non-accessory building or structure which formerly has had a principal permitted use as single or multi-family residential or as an authorized special use under this Chapter; has no employees unless rear yard off street parking complying with this Chapter for all employees with screened fencing is provided; and, has no advertising signage, except as permitted by this Chapter.

29. Supervised Group Residences located in the R-1 or R-2 Zoning Districts only subject to the following conditions:

(a) Each facility shall house no more than eight (8) residents including supervisors.

(b) Each bedroom shall contain a minimum of eighty (80) square feet of usable floor space per bed, and usable floor space of no less than eight (8) feet in any major demension. For purposes of computation of usable floor space, that part of the room having no less than seven (7) feet of ceiling height shall be used. Rooms in which beds are located shall not be used for purposes other than bedrooms.

(c) There shall be a minimum of one (1) bathroom with tub or shower, toilet and lavatory on each floor which has resident bedrooms.

(d) Each such facility shall contain areas for dining and recreational purposes. When space is provided for multi-purpose dining and recreational purposes, the area shall total at least thirty (30) square feet per resident bed. When space is provided to be used only for dining, the area shall total at least fifteen (15) square feet per resident bed. When space is provided to be used only for recreational purposes, the area shall total at least fifteen (15) square feet per resident bed, and at least fifty (50) percent of the required area must be in one (1) room.

(e) Each facility shall provide twenty-four (24) hour a day supervision by persons responsible for the care of the residents.

(f) No new such facility shall be located within one-fourth (1/4) mile of any existing supervised group residence, family home, correctional placement residence, or shelter for the homeless.

(g) If after issuance of the required permits evidence comes to the attention of the Zoning Administrator that operation of such facility may be causing unreasonable and chronic traffic congestion in the streets, unreasonable and chronic noise in the neighborhood, or danger to the health, safety and general welfare of its occupants or of occupants of other property in the neighborhood, then the Zoning Administrator shall refer the matter to the Board of Adjustment. If, after public hearing, the Board finds that operation of such facility is causing unreasonable and chronic traffic congestion in the streets, unreasonable and chronic noise in the neighborhood, or danger to the health, safety of people or property in the neighborhood, the Board shall wither revoke such permits or prescribe appropriate conditions and safeguards to remedy the problems found to exist. Violation of any conditions or safeguards prescribed by the Board shall result in revocation of such permits.

(h) The requirements above shall not apply with respect to those facilities licensed and regulated as health care facilities by the State Department of Health.

4.1253 REQUIRED CONDITIONS.

A. GENERAL CONDITIONS

1. A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located.

2. A special use permit shall not authorize a use which is in conflict with this Code or laws of the State of Iowa regulating nuisance, pollution or hazardous occupation.

B. REQUIRED SITE PLAN AND STATISTICAL INFORMATION

The request for authorization of special use shall be accompanied by a

site plan in compliance with Section 4.1261 of this Code.

4.1254 RESTRICTIONS. Authorization for a special use permit shall be granted subject to the following conditions:

1. Buildings involving the large assemblages of people shall not be located less than 300 feet from any existing dwelling site.

2. Uses involving nuisance such as noise, vibration, pollution, etc. shall not be located less than 500 feet from an R-Residential District or less than 1,000 feet from an existing dwelling.

3. Uses involving the large assemblages of people shall not be located where the arterial traffic system is inadequate to provide for the increased traffic density.

4. Uses involving the extensive use of exterior lighting shall not be located where such lighting may be hazardous to air or ground traffic and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any R-Residential District boundary.

5. Public or private utility services which involve large structures such as pumping stations, electric substations and power transmitters and which are located within an R-Residential or C-Commercial District shall be screened from public view by buffer walls or strip parks.

4.1255 PROCEDURE. The procedure for obtaining a special use permit shall be as follows:

1. Written applications shall be filed with the Zoning Administrator and shall be accompanied by such plans as required by this Code. The application shall include a list showing the names and last known addresses for all property owners of record within five hundred feet of the premises where the special use is to be located.

