City of Winterset, Iowa, by O. D. Simmons, City Clerk of the City of Winterset, Iowa, to The Public

#437 A

Fee $25.80 VJS

Filed for record the 17 day of January A. D. 1961 at 4:30 o'clock P.M.

Mary E. Welty, Recorder

CERTIFICATE AS TO ORDINANCE NO. 138 OF THE CITY OF WINTERSET, IOWA

State of Iowa, County of Madison, City of Winterset, SS:

I, O. D. Simmons, City Clerk of the City of Winterset, Iowa, hereby certify that I am now the duly appointed, qualified and acting City Clerk of the City of Winterset, Iowa, and have been such City Clerk at all times referred to herein, and that on the 14th day of June, 1960, at a duly organized meeting of the City Council of the City of Winterset, Iowa, an ordinance of the City of Winterset, Iowa, being Ordinance No. 138 of the City of Winterset, Iowa, was duly passed and adopted by the City Council of the City of Winterset, Iowa, and on the 14th day of June, 1960, was approved by Wayne Newton, Mayor of the City of Winterset, Iowa, and that said ordinance was duly published in The Winterset Madisonian, a weekly newspaper published in and having general circulation in the City of Winterset, Iowa, in its issue of June 29, 1960, as shown by the affidavit of publication on file in the office of the City Clerk of the City of Winterset, Iowa, and has been duly recorded in the official ordinance book of the City of Winterset, Iowa, and has been authenticated by the signatures of the Mayor and the City Clerk of the City of Winterset, Iowa, which ordinance is entitled: "An ordinance to regulate and restrict the location and use of building structures and land for trade, industry, commerce, residence or other purposes; to regulate and restrict the height of the buildings hereafter erected or altered; to regulate and determine the areas of yards and other open spaces about buildings; to regulate and determine the density of use of land and lot areas and for said purposes to divide the city into districts; to provide for enforecement and a Board of Adjustment, and to prescribe penalties for the violation of its provisions," and that attached hereto, as part of this certification, is a true, correct and complete copy of said Ordinance No. 138 of the City of Winterset, Iowa, which was passed and adopted and approved and published and recorded and authenticated as hereinbefore stated, and that the map shown at the end of said copy of said Ordinance No. 138 of the City of Winterset, Iowa, marked "Official Zoning Map of the City of Winterset, Iowa," is a true and correct and complete copy of the official zoning map of the City of Winterset, Iowa, referred to in Article V of said Ordinance No. 138 of the City of Winterset, Iowa, and which is made part of said ordinance; all of which is hereby certified to the County Recorder of Madison County, Iowa.

Witness my hand and the official seal of the City of Winterset, Iowa, this 17th day of January, 1961.

(CITY OF WINTERSET SEAL)

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

ORDINANCE NO. 138
ARTICLE I

An ordinance to regulate and restrict the location and use of building structures and land for trade, industry, commerce, residence or other purposes; to regulate and restrict the height of the buildings hereafter erected or altered; to regulate and determine the areas of yards and other open spaces about buildings; to regulate anddetermine the density of use of land and lot areas and for said purposes to divide the city into districts; to provide for enforcement and a Board of Adjustment, and to prescribe penalties for the violation of its provisions.

ARTICLE II
PURPOSE

For the purpose of establishing and carrying into effect the several powers, duties

and privileges conferred upon the City of Winterset, Iowa, in, under, and by a certain act of the State Legislature, Chapter 414, Code of Iowa, 1946, and all amendments thereto, it is hereby provided as follows:

Be It Ordained By The City Council of the City of Winterset, Iowa.

ARTICLE III
SHORT TITLE

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

ARTICLE IV
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"; and the word "person" includes corporation or company as well as an individual, the word "shall" is always mandatory.

ACCESSORY BUILDINGS AND USES: A subordinate building, or a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises. An accessory building shall be on the same lot as the main building. An accessory use must be customarily incidental and must not constitute a business. ALLEY: A public throughfare which affords only the secondary means of access to abutting property thereon.

APARTMENT: A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

APARTMENT HOUSE: See Dwelling, Multiple.

BASEMENT: A story having part but not more than one-half (½) its height below grade. A basement is counted as a story for the purpose of height regulation.

BEGINNING OF CONSTRUCTION: The incorporation of labor and materials within the walls of the building or buildings.

BILLBOARDS: "Billboards" as used in this ordinance shall include all structures, and/or material bearing or supporting pictorial or reading matter, regardless of the size or the material used which are erected, maintained or used for public display of posters, painted signs, wall signs, whether a structure be placed on the wall or painted on the wall itself, pictures or other pictorial and/or reading matter which advertise a business, product, service or attraction which is not carried on, manufactured or produced on or upon the premises upon which said matter or billboards are located.

