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MARY E. WELLS
RECORDER
MADISON COUNTY, IOWA
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CERTIFICATE AS TO ZONING ORDINANCE AND SUBDIVISION ORDINANCE

STATE OF IOWA :
MADISON COUNTY :ss
CITY OF WINTERSET:

I, O. D. Simmons, certify that I am the City Clerk of the City of Winterset, Iowa, at all times hereinafter referred to.

I further certify that Ordinance No. 207, an ordinance to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for the City of Winterset, Iowa, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 414, of the 1966 Code of Iowa as amended to empower the City of Winterset to enact a zoning ordinance, and to provide for its administration, enforcement and amendment; for the purpose of promoting the health, safety, morals, and general welfare of the City of Winterset, Iowa, was passed and adopted by the City Council in a regular meeting held on the 23 day of July, 1970, and published in the Winterset Madisonian, a weekly newspaper of general circulation in the City of Winterset, Iowa, on the 28th day of October, 1970, as shown by the publisher's affidavit on file in the office of the City Clerk. I further certify that a true and correct copy of Ordinance No. 207 is attached hereto.

I further certify that Ordinance No. 208, an ordinance to repeal all ordinances in conflict herewith; providing rules and regulations for the approval of plats, subdivisions, and resubdivision in the City of Winterset, Iowa; prescribing minimum standards for the design layout and development thereof; providing for the preliminary and final approval or disapproval thereof; providing for the enforcement and penalties for the violation thereof; all for the purpose of promoting the adequacy, safety and efficiency of the street and road system; and for the purpose of improving the health, safety and general welfare of the citizens; in accordance with the provisions of Chapters 373 and 409 of the 1966 Code of Iowa, as amended, was passed and adopted by the City Council at a regular meeting held on the 23 day of July, 1970, and published in the Winterset Madisonian, a weekly newspaper of general circulation on the 28th day of October, 1970, as shown by the publisher's affidavit on file in the office of the City Clerk. I further certify that a true and correct copy of Ordinance No. 208 is attached hereto.

Witness my hand and the seal of the City of Winterset, Iowa, this 31 day of March, 1971.

O. D. Simmons, City Clerk of the City of Winterset, Iowa.

ZONING ORDINANCE

Urban Planning Grant

Project No. Iowa P-98

Prepared under contract for and financed in part by the Iowa Development Commission under the provisions of Chapter 28, Laws of the 58th General Assembly of Iowa, as amended.

The preparation of this report was financially aided through a federal grant from the Department of Housing and Urban Development, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

Prepared by:
ANDERSON ENGINEERING COMPANY
Planning and Engineering Consultants
1440 Ingersoll Avenue
Des Moines, Iowa 50309

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CITY OF WINTERSET, IOWA
ZONING ORDINANCE

ORDINANCE NO. 207

ARTICLE I

5601
PREAMBLE

AN ORDINANCE TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF WINTERSET, IOWA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 414, OF THE 1966 CODE OF IOWA, AS AMENDED, TO EMPOWER THE CITY OF WINTERSET TO ENACT A ZONING ORDINANCE, AND TO PROVIDE FOR ITS ADMINISTRATION, ENFORCEMENT AND AMENDMENT; FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE CITY OF WINTERSET, IOWA.

WHEREAS, Chapter 414, 1966 Code of Iowa as amended, empowers the City of Winterset, to enact the Zoning Ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City of Winterset to enact such an Ordinance, and

WHEREAS, the City Council, pursuant to the provisions of Chapter 414, 1966 Code of Iowa, as amended, has appointed a Zoning Commission to recommend the boundaries of various original districts and appropriate regulations to be enforced therein, and

WHEREAS, the Plan and Zoning Commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a Comprehensive Plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light or air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements, and

WHEREAS, the Plan and Zoning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and,

WHEREAS, the Plan and Zoning Commission has made a Preliminary Report and held a public hearing thereon, and submitted its Final Report to the Council, and

WHEREAS, the City Council has given due public notice of hearings related to zoning districts, regulations, and restrictions and has held such public hearings, and,

WHEREAS, all requirements of Chapter 414, 1966 Code of Iowa, as amended, with regard to the preparation of the report of the Plan and Zoning Commission, and the subsequent action of the City Council have been met;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINTERSET, IOWA:

5602
SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance for the City of Winterset, Iowa, and shall also be known as Chapter 56 of the Winterset Municipal Code of 1970.

5603
INTERPRETATION OF STANDARDS

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

ARTICLE II

DEFINITIONS

5604
DEFINITIONS

For the purpose of this Ordinance, 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 Ordinance.

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, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary accessory uses for packing, 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.

Apartment Hotel:
A building designed for or containing both individual guest rooms or suites of rooms and rooms or suites of rooms for dwelling units. (See "Dwelling, Multiple".)

Apartment House or Building:
(See "Multiple Dwelling.")

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 height 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.

Boarding House:
A building other than a hotel where, for compensation, meals and lodging are provided for four or more persons but shall not include rest homes.

Building:
Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals, or chattel.

Building, Height of:
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 eaves and ridge for gable, hip, and gambrel roofs.

Canopy:
(See "Awning.")

Cellar:
A story having not more than one-half of its height below grade, which is inaccessible to the outside except by stairway, and in

which the air vents or ventilation windows are not more than eighteen inches in height and four square feet in area each.

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 and sealed by a Registered Surveyor as defined by the Registration Act of the State of Iowa.

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

Cocktail Lounge, Cabaret:
Any place of business other than a night club, located in and accessory to a hotel, motel, or restaurant, where liquor, beer or wine is sold for consumption on the premises, where music or other entertainment is limited to a piano, bar, or other one person performance, and dancing is prohibited. (See also "Tavern", "Night Club.")

Commercial Use:
A use operated for profits or compensation.

Commission:
The Plan and Zoning Commission.

Conditional Permit:
A permit issued in view of specified conditions, limitations or restrictions, and which is subject to review or cancellation by the issuing department.

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.

Dog Kennel:
The keeping of any dog or dogs, regardless of number, for sale, breeding, boarding or treatment purposes, except in a

dog hospital, dog beauty parlor or pet shop, as permitted by law, or the keeping of five or more dogs, six months or older, on premises used for residential purposes, or the keeping of more than one dog on vacant property or on property used for business or commercial purposes, shall constitute a kennel.

Dump:

A premises used for the disposal of clean type fill or refuse such as dirt, rocks, cans, tree branches and similar materials, but not including organic matter of any type such as garbage or dead animals or portions thereof.

Dwelling:

A building containing one or more dwelling units which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or travel trailer.

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 and 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.

Establishment:

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

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.

Filling Station:

(See "Automobile Service Station.")

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. A private garage of less than three car capacity may be rented for the private vehicles of persons not residents on the premises.

Garage, Public:

A structure other than a private garage used for the shelter or storage of motor powered vehicles and in which the care, minor servicing, washing, etc. of vehicles is an accessory use.

Gas Station:

(See "Automobile Service Station.")

Grade:

A. For buildings 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.

Half-Story:

A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the floor immediately below it.

Height of Building:

(See "Building Height.")

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 there 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.

Hospital:

An institution for the diagnosis, care or treatment of two or more unrelated persons suffering from illness, injury or deformity, or for the rendering of obstetrical or other professional medical care other than in an emergency. (For purposes of this definition - nursing care shall not be construed to be professional medical care.)

Hotel:

A building occupied as the more or less temporary residence of individuals who are lodged, with or without meals, and in which there are six or more sleeping rooms or suites of rooms with no provisions made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

Junk:

Old and dilapidated automobiles, trucks, tractors and other such vehicles and parts thereof, wagons and other kinds of vehicles and parts thereof, scrap, used building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds, or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed for barter, resale, reuse, salvage, stripping, or trade. (See also "Trash").

Junk Yard:

The use of a lot or portion thereof for the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof, including scrap metals, rags, or other scrap materials. The presence on any lot, parcel or tract of land, of three or more vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been removed or are to be removed for reuse, salvage, or sale, shall constitute prima facie evidence of a junk yard.

Kennel:

(See "Dog Kennel.")

Kitchen:

Any room or portion of a building used, intended or designed to be used for cooking and other preparation of food, including any room having a sink and provisions for either a gas or electric stove.

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 Ordinance, 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 record, 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 Ordinance.

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 reason 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 rear 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

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 compromising 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 other than a corner lot with frontage on more than one street or public thoroughfare which does not intersect one another.

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.

Marquee:

(See "Awning.")

Mobile Home:

A vehicular portable home designed and built for long-term residential occupancy. A mobile home shall be a dwelling unit for density and parking requirement 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 feet in width and thirty-two feet in length, and shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground, and:

A. Contains sleeping accommodations, a flush toilet, a tub, or shower, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.

B. Designed to be transported after fabrication on its own wheels, or on a flat bed or other trailers or detachable wheels. Such fabrication shall include a built-in metal frame and hitch for transportation.

C. Arrives at the site where it is to be occupied as a complete dwelling unit, including major appliances and furniture, and ready for immediate occupancy except for incidental unpacking and minor assembly operations, such as location on foundation supports and connection to utilities.

A prefabricated house shall not be considered a mobile home.

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 per cent of the spaces of the total mobile home park.

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.

Night Club:

Any establishment located within any building and operated for the purpose of supplying entertainment or music, or both, and providing meals and refreshments prepared on the premises, having a seating capacity of not less than forty people at tables; providing a dance floor containing not less than 308 square feet; and serving beer, wine or liquor for consumption on the premises.

Non-Conforming Use:

(See Sections 3, 4, and 5.)

Nursing or Convalescent Home:

A building or structure containing sleeping rooms where persons are housed or lodged and are furnished with meals and nursing care for hire.

Parking Area, Public:

An open area which is used for the temporary parking of more than four automobiles and is available for public use whether free or for compensation.

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 Ordinance, the individual car spaces, plus the area necessary for driveways, shall total not less than 315 square feet per car space.

Planning Commission:

The Plan and Zoning Commission.

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.

Restaurant:

An establishment other than a boarding house where meals which are prepared therein may be secured by the public.

Rest Homes:
(See "Hospital.")

Rooming House:
(See "Boarding House.")

Sanitarium:
A private hospital or asylum.

Service Station:
(See "Automobile Service Station.")

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.

Sign:
Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations herein:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Flags and insignias of any government except when displayed in connection with commercial promotion.