2. The application shall be referred to the Plan and Zoning Commission. The Commission within forty-five days of the date of the application shall review the application and shall make a written report to the Board of Adjustment regarding the disposition of the application.

3. The Board of Adjustment shall hold a public hearing within thirty days after receiving the Commission's report.

4. Notice of hearing by the Board shall be given to all property owners within 500 feet of the boundary of the property on which the special use is to be located. Such notice shall be at least ten days prior to the hearing; shall contain the time and location of such hearing; and, shall be served by ordinary mail to the owner's last known address submitted by the applicant.

5. The special permit issued may be conditional to include time limits and other terms deemed necessary or appropriate by the Board. Violations of such terms shall be deemed a violation of this Code punishable as herein provided. In addition, the Board may upon notice and hearing revoke the permit for violation of the terms of the permit.

6. Whenever an application for special permit has been denied by the Board, no reapplication for the same special use on the same property or any portion thereof shall be filed or considered by the Board until six months shall have elapsed from the date of the official denial of the first application.

OFF-STREET PARKING AND LOADING AREAS

4.1256 OFF-STREET LOADING SPACE REQUIRED.

A. In any district in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by uses requiring the receipt or distribution of materials or merchandise involving uses such as manufacturing, storage, warehouse, good display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, there shall be provided and maintained on the same lot with building, at least one off-street loading space; and, one additional such loading space for each 20,000 square feet or fraction thereof in excess of 10,000 square feet.

B. The requirements for off-street loading spaces are as follows:

1. Each loading space shall be not less than ten feet in width and sixty feet in length.

2. Such space may occupy all or any part of any required yard or court space, except required open space under Section 4.1260 of this Code.

4.1257 OFF-STREET PARKING AREA REQUIRED.

A. In all districts, space for parking and storage of vehicles shall be provided in accordance with the following schedule; however, no parking area required hereunder shall be less than 1,000 square feet in area except in the case of dwellings and retail stores and shops under 500 square feet.

1. Automobile sales and service garages - one parking space for each 300 square feet of floor area and one parking space for each four persons regularly employed on the premises.

2. Banks, business and professional offices - one parking space for each 200 square feet of floor area and one parking space for each office in the principal building or one and one-fourth parking spaces for each person regularly employed on the premises, whichever is greater.

3. Bowling alley - five spaces for each alley and one space for each five spectator seats.

4. Churches - one parking space for each four seats and one parking space for each classroom.

5. Dance halls, assembly halls - one parking space for each 100 square feet of floor area or one parking space for each four seats of maximum seating capacity, whichever is greater.

6. Dwellings, residential:

a. One and Two-family Dwellings - two parking spaces for each dwelling unit.

b. Multi-family Dwellings - two parking spaces for each of the first twelve dwellings units and one and one-fourth parking spaces for each additional unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement.

7. Funeral homes, mortuaries - fifteen parking spaces or one parking space for each four seats in the principal auditorium or four parking spaces for each service or viewing room, whichever is greater. In addition, one parking space for each two persons regularly employed on the premises.

8. Furniture, appliance and other retail stores displaying large and bulky merchandise - one parking space for each 400 square feet of floor area.

9. Hospitals, sanitariums and nursing homes - one parking space for each four patient beds and one parking space for each two persons regularly employed on the premises.

10. Hotels, motels, lodging houses - one parking space for each room or suite of rooms offered for tourist accommodations and one parking space for each two persons regularly employed on the premises.

11. Industrial or manufacturing plants - one parking space for each two employees on the maximum working shift; or one parking space for each 1,000 square feet of floor area up to 10,000 square feet; and, then one parking space for each additional 1,500 square feet, or portion thereof.

12. Restaurants, taverns, night clubs or similar places dispensing food, drink or refreshments - one parking space for each fifty square feet of floor area devoted to patron use within the establishment. In addition, one parking space must be provided for each four persons regularly employed.