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

BOARD: The Board of Adjustment of the City of Winterset, Iowa.

BOARDING HOUSE: A building other than a hotel where, for compensation, meals, or lodging and meals, are provided for three (3) or more persons.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. When a structure is divided into separate parts by unpiereced walls extending from the ground up, each part so separated is deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

BULK STATIONS: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids, or liquefied petroleum products where

the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

BULLETIN: A display board announcing date and/or hours of services, meetings, activities of a religious and fraternal or other institution, or hours of visiting in hospital, etc. as distinguished from a sign or billboard which advertises articles or services for sale or designates a place of business.

CELLAR: A story having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

CLINIC: An establishment where persons who are not lodged over night are admitted for examination and/or treatment by one(1) or more practicing physicians, chiropractors, osteopaths, dentists, etc.

CLUB: An organization, society, corporation, association or group of persons, but not including Key Clubs, with either closed or open membership privileges, associated together for social, educational, fraternal or recreational purposes, but not primarily for profit or to render a service which is customarily carried on as a business.

COMMISSION: City Planning and Zoning Commission of Winterset, Iowa.

DISTRICT: A section or sections, of the City of Winterset, Iowa, within which the regulations governing the use of buildings and premises or the height and/or area of buildings and premises are uniform.

DWELLING: Any building or portion thereof which is designed for or used for residential purposes, but not including a tent, cabin, trailer, trailer coach, camp car or house car.

DWELLING: SINGLE-FAMILY: A building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit.

DWELLING: TWO-FAMILY: (Duplex) A building or buildings, designed for or occupied exclusively by two (2) families, or housekeeping units, living independently of each other.

DWELLING: MULTIPLE: A building or portion thereof designed for or occupied by more than two (2) families, or housekeeping units, living independently of each other.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

FARM: An area comprising ten (10) or more acres which is used for the growing of the usual farm products such as vegetable, fruit or grain, and their storage on the area, or for the raising thereon of poultry or livestock.

FILLING, GAS OR SERVICE STATION: Any building, structure, or land used for dispensing, sale or offering for sale at retail of any automobile fuels, oil or accessories, including lubrication or washing of motor vehicle and replacement, adjustment or installation of minor parts and accessories, but not including major repair work such as replacement, body and fender repair or spray painting.

FRONTAGE: All property on one side of a street between two intersecting streets, (crossing or terminating), measured along the line of the street, or if the street is dead-ended, than all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE: An accessory building designed or used for the housing of not more than three (3) motor-driven vehicles, owned and used by the occupants of the building to which it is accessory, and not storing more than one (1) commercial vehicle or any vehicle which exceeds two (2) ton capacity.

GARAGE, PUBLIC: Any building, or premises, except those used as a private garage or storage garage, used for equipment, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE: Any building or premises, used for housing only, of motor-driven vehicles pursuant to previous arrangement and not to transients, and at which automobile fuels and oils are not sold, and motor driven vehicles are not equipped, repaired, hired or sold.

GRADE: (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of all walls adjoining the street. (b) For buildings have walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. (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 buildings.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

HOME OCCUPATION: Any occupation or activity carried on in a dwelling by one or more members of the immediate family dwelling therein, and not employing more than one (1) person in addition to such family residing in the dwelling; provided that there shall be no display of goods, visible from the street and no advertising on the premises other than a small sign not to exceed one (1) square foot in area, and carrying only the name and occupation of any occupant of the premises, such as a physician, artist, lawyer, architect, engineer, clergyman, accountant, milliner, dressmaker, chiropractor, dentist, beautician and similar occupations or professions; provided further that the buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke dust, noise, electrical disturbance, or in any other way; and provided further that any such building shall include no feature of design not customary in buildings for residential use. Such uses as clinics, hospitals, barber shops, tea rooms, tourist homes, animal hospitals, kennels, and others of a similar nature, shall not be considered as home occupations.

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

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

JUNK YARD: Any area where waste, discarded or salvaged materials are bought, sold, stored, abandoned, exchanged, baled or packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, automobile tractor or machinery wrecking and used parts yards, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including the processing of used, discarded or salvaged materials as part of manufacturing operations. Two (2) or more wrecked, in-operative or abandoned cars or pieces of machinery will constitute a Junk Yard.

KENNEL: Any premises on which four (4) or more dogs, six (6) months old or older, are kept.

LAUNDROMAT: An establishment providing home type washing, drying or ironing machines for hire to be used by customers on the premises.

LOADING SPACE: A space within the main building or on the same lot or adjacent lot or lots, therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least fourteen (14) feet.

LODGING HOUSE: A building or place where lodging only is provided for a compensation by prearrangement for three (3) or more persons, not members of the family residing therein, but not to exceed twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.