C. Legal notices; identification, information, or directional signs erected or required by governmental bodies.

D. Intrical, decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

Signs, Number and Surface Area:
For the purpose of determining number of signs, a sign shall be considered to be a single display surface or displaying device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area, except where such frames and structural members are used as an integral primary or subsidiary portion of the graphic, literal, or numerical display, such as forming a picture frame to facilitate continuity or providing contrasts to emphasize the intended purpose of the sign.

Sign, On-Site:

A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Off-Site:

A sign other than on-site sign.

Site:

(See "Lot.")

Stables:

Private. A building or structure used or intended to be used for housing horses belonging to the owner of the property and for non-commercial purposes.

Public and Riding Academy. A building or structure used or intended to be used, for the housing only of horses on a fee basis. Riding instructions may be given in connection with a public stable or riding academy.

Riding Club. A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

Story:

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

Story, Half:

(See "Half-story.")

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 joist, 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.

Tavern:

An establishment devoted primarily to the serving of spiritous liquors to be consumed on the premises. Food may be served. Usually a counter and stool are present. (See also "Cocktail Lounge, Night Club.")

Tent:

Any structure or enclosure, the roof or one-half or more of the sides of which are of silk, cotton, canvas, or any light material, either attached to a building or structure or unattached.

Tourist Cottage:

A single-family dwelling used as one of the units of a tourist park.

Tourist Home:

A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers, said building located either singularly or as a part of a tourist park.

Tourist Park:

Any lot or plot of real property upon which three or more single family camp cottages, or two or more trailers, or any combination of tourist cottages or tourist home or trailers are located and maintained for the accommodation of transients, whether a charge is or is not made.

Trailer:

(See "Travel Trailer.")

Trailer Camp:

(See "Travel Trailer Park.")

Trailer Park:

(See Travel Trailer Park.")

Travel Trailer:

Any vehicular, portable structure built on a chasis, 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 Ordinance granted by resolution of the Board of Adjustment in accordance with the terms of this Ordinance 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 Ordinance.

Yard, Front:

The yard area extending across the front of a lot.

Yard, Rear:
The yard area extending across the rear of a lot.

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 Ordinance.

ARTICLE III

DISTRICTS AND BOUNDARIES

5605
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 reference and declared to be a part of this Ordinance.

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 Article III of Ordinance Number_____of the City of Winterset, Iowa, adopted on this _____ day of _____, 1970."

If, in accordance with the provisions of this Ordinance, 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 governing body with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following change(s) were made in the Official Zoning Map: (brief description), which entry shall be signed by the (Mayor) and attested by the (City Clerk). No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

5606
DISTRICTS

For the purpose of this Ordinance, the City of Winterset is hereby divided into use districts as follows:

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

5607
BOUNDARIES

Where uncertainty exists as to the boundaries of any of the aforesaid districts, the district boundaries are either lot lines or the center lines of streets and alleys, unless otherwise shown, and where the districts designated are bounded approximately by street, alley or lot lines and are not dimensioned; otherwise, the lot lines of streets and alleys shall be construed to be the boundary of the district.

ARTICLE IV

GENERAL REGULATIONS

5608
RECREATIONAL EQUIPMENT

No major recreational equipment shall be parked or stored in any front yard in a residential district except during loading or unloading for not to exceed twenty-four hours. Major recreational equipment shall not be used for living, sleeping, or housekeeping purposes except in a mobile home park.

5609
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 Ordinance for the district in which the building or land is located.

5610
CONTINUING EXISTING USES

The lawful use of a building existing at the time of the enactment of this Ordinance may be continued even though such use may not conform with the regulations of this Ordinance for the district in which it is located. Any use in existence at the adoption hereof which was not an authorized nonconforming use under previous Zoning Ordinances, shall not be authorized to continue as a nonconforming use pursuant to this Ordinance, or amendments thereto.

5611
NONCONFORMANCE

Within the districts established by this Ordinance or by amendments which may later be adopted, there exist lots, structures, buildings and uses which were lawful before this Ordinance was effective or amended, but which would be prohibited, regulated or restricted under the provisions of this Ordinance or future amendment, the intent of this Ordinance is to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance 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. In any district in which dwellings are permitted, such a use and customary accessory buildings may be erected on any single lot of record at the effective date of adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance.

5612
NONCONFORMING USES IN ANY RESIDENTIAL DISTRICT

No building or land devoted to a use not permitted by this Ordinance in a residential district in which such building or land is located, except when required by law, 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 building, structure or premises is located, except as follows:

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

B. DISCONTINUANCE.
In the event that a nonconforming use of any building, structure or land is discontinued for a period of one year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. The use of land upon which no improvement or structure is erected or constructed which does not conform to the provisions of this Ordinance and the use of land upon which no building is erected or constructed which becomes nonconforming by reason of a subsequent change in this Ordinance, shall be discontinued within one year from the date of the change.

C. REPLACING DAMAGED BUILDINGS.
Any nonconforming building or structure damaged more than fifty per cent of its then replacement value as determined by the building inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than fifty per cent is damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it be done within six months of such happening.

5613
NONCONFORMING USES IN ANY DISTRICT OTHER THAN AN R-RESIDENTIAL DISTRICT

A. STRUCTURAL ALTERATIONS AND ENLARGEMENTS.
Any building or structure in any district other than an R-Residential District devoted to a use made nonconforming by this Ordinance may be structurally altered, but not enlarged provided such alteration of construction shall be limited to buildings on land owned of record by the owner of the land devoted to the nonconforming use prior to the effective date of this Ordinance. In the event of such structural alterations of buildings, the premises involved may not be used for any nonconforming use other than the use existing on the effective date of this Ordinance, other provisions of this Ordinance notwithstanding.

B. DISCONTINUANCE.
In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same 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 reason of a subsequent change in this Ordinance, shall be discontinued within one year from the date of the change.

C. REPLACING DAMAGED BUILDINGS.
Any nonconforming building or structure damaged more than fifty per cent of its then replacement value, as determined by the building inspector, exclusive of the foundations at the time of damage by fire, flood, explosion, war, riot, or act of God, shall not be restored or reconstructed and used as before such happening; but if less than fifty per cent is damaged above the foundation, it may be restored, reconstructed or used as before provided that it be done within six months of such happening.

5614
STREET FRONTAGE REQUIRED

Except as permitted in Section 4 of this Article, 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.

5615
ACCESSORY BUILDINGS AND GARAGES

No accessory building or structure which exceeds six feet in height shall be erected in a required yard or court, except as provided hereinafter.

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

2. Accessory buildings, 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. Accessory buildings (including garages) 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 (including garages) 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.

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

6. The garage building shall not exceed one story or fifteen feet in height.

7. Accessory buildings and structures regardless of height which are constructed above the normal ground surface in any required yard area, 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 two-car garage which doesn't exceed 550 square feet gross building area.

5616
CORNER LOTS

For corner lots platted after the effective date of this Ordinance, 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; i.e. for a minimum required side yard of ten feet the street side yard shall be not less than thirty feet; provided, however, this regulation shall not be interpreted as to require a side street yard of greater width than the minimum required front yard width.

For corner lots, platted after the effective date of this Ordinance, 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, e.g. - for a minimum required lot width of sixty feet, the minimum width of a corner lot shall be not less than eighty feet.

On corner lots platted and of record at the time of the effective date of this Ordinance, the same regulations shall apply except that this regulation shall not be so interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance, to less than twenty-eight feet nor to prohibit the erection of an accessory building.

On any corner lot, the depth of a front yard or side street yard abutting a major street shall be measured from the proposed right-of-way lines shown on the Official Major Street Plan.

5617
FRONT YARD

In any R-Residential District there shall be a minimum front yard required as stated in the yard requirements for that particular district; provided however that where lots comprising thirty per cent or more of the frontage within 200 feet of either side lot line are developed with buildings at a greater or lesser setback, the front yard requirement shall be the average of these building setbacks. In computing the average setback, buildings located on reverse corner lots or entirely on the rear half of lots, shall not be counted. The required front yard as computed herein, need not exceed fifty feet in any case.

The front yard depth of any lot abutting a major street shall be measured from the proposed right-of-way lines shown on the Official Major Street Plan.

618

NCES, 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 C-Commercial District.

2. In any district, fences and walls not exceeding six feet in height are permitted within the limits of side and rear yards. A fence or wall not exceeding four feet in height is permitted within the limits of front yards. 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.

   a. In any district where a fence or wall is required by a section of this Ordinance, the Subdivision Ordinance or other Ordinance, 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.

   b. Grade for determining the maximum height above grade for fences and walls:

      (1) For a fence or wall along a street right-of-way grade shall be the highest point of the pavement lying between the intersection of the centerline and a projection of the side lot lines.

      (2) For a fence or wall between the front lot line and the front building line grade shall be prorated between the grade at the front lot line and the grades at the building.

(3) For a fence or wall along the rear lot line or between the front building line and the rear lot line, grade shall be the grade at the building.

c. Fences and walls on a corner lot shall comply with the vision clearance requirements of Paragraph 1 above.

5619
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 Ordinance. No part of a yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required under this Ordinance 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 Ordinance; however, no off-street parking shall be permitted in the front yard in an R-Residential District, except for noncommercial motor vehicles on driveways.

5620
BUILDING LINES ON APPROVED PLATS

Whenever the plat of a land subdivision approved by the City Plan and Zoning Commission 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 Ordinance unless specific yard requirements in this Ordinance require a greater setback.

5621
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 Ordinance.

ARTICLE V

R-1 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

5622
REGULATIONS

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

5623
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. Public or private parks, playgrounds, golf courses, and other outdoor recreational facilities which are commonly, but not necessarily, operated on a non-profit basis; however, not permitted are amusement parks, golf-driving ranges, miniature golf putting courses normally operated for profit and using manufactured or constructed facilities of an unnatural or non-environmental design.

4. Agricultural crops, including truck gardening, but not the raising of poultry, pets, or livestock for commercial purposes, or on a scale that is objectionable because of noise or odor to surrounding residences.

B. ACCESSORY USES.

1. Normal accessory buildings and structures for a dwelling such as private garages, swimming pools, children's playhouses, radio and television receiving antennas, antennas, barbecue pits, playground equipment, tennis courts, etc.

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 for in this Ordinance.