13. Retail stores, super markets, shopping centers, department stores, etc.

a. Stores containing over 2,000 square feet floor area - one parking space for each 200 feet of floor area.

b. Stores and shops containing under 2,000 square feet - one parking space for each 500 square feet of floor area, and one space for each persons regularly employed on the premises; provided, however, there shall not be less than five parking spaces.

14. Schools and other places of education or instruction.

a. Elementary, junior high and other places for under driving age students - one parking space for each person regularly employed on the premises. In addition, one parking space for each twenty student desks or classroom seating facilities.

b. High schools - one parking space for each person regularly employed on the premises. In addition, one parking space for each ten student desks or classroom seating facilities.

c. Colleges, trade schools and other places of young adult learning - one parking space for each person regularly employed on the premises. In addition, one parking space for each four student desks or classroom seating facilities.

15. Sports arenas, theaters, auditoriums and other similar places of public assembly - one parking space for each four persons of maximum standing and seating capacity.

16. Wholesale establishments or warehouses -one space for each person

regularly employed on the premises.

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 mentioned and to which said use is similar shall apply.

C. All lots with off-street parking shall abut upon street right of way except as may be provided by Section 4.1213 of this Code.

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 off-street parking space shall be closer than five feet to any established street right-of-way or alley line. Where this parking lot adjoins an R-Residential District, it shall be set back at least ten feet from the R-Residential District boundary.

2. Any off-street parking area, including any commercial parking lot for more than two vehicles shall be surfaced with an asphaltic or Portland cement pavement or such other surface as shall be approved by the City Engineer so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

3. Lighting used to illuminate any off-street parking area including any commercial parking lot shall be so arranged as to reflect the light away from adjoining premises in any R-Residential District.

4. A landscaping plan ensuring compatibility with surrounding adjoining uses shall be submitted to the Board for approval for any parking area with a gross capacity of fifty (50) motor vehicles or more. The applicant shall be responsible for the implementation of the plan in accordance with the time table submitted.

E. Off-street facilities for all uses, except one and two-family dwellings fronting on a residential street, shall be designed so as to permit entrance and exit by forward movement of the vehicle. The backing or backward movement of vehicles from an off-street parking facilities on to streets shall be strictly prohibited.

OPEN SPACE REQUIREMENTS

4.1258 INTENT. It is recognized that the extensive use and congestion of land adversely affects the general health and welfare of the community. Therefore, the intent of the following Section shall be to ensure the creation and maintenance of adequate open spaces.

4.1259 OPEN SPACE REQUIREMENTS.

A. All buildings and land use in any R-Residential District shall comply with the following:

1. On each lot there shall be provided an open space equal to at least twenty-five per cent of the total lot area. Said open space shall not include any structure or off-street parking area.

2. Each principal structure of a multi-family dwelling unit shall be separated from any other principal structure in the complex by an open space of not less than sixteen feet in width.

3. Where doors and windows in the exterior walls of a living unit face a wall of the same building and/or wall of another building in the same complex site, there shall be provided a minimum open space of not less than thirty feet. Said distance to be measured on a line projected at right angles at the opening from the wall containing the opening to the opposite wall.

4. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four feet; open stairways may project from the building wall into the required open space (court only) not more than seven and one-half feet. Stairways when located in the required open space (court only) shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.

B. All buildings and land use in any C-Commercial District or I-Industrial District shall comply with the following except as herein provided:

1. Any R-Residential District use in any C-Commercial District shall comply with Part A above.

2. On each lot there shall be provided an open space equal to at least twenty per cent of the total lot area; said space shall not include any structure or off-street parking area.

3. Each principal structure of an building complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen feet in width.

4. Where door and windows in the exterior walls of a living unit face a wall of the same building and/or a wall of another building in the same complex site, there shall be provided a minimum open space of not less than thirty feet. Said distance to be measured on a line project at right angles at the opening, from the wall containing the opening of the opposite wall.

5. Cantilevers and open porches may project from the building wall into the required open space (court only) not more than four feet; open

stairways may project from the building wall into the required open space (court only) not more than seven and one-half feet. Stairways when located in the required open space (court only) shall be cantilevered or supported by the necessary columns only; support by a wall other than the exterior building wall is strictly prohibited.