LOT: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, including the open spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT, DEPTH OF: The mean horizontal distance between the front and rear lot line.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

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

LOT LINES: The lines bounding a lot.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder of Madison County, Iowa, or a parcel of land, the deed to which was recorded in the office of the County Recorder prior to the adoption of this Ordinance.

LOT, WIDTH OF: The average horizontal distance between the side lot lines.

LOT, REVERSED CORNER: A corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

MOTELS: (Including similar establishments using such names as - Motor Court, Motor Lodge, Travelodge, Tourists Cabins, Cabin Courts and the like, but not including Trailer Camps). A building or group of buildings used for the temporary residence of motorists or travelers.

NONCONFORMING USE: Any building or land, or portion thereof, which was established or used prior to or at the time of passage of this ordinance, which does not, or the use of which does not, conform with the regulations of the district in which it is situated, or used.

NURSING OR CONVALESCENT HOME: A building or structure having accomodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons not including insane and other mental cases, inebriate, or contagious cases.

PARKING LOT OR AREA: An area used or required for the off-street parking of motor vehicles.

PARKING SPACE: An area required for parking one (1) motor vehicle, which in this ordinance is held to be an area 40% larger than the extreme horizontal area occupied by a vehicle. This required space shall not include necessary and adequate passageways and entry ways, except on residential properties.

PLACE. An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

SERVICE ESTABLISHMENT: A shop or activity where material or objects are treated or repaired and where objects may be sold such as a shop for repairing shoes, but shall not include an establishment where large objects or large quantities of material are assembled and treated, such as a garage or plumbing shop.

SIGNS: Any device for visual communication which directs attention to a business, commodity, service, attraction or other activity which is produced, assembled, sold, serviced, or otherwise offered on the property or premises on which said sign is displayed.

STABLE: A building accomodating one (1) or more horses.

STORY: That protion of a building, other than a cellar (except where cellar is used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line or intersection of roof decking and wall face not more than three (3) feet above the top floor level.

STREET: Any public or private thoroughfare other than an alley, including boulevard, highway, road, avenue, place, drive, lane or way, which affords access to abutting property. It includes the entire width between property lines.

STREET LINE: A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, back stops for tennis courts, and pergolas.

STRUCTURAL ALTERATIONS: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls, beyond ordinary repair and maintenance.

TOURIST HOME: A residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for transients.

TRAILER PARK OR CAMP: Any lot or portion of a lot upon which two (2) or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

TRAILER AND TRAILER HOMES: Any vehicle used for living, sleeping, business or storage purposes, having no foundation other than wheels, and usually towed, hauled or propelled by motor vehicle, but does not exclude such convenience built upon or in conjunction with a motor vehicle as such. The term "trailer" shall include camp car or house car. The removal of tires and/or wheels, and the blocking-up or raising or the building of either a temporary or permanent foundation under such above described trailers, shall not change its classification as a trailer.

YARD: An open space at grade between a building and the adjoining lot lines, unoccupied unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the least horizontal distance between the lot line and the main building shall be used.

YARD FRONT: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projection thereof other than the projections of the usual uncovered steps, unconvered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD REAR: A yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed porches or unenclosed balconies. On all lots, the rear yard shall be in the rear of or opposite end of the lot from the front yard.

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

ZONING ADMINISTRATOR: A person appointed,hired or named, who is authorized as the administrator of the Zoning Regulations in Winterset, Iowa.

ARTICLE V

DISTRICT AND BOUNDARIES THEREOF

CLASSIFICATIONS: In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the intensity of the use of lot area, and to regulate and determine the area of yards, courts and other open spaces within the surrounding such buildings, The City of Winterset, Iowa, is hereby divided into eight (8) classes of "districts". The use, height and area regulations are uniform in each class of districts, and said districts shall be known as: "A" Agricultural District. "R-1" Single-family Residence District. "R-2" One and Two Family Residence District. "R-3" Multiple Residence District. "C-1" Limited Commercial District. "C-2" Commercial District. "M-1" Light Industrial District. "M-2" Heavy Industrial Districts. Any use classification not specifically listed in any district or that appears not to be covered in a general classification, shall be submitted to the commission for its inclusion in a specific district or group and thereby given a classification.

BOUNDARIES: The boundaries of these districts are indicated upon the Zoning Map of the City of Winterset, which map is attached to and made a part of this ordinance. The Zoning Map of the City of Winterset and all notations, references and other matters shown thereon shall be as much a part of this ordinance as if the notations, references and other matters set forth by said map were all fully described herein, which zoning map is on file in the office of the City Clerk at the City Hall of the City of Winterset, Iowa. (a) The district boundaries are either streets, alleys, or lot lines unless otherwise shown, and where the designation on the map accompanying and made a part of this ordinance indicating the various districts are approximately bounded by the street or alley lines, said street, alley or lot lines shall be construed to be the boundary of such district. (b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designation on the map accompanying and made a part of this ordinance indicating the various districts are approximately bounded by lot lines, said lot line shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map. (c) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale contained on such map, if not indicated specifically on the map as a definite number of feet.