4. Flower and vegetable gardening for noncommercial purposes.

5. Greenhouses and horticultural nurseries for noncommercial purposes.

6. Home occupations of a professional, talented or artistic nature such as doctor, engineer, lawyer, real estate or insurance agent, tailor, seamstress, watchmaker, dentist, designer, sculpturor; however, those occupations shall be excluded which normally are classified as a trade and require the substantial use of contractors or mechanics tools or equipment.

7. Customary accessory uses and structures incidental to permitted uses; however, the storage of any unlicensed and/or inoperable vehicle for more than three months is expressly prohibited.

8. The following animals and poultry may be kept:

   a. Horses, bovine animals, sheep, goats and swine (for personal use only and not for commercial use); 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 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. (No limitation on tracts of ten acres or more in size.)

b. Poultry, rabbits, chinchillas, mink, hamsters, pidgeons and other fowl or small animals (for personal use only and not for commercial use); 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.

5624
MAXIMUM HEIGHT REGULATION

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

ACCESSORY BUILDINGS.
(See Article IV, Section 8.)

5625
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 Depths
Single-family dwellings	7,500 sq. ft.	66 ft.	30 ft.	5 ft.	15 ft.	35 ft.
Two-family dwellings	12,000 sq. ft.	80 ft.	35 ft.	12 ft.	25 ft.	35 ft.
Non-dwellings	1 acre	150 ft.	50 ft.	25 ft.	50 ft.	50 ft.

5626
OFF-STREET PARKING REGULATION

(See Article XI.)

ARTICLE VI

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

5627
REGULATIONS

The R-2 Multi-Family Residential District is one of a limited number of family residences and other 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.

5628
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, individual buildings shall contain not more than eight dwelling units, and further, that a minimum of 2,000 square feet of lot area be provided for each dwelling unit and its customary accessory buildings.

3. Day nursery schools and childcare centers providing no building, structure or accessory use for property so used is located less than thirty feet from any other principal building on any other lot in an R-Residential District; and provided there is established and well maintained in connection therewith a completely fenced play lot of no less than 1,000 square feet in area for the first twenty or less children under care, with twenty-five square feet added to such play lot area for each additional designated child capacity of the principal building.

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. Multi-family entertainment and service centers, 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. Storage garage accessory to the principal building.

5629
BUILDING AREA PERMITTED

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

5630
LOT AREA, FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed subject to the modified requirements:

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 Depths
Single-family dwellings	6,500 sq. ft.	60 ft.	25 ft.	5 ft.	15 ft.	35 ft.
Two-family dwellings and 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.

5631
OFF-STREET PARKING REGULATIONS

(See Article XI.)

ARTICLE VII

C-COMMERCIAL DISTRICT

5632
REGULATIONS

The C-Commercial District is one designed to provide the commercial uses necessary for the proper development of the community through a viable "business district".

5633
USE REGULATIONS

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

A. PRINCIPAL PERMITTED USES.

1. Retail business or service establishments such as the following:

Animal hospital, veterinary clinic or dog kennel; provid- any exercising runway or pasture shall be at least 200 feet from any R or C-District.
Antique shop
Apparel shop
Art goods and bric-a-brac shop
Artist shop and studio
Automobile service station
Automobile, trailer and farm implement establishment for display, hire, sales and minor repairs, including sales lots but not including body and fender work.
Bakery, whose products are sold only at retail and only on the premises.
Ballroom and dance hall
Bank, including drive-in teller service
Barber shop or beauty salon
Bath and massage parlor
Bicycle sales
Billiard parlor and pool hall
Bookstore
Bowling alley
Candy shop
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 store
Dairy store
Dance and/or music studio
Drive-in eating and drinking establishment, summer garden and road house, including entertainment and dancing, provided the principal building is at least 200 feet from any R-District.
Drugstore
Florist shop
Furniture store
General hardware store, including display plumbing and electrical fixtures, but not in connection with a plumbing or electrical shop.
Gift shop
Grocery, delicatessen or meat market
Haberdashery
Hobby shop
Hotel
Household appliance store
Jewelry store
Landscape garden plant store
Launderette
Leather goods store
Locker plant
Lumber yard
Mail order office, display room
Messenger office
Millinery shop
Motel and auto court
Music store and record shop
Newstand
Night club
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
Sign painting shop
Soft drink stand
Souvenir store and variety store

Any use which is interpreted by the Zoning Administrator to be a use similar to one of the above named uses and, in his opinion, conforms to the intent of this section.

3. Outdoor advertising signs and billboards in accordance with provisions of Article XV.

B. ACCESSORY USES.

1. Any accessory uses permitted in the R-2 Residential District providing such use shall comply with the minimum requirements for the C-Commercial District.

2. Any exterior or roof sign the height of which will not exceed sixteen feet above the roof line.

5634
HEIGHT REGULATIONS

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

5635
LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS

The following minimum requirements shall be observed:

Principal Use	Lot Area	Width	Lot Area per Family	Front Yard Depths	Side yard Least width on any One side	Width Minimum Sum of both Side Yards	Rear Yard Depths
All uses	None required unless the proposed right-of-way of a thoroughfare shown on Official Major Street Plan in which case the building setback line shall be the proposed right-of-way line.				None except adjacent to an R-Residential District in which case not less than ten feet.		None except abutting an R-Residential District in which case not less than twenty-five feet.

5636
OFF-STREET PARKING

(See Article XI.)

ARTICLE VIII

I-INDUSTRIAL DISTRICT

5637
REGULATIONS

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

5638
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 permitted in a C-Commercial District which is incidental to an industrial or manufacturing use, 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 any 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, planing mill, including manufacture of wood products
Sheet metal shop

3. 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 following uses until and unless the location of such use shall have been authorized by the Board of Adjustment after reports by the Plan and Zoning Commission, Engineer, Chief of the Fire Department and the 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. Junkyards 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 sight from surrounding lots.
13. Petroleum or its products, refining or wholesale storage of.
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
18. Wholesale storage of gasoline

E. ACCESSORY USES.

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

5639
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.

5640
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 Article XIV.

5641

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	10,000 sq. ft.	75 ft.	45 ft.	10 ft.**	45 ft.**

* 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 for the required minimum front yard depth.

5642

OFF-STREET PARKING

(See Article XI.)

ARTICLE IX

A-AGRICULTURAL DISTRICT

5643
REGULATIONS

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

5644
USE REGULATIONS

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

A. PRINCIPAL PERMITTED USES.

1. Agriculture 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 Plan 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 in accordance with the provisions of Article XV; however, prior recommendations must be obtained for such signs and/or billboards from the Plan 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.

5645
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.

5646
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	Side yard Minimum sum of both side yards	Rear Yard Depths
All uses	10 acres	200 ft.	50 ft.	50 ft.	100 ft.	50 ft.

ARTICLE X

SPECIAL USES

5647
REGULATIONS

The regulations set forth in this Article or elsewhere in this Ordinance 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 Ordinance; 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.

5648
SPECIAL USES

The following uses are declared "special uses" and upon the 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 or C-Commercial District.

3. Buildings and uses owned by a county, city and county, city or other political subdivision which are operated for the social benefit or convenience of the public; providing, however, equipment storage yards and

garages, etc., which are operated and maintained for the necessary business and industrial service of the community 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 and 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 or automobile 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. Golf, swimming and tennis clubs or country clubs and similar public and private owned uses.

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: (See Plate 1 at the end of of this Article) A-Agricultural and C-Commercial Districts only.

a. Park

Front yard (to be measured from all streets on which park abuts). Seventy-five feet.

Side yard. Thirty-five feet.

Rear 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 thirty-one feet, measured back to back of curbs. All interior streets shall be not less than twenty-eight 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.

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. Nursery schools for the day care or temporary overnight care of children.

16. Public parks.

17. Recreation, amusement, refreshment and service buildings in public parks, playgrounds and golf courses.

18. Radio and television transmitters.

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

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

21. Sewage disposal plant.

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

23. Temporary offices, billboards and buildings incidental to the development and construction of commercial, industrial and residential projects.

24. Travel Trailer Parks.
A-Agricultural and C-Commercial Districts only.

a. Minimum Requirements for Park:

Front yard. Same as 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 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.

5649
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 any Ordinance of the City of Winterset, or law of the State of Iowa regulating nuisances, 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 Article XIII of this Ordinance.

5650
RESTRICTIONS

A. 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 nuisances 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 trafficways 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.

B. The following restriction shall be complied with:

1. Uses of a utility or public service which are located within an R-Residential or C-Commercial District shall be screened from public view by buffer walls or strip parks.

5651
TEMPORARY USES

Notwithstanding other provisions of the Ordinance, the City Council may without notice, public hearing or other procedures described in Article X for the issuance of a special permit, issue a special permit authorizing the operation of a charitable or other nonprofit sponsored carnival or event for a period not to exceed seven days.

5652
PROCEDURE

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

1. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by such plans as required by the provisions of this Article in quadruplicate.