SITE PLANS

4.1260 SITE PLANS. Site plans which are required for review and approval for any use in any district or elsewhere by this Chapter shall comply with the following:

1. Site plans shall be drawn at a scale not less than 1" = 100'; and, two copies of the site plan shall be submitted with the permit application.

2. The site plan shall include, but not be limited to, the types of structure proposed, number and size of dwelling units, floor area of any commercial or industrial building, child capacity of a day nursery, buffers, landscaping, off-street parking area, walls, density, floor area ratio, anticipated expansion and other information deemed necessary to illustrate compliance with the requirements of this Chapter.

3. A preliminary site plan may be submitted for preliminary or tentative land use approval; providing however, that a final site plan shall be submitted and reviewed for compliance with the provisions of this Chapter prior to the issuance of any permit.

4. The site plan shall show the size and dimensions in feet of the lot where the proposed structure is to be located.

5. The site plan shall include a legal description of the lot where the proposed structure is to be located.

6. The site plan shall include the location of all utilities located upon or under the land surface and a plan for surface water drainage.

4.1261 LOT BOUNDARIES LOCATED. Prior to the issuance of any permit, the applicant shall establish at the site the actual location of the boundaries of the lot where the proposed structure is to be located. In the event the applicant cannot show the lot boundaries by the location of original monuments or corner pins established by a land survey of record, then the applicant shall cause the lot to be surveyed by a registered land surveyor prior to the issuance of any permit.

EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS

4.1262 STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. The building height limitations of this Chapter shall be modified as follows:

1. Chimneys, cooling towers, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, silos, water towers, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height approved by the Board of Adjustment.

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

4.1263 DOUBLE FRONTAGE LOTS. Buildings on double frontage lots extending through from street to street shall be permitted ingress-egress from only one of the streets.

4.1264 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 except for roof projections not to exceed thirty-six inches.

4.1265 UNCONVERTED MOBILE HOMES. Mobile homes which have not been converted to real estate as provided by Iowa Code Chapter 135D shall be located in mobile home parks only.

OUTDOOR ADVERTISING SIGNS

4.1266 DEFINITIONS. For the purposes of this Chapter, these words or terms shall have the following meaning:

Sign - A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Advertising - An advertising device as defined by Chapter 306C of the Code of Iowa having the capacity of being visible from any public right of way.

Sign, Area of - See Sign, Surface Area of.

Sign, Business - A sign which directs attention to a business or profession of a commodity, service, or entertainment sold or offered upon the premises where such a sign is located.

Sign, Display - An advertising sign.

Sign, Flashing - Any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times where such sign is in use.

Sign, Illuminated - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign.

Sign, Marque - Any sign affixed to any hood, marquee or canopy over the entrance to a building.

Sign, Nameplate - Any sign which states the name or address or both of the business or occupant of the lot where the sign is placed.

Sign, Rotating - A sign which revolves or rotates on its axis by mechanical means.

Sign, Surface Area of - The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including any structural elements outside the limits of such sign and not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

4.1267 SIGN REGULATIONS.

All signs now existing or hereafter erected or maintained, except official traffic signs, shall conform with the provisions of this regulation.

1. General Provisions for all Zoning Districts:

The following regulations shall apply to all signs hereinafter permitted in all Districts:

A. Signs shall not be permitted within the public right-of-way or public

easements.

B. Flashing or rotating signs resembling emergency vehicles shall not be permitted in any district.

C. Any signs not permanently affixed to buildings or permanently anchored in the ground shall not be permitted in any zoning district.

D. No signs shall be permitted to obstruct any window, door, fire escape, stairway or opening intending to provide light, air or access to any building or structure.

E. Upon notification by the Zoning Administrator that a sign is rotted, unsafe or unsightly, the owner of said sign or owner of the property upon which the sign is located shall remove or repair the sign.

F. The owner, lessee or manager of any sign anchored in the ground and/or the owner of the land on which the sign is located shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the ground surrounding the sign.