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

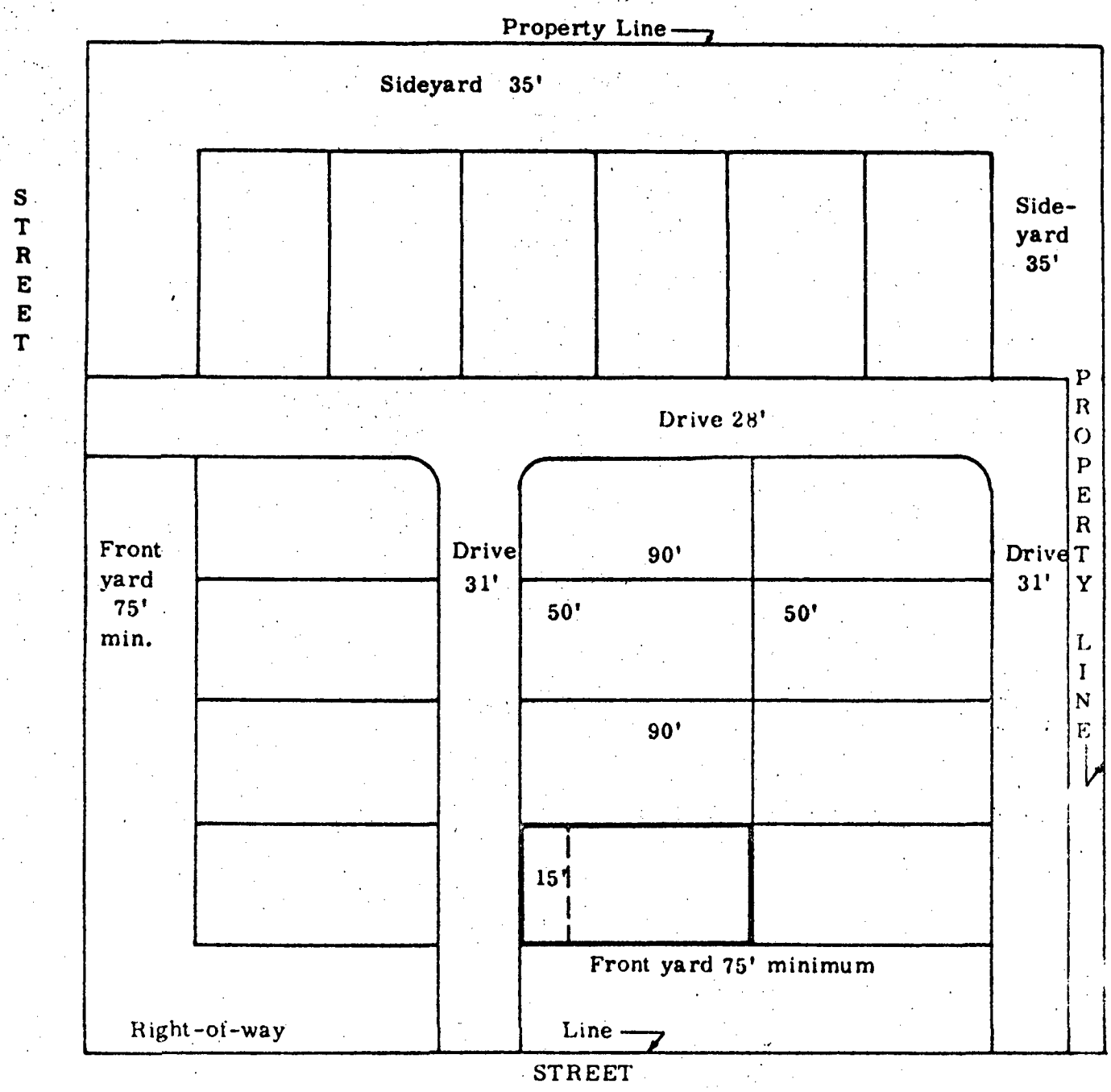
3. The Board of Adjustment shall hold a public hearing within thirty days after receiving the certification of said recommended disposition by the Commission.

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 and shall contain the time and location of such hearing.

5. The special permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the Board. Violations of such conditions and safeguards shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance. In addition, the special permit in connection with such violation, shall be subject to revocation by the Board.

6. Whenever an application for special permit has been denied by the Board, no new application for special permit including 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.

MOBILE HOME PARK REQUIREMENTS



ARTICLE XI

OFF-STREET PARKING AND LOADING AREAS

It is the intent of this Article to prevent traffic congestion and to provide for proper traffic safety by preserving the public thoroughfares for the unimpaired movement of pedestrian and vehicular traffic. Therefore, it shall be recognized that the requirements of this Article are minimum and that in certain uses of land, these requirements may be inadequate. Where review of the site plans and intended land use indicate through the application of proven standards or experienced statistics that the requirements herein are inadequate for the specific land use adaptation, a greater requirement for off-street parking space may be required to preserve the intent of this Article.

5653
OFF-STREET LOADING SPACE REQUIRED

A. In any district, except the C-Commercial 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 by vehicles such as manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet.

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

2. Such space may occupy all or any part of any required yard or court space, except required open space under Article XII.

5654
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, exclusive of private garages.

   b. Multi-family Dwellings - two parking spaces for each of the first twelve dwelling units and one and one-fourth parking spaces for each additional dwelling unit. One garage parking space for each dwelling unit may be counted as a portion of the parking requirement; or each garage parking space may be counted as a portion of the parking requirement when a separate visitor parking area equal to one parking space for each dwelling unit is provided.

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 rest 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, whichever is greater.

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, drug and sundry stores, department stores, etc.

    a. Stores containing over 2,000 square feet floor area - one parking space for each 100 square 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 person 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.

d. Parking spaces required by "a", "b", and "c" above, shall be in addition to requirements for sports arenas, auditorium, etc.

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. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than ten feet in width for a dwelling, and not less than twenty feet in width for loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a Residential District, such easement of access or access drive shall not be located in any Residential District.

D. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:

1. No part of any parking space shall be closer than five feet to any established street right-of-way or alley line. Where the parking lot adjoins an R-Residential District, it shall be set back at least five 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 binder 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 expeditiously 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.

E. Off-street parking 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 other than local streets as designated on the Major Streets Plan shall be strictly prohibited.

ARTICLE XII

OPEN SPACE REQUIREMENTS

5655
INTENT

It is recognized that the extensive use and excessive congestion of land induces the natural elements to become hazardous to the general health and welfare of the community. Therefore, the intent of this Article shall be to require not less open space than which is necessary to preserve the basic qualities and beauty of nature.

5656
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 space shall be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two twenty foot lanes which are separated by open space.

2. Each principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen feet in width except as required in Paragraph C of this Section.

3. 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 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 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. Any commercial use in the C-Commercial District shall be exempt from this Article.

3. 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 be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two twenty foot lanes which are separated by open space.

4. Each principal structure of an apartment or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen feet in width except as required in Paragraph C of this Section.

5. 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 projected at right angles at the opening, from the wall containing the opening to the opposite wall.

6. 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.

C. All buildings and land use in any I-Industrial District shall comply with the following:

1. 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 be unencumbered with any structure or off-street parking and shall be landscaped and well maintained with grass, trees and shrubbery, except for areas used as pedestrian walks and ingress-egress drives; and ingress-egress drives shall not exceed two twenty foot lanes which are separated by open space.

2. Each principal structure of an industrial or office complex shall be separated from any other principal structure in the complex by an open space of not less than sixteen feet in width except as required in Paragraph C of this Section.

ARTICLE XIII

SITE PLANS

5657
SITE PLANS

Site plans which are required for review and approval for any use in any district or elsewhere by this Ordinance shall comply with and illustrate the following:

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

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

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, reviewed and approved as being in compliance with the provisions of this Ordinance. Such separate plans shall be in substantial agreement with one another both as to design and quantities.

ARTICLE XIV

EXCEPTIONS, MODIFICATIONS, INTERPRETATIONS

5658
STRUCTURES PERMITTED ABOVE HEIGHT LIMIT

The building height limitations of this Ordinance shall be modified as follows:

1. Chimneys, cooling towers, fire towers, grain elevators, monuments, pent houses, 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, semi-public, or public service buildings, hospitals, sanatoriums or schools when permitted in a district may be erected to a greater height than otherwise permitted in the district if the building is set back from each property line at least one foot in addition to the minimum yard requirements, for each two feet of additional building height above the height limit otherwise provided in the district in which the building is constructed.

5659
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.

5660
REAR YARDS ADJACENT TO ALLEYS - HOW COMPUTED

In computing the depth of a rear yard where the rear yard abuts an alley, one-half of the alley width may be included as a portion of the rear yard.

5661
OTHER EXCEPTIONS TO YARD REQUIREMENT

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 ordinary projections not to exceed twenty-four inches including roof overhang.

5662
MOBILE HOME CONVERSION

No mobile home shall be converted to real estate except in a mobile home park.

ARTICLE XV

OUTDOOR ADVERTISING SIGNS

5663
OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

In all districts where permitted, billboards shall be set back from the right-of-way line of any street or highway at least as far as the required front yard depth for a principal building in such districts; and when at the intersection of streets and/or highways, the setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of this Ordinance), shall not be less than the required front yard depth for a principal building in such district from each street and/or highway.

5664
SPECIAL PROVISIONS

1. In the R-Residential Districts, real estate signs not exceeding six square feet in area are permitted which advertise the sale, lease or rental of buildings or land on which said signs are located. Such signs shall be a distance of at least twenty-five feet from the street lot line, or not more than five feet in front of the main building.

2. In the R-Residential Districts, announcement signs or bulletin boards may be erected upon the premises of a charitable, religious or public institution for its own use.

3. In the R-Residential Districts, signs not exceeding two square feet in area on which is displayed only the occupant's name and home occupation may be erected not nearer than twenty-five feet to the front lot line or more than five feet in front of the main building.

4. Boarding and lodging houses in an R-Residential District may have one advertising sign not exceeding twelve square feet in area. Such sign shall be a distance of at least twenty-five feet from the street lot line or not more than five feet in front of the main building.

5. 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.

ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

5665
ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be enforced and administered by the Zoning Administrator.

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

5666
BUILDING PERMITS REQUIRED

Buildings or other structures shall not be erected, moved, 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 Ordinance, or upon written order from the Board of Adjustment, but shall be null and void if the purpose for which the permit is issued is not commenced within six months from date of issuance.

5667
APPLICATION FOR BUILDING PERMIT

All applications for building permits shall be accompanied by a plan showing the actual dimensions and shape of the lot to be built upon, and the location and dimensions of the existing or proposed building or alteration. The application shall include existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

5668
CERTIFICATES OF OCCUPANCY FOR
NEW, ALTERED OR NONCONFORMING USES

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

Certificates of occupancy shall be applied for coincidentally with the application for a building permit and shall be issued within ten days after the lawful erection or alteration of the building is completed in conformity with the provisions of this Ordinance.

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 Ordinance and punishable under Article XXII of this Ordinance.

5669
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, arrangement and construction set forth in such approved plans and specifications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article XXII.

ARTICLE XVII

BOARD OF ADJUSTMENT PROCEDURE, POWERS AND DUTIES

5670
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 Section 414.8, Code of Iowa.

5671
MEETINGS

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

5672
APPEALS

Appeals to the Board may be taken by any person aggrieved or by any officer, department, Board or Bureau of the City of Winterset affected by any decision of the Zoning Administrator. Such appeal shall be taken within 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 him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application or notice to the Zoning Administrator and on due cause shown.

5673
FEE FOR APPEAL

Fifteen dollars. ($15.00)

5674
HEARINGS, NOTICE

The Board shall fix a reasonable time for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

5675
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 Ordinance or any supplement or amendment.

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

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

B. No variation in the application of the provisions of this Ordinance shall be made by the Board unless and until:

1. A written application for a variance is submitted demonstrating:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other

lands, structures, or buildings in the same district;

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

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

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

(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.)

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 Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance and punishable under Article XXII.