G. Political signs may be permitted for a period of not more than forty-five (45) days before and seven (7) days after an election.

H. Signs for service clubs and semi-public institutions are permitted within the public right-of-way, provided that they are not more than 500 feet from the corporate limits and further provided that they do not exceed three square feet in area. These signs are for the purpose of displaying the emblem of the club or institution and information on time and location of meetings.

I. Except as may be expressly provided by these regulations, no advertising signs shall be erected or maintained other than on the premises of the business or other activity involved.

2. Signs in Residential Districts.

No sign shall be erected in any RESIDENTIAL DISTRICT except:

A. A nameplate sign identifying the owner or occupant of a building or dwelling unit, provided such sign does not exceed two (2) square feet in surface area. Such sign shall not be illuminated.

B. A sign pertaining to the lease or sale of the building or property, provided such sign does not exceed four (4) square feet in surface area. Such signs shall not be illuminated.

C. A temporary sign not exceeding four (4) square feet in surface area identifying an engineer, architect, contractor, or product engaged in or used in the construction of a building may be erected upon issuance of the building permit. A temporary sign shall removed prior to the occupancy of the building. Such sign shall not be illuminated except for signs required by State or Federal law.

D. One identification sign on premises not to exceed twenty-four (24) square feet in surface area displaying location information for churches, schools, hospitals, nursing homes, clubs, offices, libraries or similar use. Such signs may be illuminated.

E. Directional unilluminated signs on premises not exceeding two (2) square feet in surface area displaying directional information for churches, schools, hospitals, nursing homes, clubs, libraries or similar uses excluding office or commercial establishments, provided that each such use shall be limited to one such sign per thoroughfare approach.

F. Business signs located in Residential zones as Non-Conforming or Home Occupations shall not be located in the front yard. Signs shall be attached to the house and shall not be illuminated and not larger than two (2) square feet in surface area.

3. Signs in Commercial Districts.

Signs may be erected in Commercial Districts subject to the following provisions:

A. The total surface area of all business signs on a lot shall not exceed two (2) square feet per lineal foot of lot frontage or ten (10) percent of the building frontage area, or seventy-five (75) square feet, in area whichever is greater. Signs may be illuminated.

B. Advertising signs shall be on premises and limited to one sign for a business location of 100 foot frontage or less; one additional sign for each additional 100 feet of frontage; or, a minimum of one sign per individual business. Rear signs on businesses shall be governed by the same restrictions as those pertaining to frontage.

C. No advertising sign may be erected within one hundred (100) feet of an adjoining RESIDENTIAL DISTRICT.

D. For corner lots, the "frontage" used to determine allowable sign area shall be the least dimension along a street, but an equivalent sign area shall be allowed facing the intersecting street.

E. No sign shall project higher than six (6) feet above the height of the building.

F. Signs painted on a building shall be governed by the square footage limitations specified above. Such signs shall be maintained in good condition and shall be repainted, removed, or painted out when, in the opinion of the Zoning Administrator, such sign is not so maintained.

G. Where a sign is illuminated, the source of light shall not be visible from any public right-of-way, and such light shall be directed away from any RESIDENTIAL DISTRICT.

H. No sign shall project more than one (1) foot perpendicular from the building face.

4. Signs in the I-INDUSTRIAL DISTRICT.

Signs may be erected in the I-INDUSTRIAL DISTRICT subject to the following provisions:

A. Advertising sign shall be limited to one (1) sign for a business premises of one hundred (100) foot frontage or less and one (1) additional sign for each additional frontage of one hundred (100) feet. Such structures shall not exceed twenty-five (25) feet in length. No advertising

sign may be erected within one hundred (100) feet of a RESIDENTIAL DISTRICT.

B. Sign lighting shall not be directed toward a public right-of-way or any RESIDENTIAL DISTRICT.

C. The total surface area of all business signs on a lot shall not exceed three (3) square feet per lineal foot of lot frontage or twenty (20) percent of the building frontage area or three hundred (300) square feet in area, whichever is greater. Such signs may be illuminated.