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

5676
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 Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement decision or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three 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 Ordinance or to effect any variation in the application of this Ordinance.

5677
APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT

Any taxpayer or any officer, department, Board or Bureau of the City of Winterset 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. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

ARTICLE XVIII

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

5678
DUTIES OF ADMINISTRATIVE OFFICER, BOARD OF ADJUSTMENT, COUNCIL AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance 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 Ordinance that the duties of the Council in connection with this Ordinance 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 Article and this Ordinance. Under this Ordinance, the Council shall have only the duties of:

A. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law.

B. Considering applications for special permits for temporary uses as specified in Article X.

ARTICLE XIX

CHANGES AND AMENDMENTS, MAP REPLACEMENT AND ZONING OF ANNEXED AREAS

5679

CHANGES AND AMENDMENTS

The Council may, on its own motion or on petition after publication, notice and hearing as provided by law and after report by the Zoning Commission, amend, supplement or change the regulations, restrictions or district boundaries herein or subsequently established.

Any person may present to the Zoning Commission a duly signed and verified petition to amend, supplement or change the regulations, restrictions or district boundaries herein or subsequently established. Each petition for amendment shall be accompanied by a check or cash payment in the amount of $20 to cover the approximate cost of this procedure, and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law. 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. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.

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

6. 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 Commission shall make a report to the Council within sixty 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. At least fifteen days notice of the time and place of hearing shall be published in a newspaper of general circulation. Fifteen days notice of the time and place of hearing shall also be given by the person petitioning for the zoning change by ordinary mail to all property owners of the area included in such proposed change and to all property owners within two hundred (200) feet therefrom.

After holding the public hearing the Council shall vote upon the proposed amendment, supplement or change. In case the proposed amendment, supplement or change be disapproved by the Zoning Commission, or in case of a protest against any proposed

amendment or change signed by the owners of twenty per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet therefrom, or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council.

5680
MAP REPLACEMENT

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the mayor attested by the clerk 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."

5681
ZONING OF ANNEXED AREAS

Any land annexed to the City after the effective date of this Ordinance shall be zoned R-Residential until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with Article XIX. Said final zoning plan shall be adopted within six months of date of annexation.

ARTICLE XX

COMPLAINTS REGARDING VIOLATIONS

5682
COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any persons may file a written complaint. Such complaint stating fully the causes and basis shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

ARTICLE XXI

SCHEDULE OF FEES

5683
BUILDING PERMIT FEES

Before receiving a building permit, the owner or his agent shall pay the building permit fees specified herein; provided, however, that the city, county, state or the U.S. Federal Government shall be exempt from paying said fees, and said building permit fees shall be based on valuation and shall be paid as provided in the schedule of building permit fees as follows:

TOTAL VALUATION	FEE
$100 or less	No fee
More than $100 to and including $700	$3.00
More than $700 to and including $1,000	5.00
Each additional $1,000 or fraction to and including $25,000	1.50
Each additional $1,000 or fraction to and including $50,000	1.00
Each additional $1,000 or fraction to and including $100,000	.75
Each additional $1,000 or fraction	.50

ARTICLE XXII

ENFORCEMENT, VIOLATIONS AND PENALTIES

5684
ENFORCEMENT

All departments, officials and employees of the City of Winterset who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Ordinance.

5685
PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than $100.00 or imprisoned for not more than thirty days or both, and in addition shall pay all costs and expenses involved in the case. Each day 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.

ARTICLE XXIII

REPEALER

5686
REPEALER

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, are hereby repealed.

ARTICLE XXIV

SEPARABILITY CLAUSE

5687
SEPARABILITY CLAUSE

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

ARTICLE XXV

EFFECTIVE DATE

5688
EFFECTIVE DATE

This Ordinance shall be in force and effect after its passage, approval, and publication as provided by law.

SUBDIVISION ORDINANCE

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CITY OF WINTERSET, IOWA
SUBDIVISION ORDINANCE

ORDINANCE NO. 203

AN ORDINANCE TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING RULES AND REGULATIONS FOR THE APPROVAL OF PLATS, SUBDIVISIONS, AND RE-SUBDIVISIONS IN THE CITY OF WINTERSET, IOWA; PRESCRIBING MINIMUM STANDARDS FOR THE DESIGN LAYOUT AND DEVELOPMENT THEREOF; PROVIDING FOR THE PRELIMINARY AND FINAL APPROVAL OR DISAPPROVAL THEREOF; PROVIDING FOR THE ENFORCEMENT AND PENALTIES FOR THE VIOLATION THEREOF; ALL FOR THE PURPOSE OF PROMOTING THE ADEQUACY, SAFETY AND EFFICIENCY OF THE STREET AND ROAD SYSTEM; AND FOR THE PURPOSE OF IMPROVING THE HEALTH, SAFETY AND GENERAL WELFARE OF THE CITIZENS; IN ACCORDANCE WITH THE PROVISIONS OF CHAPTERS 373 AND 409 OF THE 1966 CODE OF IOWA, AS AMENDED.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WINTERSET, IOWA;

5401
TITLE

These regulations shall be known as the Subdivision Ordinance of Winterset, Iowa, and shall also be known as Chapter 54 of the Winterset Municipal Code of 1970.

5402
JURISDICTION

This Ordinance is adopted by the City of Winterset, Iowa, governing the subdivision of all lands within the corporate limits of the City, and within one mile adjacent to said corporate limits.

5403
DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory, 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 or 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 provided for.

Building lines shall be shown on all lots intended for residential use of any character and on commercial and industrial lots when required by Ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.

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 Plan 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 within which the regulations governing the use of

buildings and premises or the height of buildings and area of sites are uniform.

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 owner of the fee 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 civil engineering as defined by the laws of the State of Iowa.

Lot:

The tract of land within a subdivision marked by the subdivider on the plat as a numbered, lettered, or other identified tract of land to be offered for sale, dedication or development.

Marginal Access 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, while limiting access to the major thoroughfare.

Minor Street:

A street used primarily for access to the abutting properties.

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 Ordinance, said cost being estimated by the City Engineer, and said surety bond or cash deposit being legally sufficient to secure to the City of Winterset that said improvements will be constructed in accordance with this Ordinance.

Plat:

A map, drawing or chart showing the subdivision of land into lots.

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 acting 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 division of a lot, tract or parcel of land into three or more lots, plats, or 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.

Surveyor:

A Registered Surveyor authorized to practice surveying as defined by the Registration Act of the State of Iowa.

5404
PROCEDURE

In obtaining the final approval of a proposed subdivision by the City Plan Commission and the City 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 City Clerk, six copies of a preliminary plat conforming in detail to the requirements set forth in this Ordinance. Eight copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City.

B. The City Clerk shall forthwith refer two copies to the City Engineer and two copies to the City Plan Commission. In the case of a subdivision outside the corporate limits of the City, the City Clerk shall refer two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plat and actions taken thereon.

C. The City Engineer 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 City Plan Commission.

D. After receiving the City Engineer's report, the Plan 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 by him. The Commission shall approve or reject such plan within forty-five days after the date of submission thereof to the Commission. If the Commission does not act within forty-five days, the preliminary plat shall be deemed to be approved, provided, however, that the subdivider may agree to an extension of the time for a period not to exceed sixty days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented to the Commission within 180 days after the date of approval.

E. Before approving a preliminary plat, the Commission may in its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a local newspaper of general distribution, or by posting notices on the tract, or by sending notices to affected property owners by mail. Such notice shall be given within seven days prior to the public hearing.

F. Upon approval of the preliminary plat by the City Plan Commission, the subdivider may proceed with the preparation of the final plat together with any detailed construction drawings and specifications for the improvements required under this Ordinance.

G. Before submitting the final plat to the City Plan Commission for approval, the subdivider shall furnish all plans and information as listed in Section 5408 of this Ordinance necessary for the detailed engineering consideration of the improvements required under this Ordinance and obtain approval of the City Engineer which shall be endorsed thereon.

H. The final plat shall be filed in duplicate together with a certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the City Plan Commission.

I. The City Plan Commission shall then consider the final plat and if the same is approved, shall submit their recommendation of approval to the City Council together with a certified copy of their resolution showing action of the City Plan Commission.

J. The City Council shall then consider the plat and if the same is acceptable and in accordance with this Ordinance, the City Council shall accept the same. If said plat is disapproved by the City Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.

K. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder of Madison County, Iowa, as provided in Chapter 409, Code of Iowa and amendatory acts thereto and shall file satisfactory evidence of such recording in office of the City Clerk before the City shall recognize the plat as being in full force and effect.

5405
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 as to assure an economical, pleasant and durable neighborhood.

A. BLOCKS

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

2. At street intersections, block corners shall be rounded with a radius of not less than twenty-five feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as standard.

B. BUFFERS

Buffers shall be provided for all double frontage lots as provided in Paragraph D.2 below. Acceptable buffer methods are as follows:

1. A Buffer Wall

Such shall be not less than six feet in height; constructed of a permanent low maintenance material such as concrete, tile block, etc.; the wall shall be designed by an architect or engineer for both structural adequacy and aesthetic quality; the use of weather resistant wood, metal or manufactured substitutes may be used as an accessory material for aesthetic quality.

2. A Buffer Park

Such park shall be not less than sixty feet in width; designed and landscaped by a qualified architect, engineer or landscape architect; predominate planting shall be of evergreen type trees, shrubs and plants so as to assure year round effectiveness; density and height of planting shall be adequate to serve as a solid and unpenetrable screen.

C. EASEMENTS

Easements for utilities shall be provided along rear or side lot lines along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall at his own expense make adequate provision for straightening or widening the channel so it will properly carry the surface water, and shall provide and dedicate to the City of Winterset, Iowa, an easement along each side of the stream. Such easements shall be for the purpose of widening, improving, maintaining or protecting the stream. The width of such easements shall be not less than twenty feet each, plus the stream design width, and the total width of the easement shall be adequate to provide for any necessary channel straightening or relocation.