D. No sign shall project higher than six (6) feet above the height of the building.

4.1268 NONCONFORMING SIGNS. Any advertising device in existence on the effective date of this Code which does not conform to the provisions of this Chapter shall be either brought into conformity with this Chapter or removed from the premises within five (5) years after January 1,1992. Any advertising device in existence on the effective date of this Code which on that date does conform to the provisions of this Chapter but which later does not conform to this Chapter shall be either brought into conformity with this Chapter or removed from the premises. Subject to the provisions of this Chapter, the Zoning Administrator shall have the authority to order either the sign owner or the owner of the premises upon which the sign is located forthwith either to conform a nonconforming advertising device to
this Chapter or to remove the advertising device from the premises.

ADMINISTRATION AND ENFORCEMENT BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

4.1269 ADMINISTRATION AND ENFORCEMENT. The provisions of this Chapter shall be enforced and administered by the Zoning Administrator. If the Zoning Administrator shall find that any of the provisions of this Chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done, or shall take any other action authorized by this Chapter to insure compliance with or to prevent violation of its provisions.

4.1270 BUILDING PERMITS REQUIRED. Buildings or other structures shall not be erected, added to or structurally altered without a permit issued by the Zoning Administrator. Building permits shall be issued in conformance with the provisions of this Chapter, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within six months from date of issuance and completed within twelve months from the date of issuance. In the instance of a structure or building removed or demolished, all work must be completed within three months from the date the permit is issued.

4.1271 APPLICATION FOR BUILDING PERMIT. All applications for building permits shall be accompanied by a site plan in conformance with Section 4.1261 of this Chapter. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Chapter.

4.1272 CERTIFICATES OF OCCUPANCY FOR NEW, ALTERED OR NON-CONFORMING USES. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or part thereof, which has been erected, changed, converted, altered or enlarged in its use or structure until a certificate of occupancy has been issued by the Zoning Administrator.

Certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued after the completion of the lawful erection or alteration of the building or other improvements.

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Zoning Administrator shall maintain a record of all certificates of occupancy and copies shall be furnished upon request to any person. Failure to obtain a certificate of occupancy shall be a violation of this Chapter and punishable as provided by this Chapter.

4.1273 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF ZONING OCCUPANCY. Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use or construction set forth in such approved

plans and specifications, and no other use or construction. Use or construction at variance with that authorized by Zoning Administrator shall be deemed a violation of this Chapter and punishable as provided by this Chapter.

BOARD OF ADJUSTMENT PROCEDURE, POWERS AND DUTIES

4.1274 BOARD CREATED. A Board of Adjustment is hereby established which shall consist of five members. The term of office of the members of the Board and the manner of their appointment shall be as provided by Chapter 414 of the Code of Iowa.

4.1275 MEETINGS, GENERAL PROCEDURES AND RULES. Meetings, general board procedures, and rules of the Board shall be in conformance with and pursuant to Chapter 414 of the Code of Iowa as that Chapter now or hereafter provides.

4.1276 APPEALS. Appeals to the Board may be taken by any person aggrieved or by any officer, department, or board of the City of Winterset affected by any decision of the Zoning Administrator. Such appeal shall be taken with ten days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with the Zoning Administrator that by reasons of facts stated in the certificate a stay would in the Administrator's opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator and on due cause known.

4.1277 FEE FOR APPEAL. The notice of appeal shall be accompanied by a filing fee of twenty-five dollars.

4.1278 HEARINGS, NOTICE. The Board shall fix a reasonable time for the hearing on the appeal, comply with Chapter 21 of the Code of Iowa and provide notice to the appellant at least twenty-four hours prior to the meeting. At the hearing any party may appear in person or by agent or by attorney.

4.1279 JURISDICTION AND POWERS OF THE BOARD OF ADJUSTMENT.

A. The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter or any supplement or amendment.

2. To hear and decide special exceptions to the terms of this Chapter upon which the Board is required to pass under this Chapter.

3. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the Chapter will result in unnecessary hardship, and so that the spirit of the Chapter shall be observed and substantial justice done.