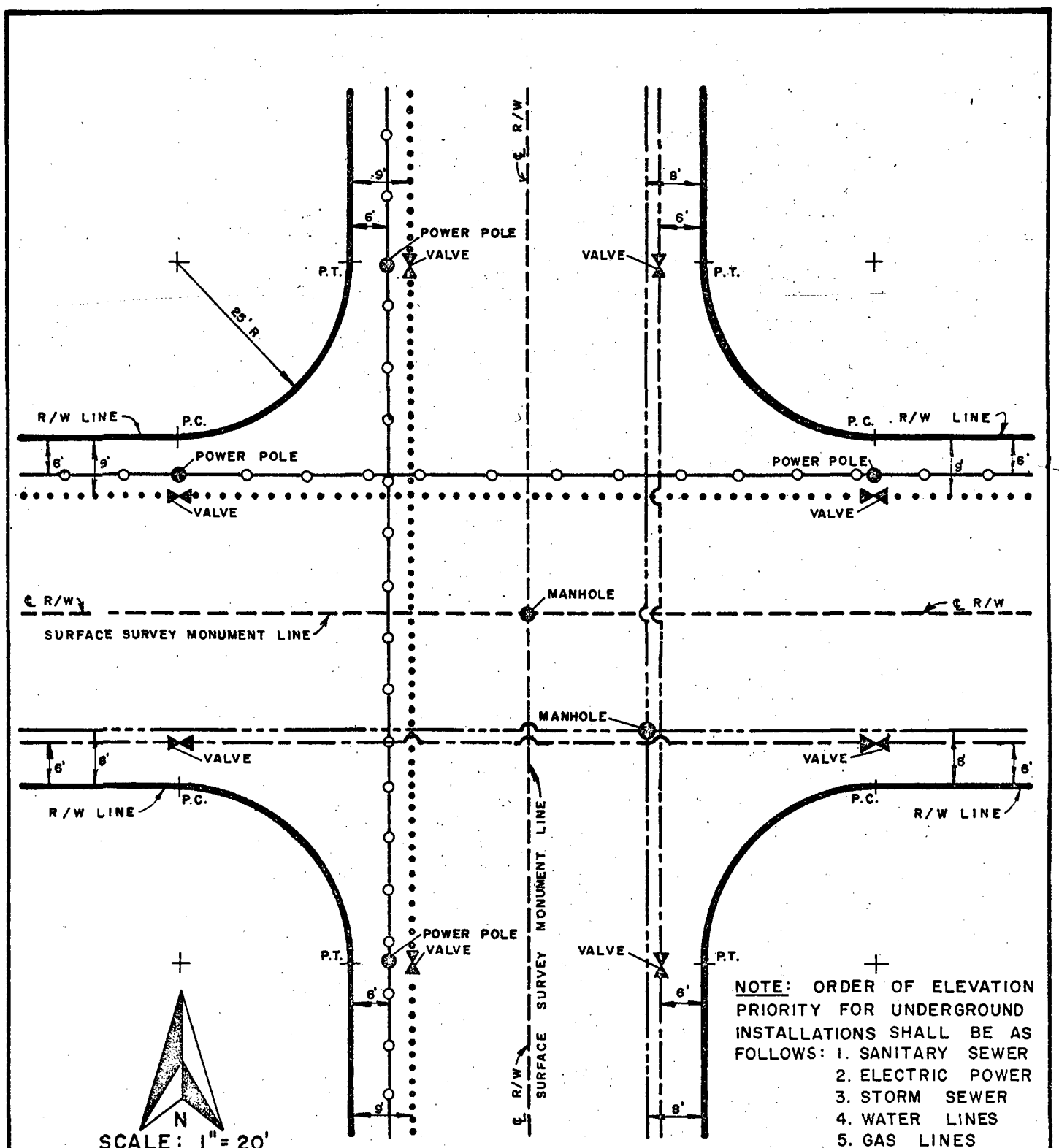
D. LOTS

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 prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots. Such double frontage lots shall be buffered from the rear street frontage by the methods outlined in Section 5405, Paragraph B of this Ordinance. Ingress-egress shall be limited to the frontage street and is strictly prohibited on the rear street.

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 twenty feet of access frontage to a public street.



NOTE: ORDER OF ELEVATION PRIORITY FOR UNDERGROUND INSTALLATIONS SHALL BE AS FOLLOWS:
1. SANITARY SEWER
2. ELECTRIC POWER
3. STORM SEWER
4. WATER LINES
5. GAS LINES
6. TELEPHONE CABLE

TYPICAL STANDARDS FOR UTILITY LOCATIONS WITHIN PUBLIC RIGHTS-OF-WAY

LEGEND

— — — DENOTES SANITARY SEWER (UNDERGROUND)
••••••••• DENOTES WATER LINE (UNDERGROUND)
——— DENOTES GAS LINE (UNDERGOUND)
——-——- DENOTES STORM SEWER (UNDERGROUND)
—o——o— DENOTES TELEPHONE & POWER LINES (ABOVE OR UNDERGROUND)

SKETCH NO. 1

5. No lot shall be less in size or shape than that required to provide an adequate building site in compliance with the Zoning Ordinance.

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

   a. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains, 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 Zoning Ordinance, whichever is the larger.

   b. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of eighty feet and an area of 10,000 square feet or the minimum permitted by the Zoning Ordinance, whichever is the larger.

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 may be required.

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 fifty 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 the minimum requirements set forth on Sketch 2 of this Ordinance as applicable.

6. Dedication

A deed to the City of Winterset, Iowa shall be given for all streets before the same will be accepted for city maintenance.

7. Half Streets

Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

8. Land Not Platted

Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a master plan of the entire tract of land under the ownership, mortgage purchase option or other agreements for deed.

9. Major Streets

When a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, the street layout shall provide motor access to such frontage by one of the following means:

a. A parallel street supplying frontage for lots backing on to the trafficway.

b. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing on to the highways.

c. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced.

d. A service drive or alley at the rear of the lots. Where any one of the above mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

10. Neighborhood Plan

If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

11. 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.

12. Railroads.

If a railroad is involved, the subdivision plat should:

a. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

b. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back on to railroad; or form a buffer strip for park, commercial, or industrial use.

c. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back there on to.

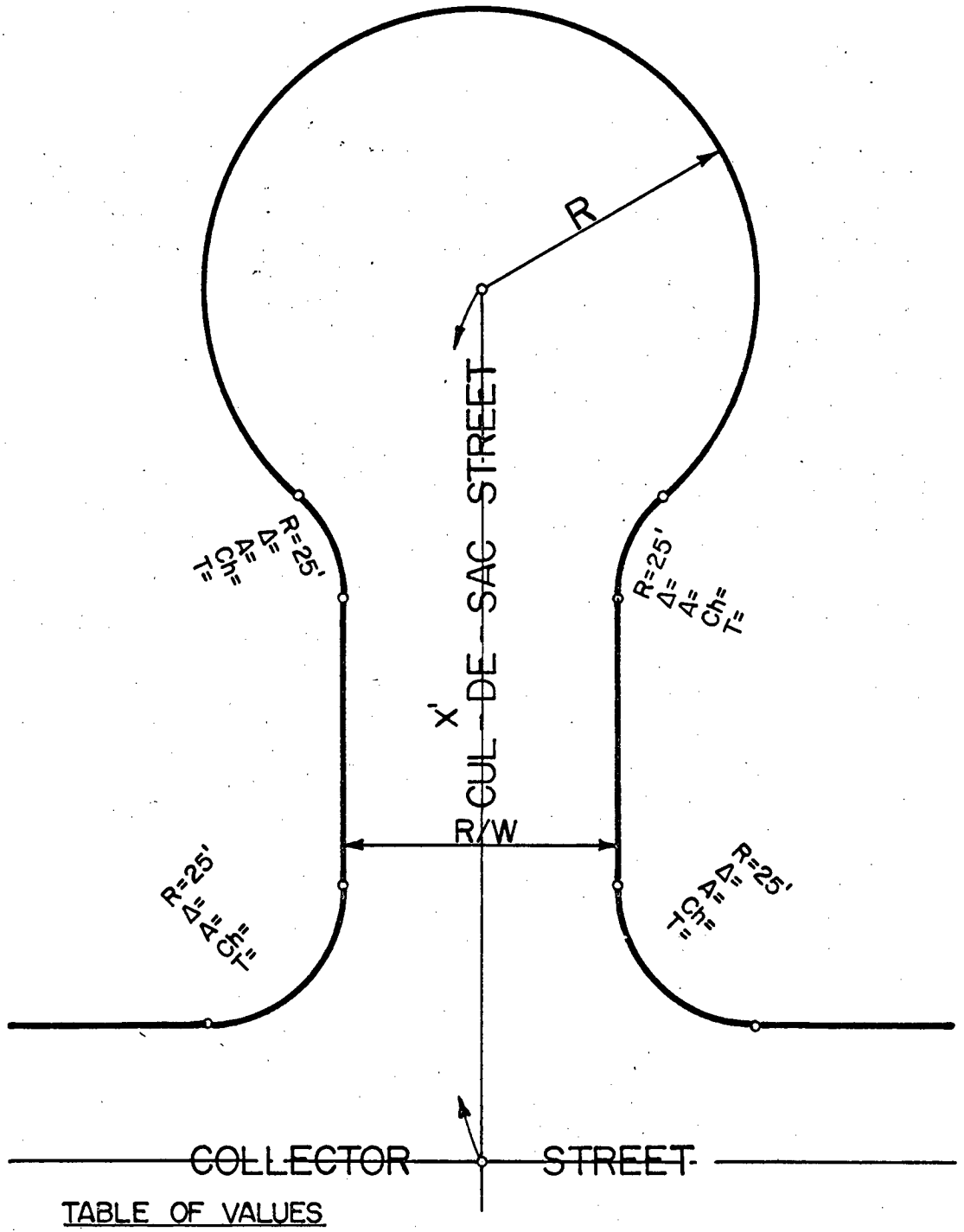


TABLE OF VALUES

LENGTH OF X	RESIDENTIAL USE		COMMERCIAL-INDUSTRIAL USE	
	R	R/W	R	R/W
600 (maximum)	60'	50'	70'	60'

STANDARDS FOR NORMAL CUL-DE-SAC RIGHT-OF-WAY

SKETCH NO. 2

13. Street Grades

Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. 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 Engineer; 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 Engineer.

14. Street Intersections

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

15. 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 bear the same name. Names of new streets shall be subject to the approval of the Commission 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 fifty feet in width.

5406
IMPROVEMENTS

The subdivider shall be responsible for the installation and/or construction of all improvements required by this Ordinance, and shall warrant the design, material and workmanship of such improvements, installation and/or construction for a period of two years from and after completion.

Before the City Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Option is given to the subdivider to construct and install such improvements before the submission of the final plat and as a condition precedent to the approval of the final plat, or, in the alternative, to divide the platted area into portions or sections for the purpose of developing the same and to complete the required improvements in portions of the platted area after approval of the final plat.

In any subdivision for which the subdivider elects to complete the required improvements in portions of the platted area after the approval of the final plat, no building permit shall be issued until sanitary sewer mains, water mains and their appurtenances and street paving with curb and gutter are constructed or a bond furnished as provided in this section.

This requirement may be waived if the subdivider will post a performance bond or certified check with the City of Winterset, Iowa, guaranteeing that said improvements will be constructed within a period of one year from final acceptance of the plat; however, if a performance bond is posted, 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 public funds will be expended in the subdivision until such improvements have been completed and accepted by the City of Winterset, Iowa.

The Council may waive the requirements of this Ordinance 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 Engineer. Improvements not existing or in poor repair shall meet the requirements of this Ordinance.

The Council may waive the requirements of this Ordinance for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemantion.

A. All Improvements

All plans, specifications, installation and construction required by this Ordinance shall be subject to the review, approval and

inspection by the City Engineer or other authorized city representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction; and shall notify the City Engineer, not less than twenty-four hours in advance of readiness for required inspections.

B. Curb and Gutter

Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City Council after receiving the report and recommendation of the City Engineer.

C. 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 Engineer. The following criteria shall be considered minimum standards:

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

2. Area runoff shall be determined by a suitable empirical formula.

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

4. 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. Storm sewers less than fifteen inches inside diameter must be approved by the City Engineer.

5. Underground storm drainage facilities shall be located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-Way" shown on Sketch No. 1 of this Ordinance.

6. The Designing Engineer shall upon the completion of construction, certify to the City of Winterset, Iowa, that the drainage facilities have been constructed and installed in accordance with his plans and specifications which have been designed to comply with the intent of this Ordinance.

D. Gas

Gas mains shall be installed underground and located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-Way" shown on Sketch No. 1 of this Ordinance.

E. Paving

Concrete pavement shall be designed by a Registered Engineer in accordance with the "Standard Specifications for Primary and Secondary Roads" of the Iowa State Highway Commission; providing, however that the use of Portland cement concrete must be approved by the City Engineer.

The minimum roadway shall be twenty-nine feet unless a greater width is required by the Major Streets Plan. The minimum roadway for alleys shall be sixteen feet.

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

F. Sewer

Where a public sanitary sewer is reasonably accessible, the subdivider shall provide each lot in the subdivision with connection to the sewer. Further, where the existing sewer may be reasonably extended through the subdivision so as to provide for continuous future development, such provisions shall be made.

All sanitary sewers shall be located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-Way", shown on Sketch No. 1 of this Ordinance. All house laterals shall be installed to the right-of-way line prior to paving of the street. Sanitary sewers shall have a minimum diameter of eight 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 the State Board of Health.

The Designing Engineer shall furnish the City of Winterset 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.

G. Sidewalks

Sidewalks shall be installed four feet wide and four inches thick and located eight inches from the property line. They shall be sloped to the street at not less than one-quarter inch per foot.

H. Utility Cables

Overhead or underground cables shall be located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-Way", shown on Sketch No. 1 of this Ordinance, or shall be placed at the back lot lines within the area of perpetual easement.

I. Water Lines

Where a public water main is accessible, the subdivider shall connect with such water main and provide a water connection for each lot and stubbed in to the proper line in accordance with the Water Department standards, procedure and supervision.

Water mains shall have a minimum diameter of four inches with larger sizes for feeder mains. Water mains shall be located to comply with the "Typical Standards for Utility Locations Within Public Rights-of-Way", shown on "Sketch No. 1" of this Ordinance, or shall be placed at the back lot lines within the area of perpetual easement; with a minimum cover of sixty-six inches. Water lines shall be available to each lot and such service lines shall be installed prior to paving of the street.

The Designing Engineer shall furnish the City of Winterset, Iowa, 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.

5407

PRELIMINARY PLAT - REQUIREMENTS. (See Plat example in back of Ordinance.)

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 Commission 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 copies 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 dedicated for public use such as schools, parks, playgrounds and streets.

2. Boundaries of the proposed subdivision shall be labelled 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 five feet, MSL datum.

6. Corner radii.

7. Easements for public utility purposes.

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

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

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

11. Lot areas (approximate) of all nonrectangular lots and the area of smallest rectangular lot.

12. Lot numbers.

13. Name and address of engineer and surveyor.

14. Name and address of recorded owner and/or developer.

15. Name of subdivision, date, compass point, scale and official description and acreage of the property being platted.

16. Proposed lot lines with approximate dimensions.

17. Proposed utility service.

a. Source of water supply.

b. Provision for sewage disposal, drainage and flood control.

C. ACCOMPANYING MATERIAL

1. An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the owner as shown on the plat and showing any encumbrances that may exist against said land.

2. 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 made in accordance with specifications approved by the City Engineer.

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

4. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.

5. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this Ordinance. Such statement shall acknowledge required inspections and approvals by the City Engineer.

5408

FINAL PLAT - REQUIREMENTS. (See Plat Example in back of Ordinance.)

A. NUMBER OF COPIES AND SCALE

When and if the preliminary plat is approved, the subdivider shall submit six copies of the final plat for review by the Commission. The scale of the map shall be 1" = 100' on large subdivisions, unless otherwise approved by the Commission.

B. CONTENTS OF FINAL PLAT

The final plat shall be drawn in India ink on reproducible linen or Mylar film on an eighteen inch by twenty-four or twenty-four inch by thirty-six inch sheet size with a border line allowing a three inch binding margin along left-hand narrow width and a one-half inch margin on the remaining narrow width and two long sides. The following information shall be shown on the plat.

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

2. Block corners shall be shown rounded by appropriate radius with arc length (A=), chord (ch=), central angle (△=), radius (R=), and tangent (T=) shown.

3. Boundary lines shall be designated by a heavy line (#3 or #4 pen) of long dash-two dots, etc., and labelled "Plat Boundary".

   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 angle points on the boundary shall be shown.

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

5. Center lines of all street rights-of-way shall be designated by a fine line (#0 or #00 pen) of long dash-short dash or dot, etc., and dimensions from angle point to angle point, point of curvature to point of tangency, intersection to intersection, or any combination thereof between intersections with the appropriate bearings, angles, curve data, right-of-way widths and distances clearly shown. Curve data shall include arc length (A=), chord (ch=), central angle (△=), radius (R=) and tangent (T=). All points of curvature (P.C.), and points of tangency (P.T.) shall be located and labelled.

6. Certification by a Registered Engineer and/or Land Surveyor in accordance with the Iowa State Law.

7. Easements for public utilities and drainage facilities shall be designated by fine line (#0 or #00 Pen) of medium length dashes, and appropriately labelled with reserved width and type of easement.

8. Fractional lines and corners of the government township and section surveys shall be appropriately labelled and dimensioned as applicable to the plat. All plats shall be tied to a known section or fractional corners by distances and bearings or angles.

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

10. Lot lines shall be designated by medium fine (#0 or #1 pen) to solid lines.

11. Lots shall be numbered consecutively, 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 labelled as radial or not radial as applicable. Dimensions of lot lines which are curved shall include appropriate curve data: arc length (A), central angle (Δ), and chord (ch); where the radius is not shown elsewhere it shall be shown. The area of all nonrectangular lots shall be shown to the nearest 100 square feet.

12. Permanent reference monuments shall be labelled (P. R. M.) and located.

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

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

15. 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. Block corner radii are twenty-five feet unless noted otherwise.

    c. Dashed lines shown at the rear or sides of certain lots are easements reserved for the installation and maintenance of public utilities and drainage facilities.

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

C. ACCOMPANYING MATERIAL

1. A deed to the town properly executed for all streets intended as public streets and for any other property intended for public use.

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 fifty foot horizontal scale and five foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles shall be drawn with north oriented to the top or left side of the drawing.

4. The following certificates:

a. By the owner and his spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

b. Performance bond, if any.

5. Drainage plans for the positive removal of storm water.

D. RECORDING PLAT

1. There shall be three copies stamped as approved by the City Council.

a. The original linen tracing shall be retained for file by the City Council.

b. One copy shall be filed with the County Recorder.

c. One copy with accompanying resolution by the City Council approving and accepting the plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate

must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

5409
FEES

Before a preliminary plat may be considered by the Commission, the subdivider or his agent shall deposit with the City Treasurer a fee of twenty-five dollars to be credited to the general fund of the city.

5410
VARIATIONS AND EXCEPTIONS

Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the tract application of the requirements contained in these regulations would result in substantial hardships or injustices, the City Council upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of these regulations is preserved.

5411
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 public improvements over which it has control to be made from city funds or any city money expended for improvements or maintenance on any street in any area that has been subdivided after the date of adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the City Council as a public street.

5412
CHANGES AND AMENDMENTS

Any provision of these regulations may be changed and amended from time to time by the City Council; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing ha[illegible]been held, public notice of which shall be given in a newspaper of general circulation at least fifteen days prior to such hearing.