B. No variance from the provisions of this Chapter shall be made by the Board unless a written application for a variance is submitted demonstrating:

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

2. That literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Chapter;

3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, structures or buildings in the same district.

C. The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. In granting any variance or other relief, the Board 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 variance or relief is granted, shall be deemed a violation of this Chapter and punishable as provided by this Chapter.

E. Under no circumstances, shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved, or any use expressly or by implication prohibited by the terms of this Chapter in said district.
No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

4.1280 DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above-mentioned powers, the Board may so long as such action is in conformity with the terms of this Chapter, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of this applicant on any matter upon which it is required to pass under this Chapter or to effect any variation in the application of this Chapter.

4.1281 APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT. Any taxpayer or any officer, department, or board of the City or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment 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.

DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTERS OF APPEAL

4.1282. DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTERS OF APPEAL. It is the intent of this Chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Chapter that the duties of the Council in connection with this Chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Chapter. Under this Chapter, the Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Chapter as provided by law.

CHANGES AND AMENDMENTS
MAP REPLACEMENT AND ZONING OF ANNEXED AREAS

4.1283 CHANGES AND AMENDMENTS. These Zoning regulations may be amended only by duly adopted ordinance. The change shall be made by petition initiated either by the Council or by any other interested person. Upon filing with the Zoning Administrator, the petition shall be referred to the Planning and Zoning Commission.

Unless initiated by the City, each petition for amendment shall be accompanied by a fee in the amount of $25. The fee is non refundable.

The petition shall contain the following information:

1. The legal description and local address of the property.

2. The present zoning classification and the zoning classification requested for the property.

3. The existing use and proposed use of the property.

4. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

5. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.

The Planning and Zoning Commission shall make a report to the Council within thirty days from the date of the receipt of such petition. The Council, after receiving the report of the Commission, shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. The notice of the time and place of the hearing shall be published as provided in Section 362.3 of the Code of Iowa except that at least seven (7) days notice of the time and place of hearing shall be given by publication in a newspaper of general circulation within the City. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

The Council may impose conditions or restrictions on the property owner as provided by Section 414.5 of the Code of Iowa. After holding the public hearing the Council may vote upon the proposed amendment, supplement or change. In case of a written protest against any proposed amendment or change filed with the Zoning Administrator and signed by the owners of twenty per cent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

4.1284. MAP REPLACEMENT. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, or requires updating because of annexation or changes in zoning districts, the Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map shall be identified

by the signature of the Mayor attested by the City Administrator under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. ___of the City of Winterset, Iowa".

4.1285. **ZONING OF ANNEXED AREAS.** Any land annexed to the City after the effective date of this Chapter shall be zoned A-Agricultural until the Commission shall have studied the area and adopted a final zoning plan for the area in accordance with this Chapter and the Council has by ordinance established a different zoning district.

COMPLAINTS REGARDING VIOLATIONS

4.1286 COMPLAINTS REGARDING VIOLATIONS. When a violation of this Chapter occurs or is alleged to have occurred, any aggrieved person may file with the Zoning Administrator a written complaint stating fully the causes and basis of the Complaint. The Zoning Administrator shall promptly investigate the matter and initiate such action, if deemed necessary, as may be authorized by this Chapter. This section shall not be construed to restrict the authority of the Zoning Administrator to apply or enforce the provisions of this Chapter.

ENFORCEMENT, VIOLATIONS AND PENALTIES

4.1287 ENFORCEMENT. The Zoning Administrator is hereby charged with the responsibility for the enforcement of this Chapter. Any permit issued under this Chapter found to be in violation of the terms of this Chapter shall be null and void from its inception.

4.1288 PENALTIES FOR VIOLATION. Violation of the provisions of this Chapter or failure to comply with any of its requirements shall be a municipal infraction punishable as provided by law. In addition, any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction be guilty of a simple misdemeanor punishable as provided by law. Each day any such violation continues shall be considered a separate offense and may be the subject of repeated prosecutions, if so continued.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.