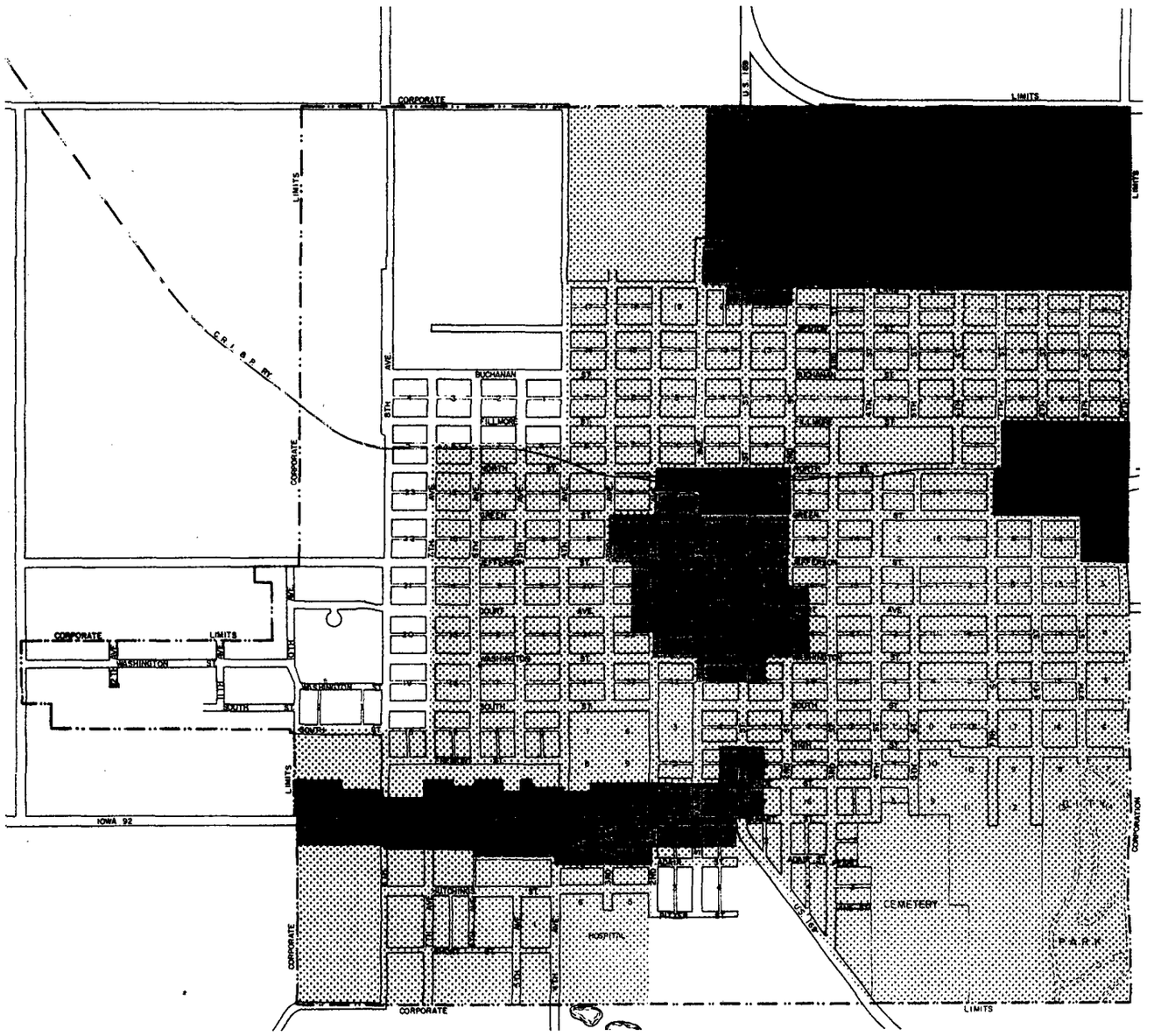
5413
VALIDITY

If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations.

5414
EFFECTIVE DATE

This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

CITY OF WINTERSET
MADISON COUNTY, IOWA
ZONING MAP



LEGEND

R-1 ONE & TWO FAMILY RESIDENTIAL

R-2 MULTI-FAMILY RESIDENTIAL

C COMMERCIAL

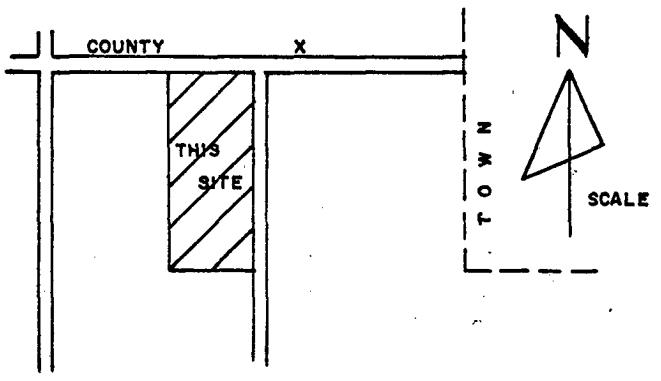
I INDUSTRIAL

400 200 0 200 400 600
SCALE IN FEET

Urban Planning Grant Project No. Iowa P-98
Prepared under contract for and financed in part by the Iowa Development Commission under the Provisions of Chapter 28, Code of the State of Iowa as amended.
by: Anderson Engineering Company
Planning and Engineering Consultants
Des Moines, Iowa

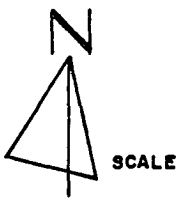
The preparation of this map was financially aided through a Federal Grant from the Urban Renewal Administration of the Housing and Home Finance Agency, under the Urban Planning Assistance Program authorized by Section 701 of the Housing Act of 1954, as amended.

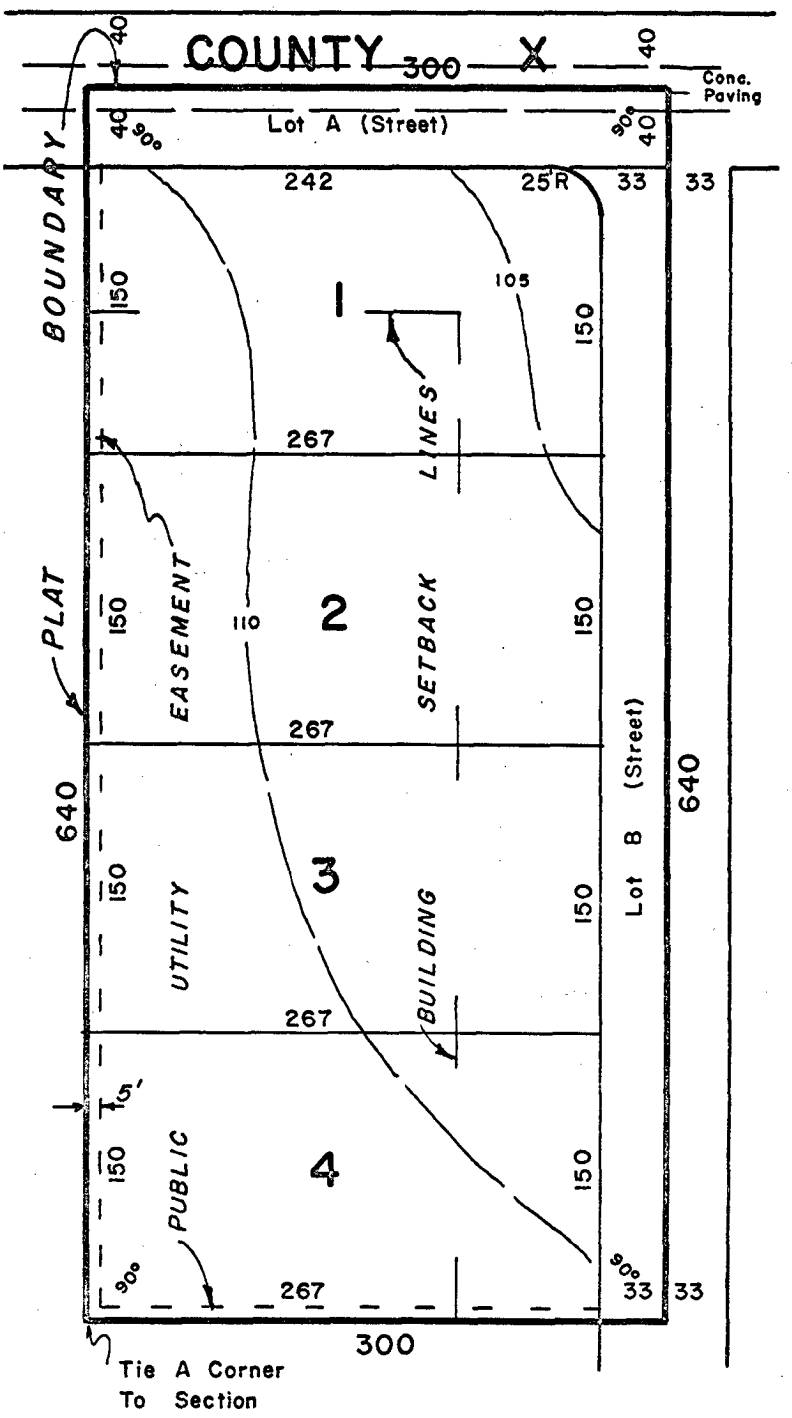
ANDERSON ENGINEERING COMPANY
Planning and Engineering Consultants
Des Moines, Iowa



PLAT ILLUSTRATION

defines some of the requirements set forth in the text and on the Check List for both the Preliminary and Final Plats.





INFORMATION TO BE SHOWN ON PLATS

Preliminary Plats

Name and address of owner and/or developer
Name and address of engineer or surveyor
Existing buildings, paving, utilities
Adjoining acreage parcels - names of owners
Contour lines at proper interval
Zoning classification
Source of water supply
Sewage disposal provision
Vicinity sketch

Preliminary and Final Plats

Plat boundary in heavy line
Adjoining subdivision(s) name(s)
Description of property and acreage
Names and widths of new streets
Lot lines with dimensions
Public dedications designated - streets, schools, etc.
Building setback lines
Name of plat, date, compass point, scale
Lot numbers
Easements for public utilities identified

Final Plats

Curve data
Boundary distances, bearings, angles
Certification of engineer or surveyor
All dimensions
Location and ties of all monuments set

CHECK LIST FOR PLATS

Name of Plat_____

INFORMATION SHOWN ON PLAT	PRELIMINARY		FINAL	
	O.K.	Not O.K.	O.K.	Not O.K.
Name & address of Owner and/or Developer				
Name & address of Engineer or Surveyor				
Existing buildings, streets, utilities				
Adjoining acreage parcels - Names of Owners				
Contour lines at proper interval				
Zoning classification				
Proposed utility service noted				
Source of water supply				
Sewage disposal provision				
Vicinity sketch				
Plat boundary in heavy line				
Adjoining Subdivision(s) name(s)				
Description of property and acreage				
Names and widths of new streets				
Lot lines with dimensions				
Public dedications designated-streets, schools, etc.				
Building setback lines				
Name of Plat, date, compass point, scale				
Lot numbers				
Easements for public utilities identified				
Curve data-angle, arc, tangent, degree of curve, radius				
Boundary distances, bearings, angles				
Certification and seal of Engineer or Surveyor				
All dimensions				
Location and ties of all monuments set				
Number of copies received				
ACCOMPANYING INFORMATION				
Attorney's opinion in duplicate submitted				
Filing fee paid				
Plan and Profile drawings of new streets				
Protective covenants if applicable				
Deed to streets				
The following certificates:				
From County Treasurer on taxes				
From Clerk of District Court				
From County Recorder on title				

Checked by:_____ Date:_____