FUTURE ANNEXATIONS All territory which may hereafter be annexed to the City of Winterset shall automatically be classed as lying in the "R-1" Single-family Residence District, until such classification shall have been changed by an amendment to the Zoning Ordinance as provided by law.

ARTICLE VI

GENERAL REGULATIONS

Except as hereinafter provided:

1. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used 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.

2. The minimum yards and other open spaces, including the intensity of use provisions contained in this ordinance for each and every building existing at the time of passage of this ordinance, or for any building hereafter erected or structurally altered, shall not

be encroached upon or considered as yard or open space requirements or intensity of use purposes for any other building.

3. Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.

4. Temporary buildings for use incidental to construction work, may be built in any district, but shall be removed upon the completion, or abandonment of the construction work.

5. Where a lot is located at the intersection of two or more streets, the front yard requirements shall apply to each street side of the corner lot, except that the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet. No accessory building shall project beyond the front yard line on either street.

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

7. If Twenty-five (25) percent or more of the frontage on one (1) side of the street between two intersecting streets is improved with buildings that have observed an average front yard with a variation in depth of not more than ten (10) feet, in which case no building shall project beyond the average front yard so established, but this regulation shall not be construed to allow a front yard of less than twenty (20) feet nor require a front yard of more than fifty (50) feet.

ARTICLE VII
DISTRICT USE REGULATIONS
"A" AGRICULTURAL DISTRICT

The regulations set forth in this District, except as other wise provided herein, are the regulations for "A"

PRINCIPAL PERMITTED USES: Any use permitted in "R-1"

Agricultural and horticultural uses including the usual farm operations, buildings and structures, except that the concentrated feeding or feed lots of poultry, livestock or fur-bearing animals shall be kept a minimum distance of three hundred (300) feet from the nearest lot in any platted residential section in existence on the date of adoption of this ordinance. This does not apply to the usual keeping of household pets, not for commercial gain

Nurseries and Greenhouses. Publicly owned or operated properties (as specified in Acticle X, paragraph E.

Outdoor theatres, roadside stands, golf courses, except that miniature courses or driving ranges shall be minimum of three hundred (300) feet from the nearest residential lot of a platted section. Radio or Television Towers.

PERMITTED ACCESSORY USES: Any accessory uses or structures not otherwise prohibited, customarily accessory and incidental to any Principal Permitted Uses. Signs as defined.

BUILDING HEIGHT LIMIT: Two and one-half (2½) stories, but not exceeding thirty-five (35) feet in height, except as specified in Article X, paragraph E.

FRONT YARD DEPTH REQUIRED: Not less than thirty-five (35) feet, or to a building line, if established, whichever is greater.

SIDE YARD WIDTH REQUIRED: Not less than ten (10) feet on either side.

REAR YARD DEPTH REQUIRED: Not less than thirty-five (35) feet.

LOT WIDTH: Not less than one hundred (100) feet.

LOT AREA REQUIRED: Not less than ten thousand (10,000) square feet per family, however, where public sanitary sewer and water facilities are not available, not less than twenty thousand (20,000) square feet. If either public sewer or public water is available, not less than fifteen thousand (15,000) square feet per family.

"R-1" SINGLE FAMILY RESIDENCE DISTRICT The regulations set forth in this District, except as otherwise provided herein, are the regulations for R-1".

PRINCIPAL PERMITTED USES: Single-family dwellings. Churches and accessory buildings. Public and parochial schools, elementary and high, and other educational institutions having an established current curriculum meeting State Standards and having no rooms regularly used for housing and/or sleeping rooms, but not including nursery schools.

Public Parks, Playgrounds and private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers including country clubs and golf courses.

Agriculture, including truck gardening, but not the raising of poultry, pets or livestock for commercial purposes, or on a scale that would be objectional because of noise or order to surrounding residences,

Nurseries and greenhouses for the propagating and cultivating only of plants; provided, however, that at the time the permit is issued, there shall be on file in the office of the building commissioner, the written consent of the owners of the majority of the area of all real estate within three hundred (300) feet of any part of the premises.

PERMITTED ACCESSORY USES:

Any accessory use customarily associated with any permitted use.

Any private garage which may include living quarters of domestic servants employed on the premises. Servant's quarters shall not be restricted to the twelve (12) foot minimum height regulations.

The office or studio of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession, in his place of abode, but not including a dance studio, beauty parlor or similar activity; provided that not more that one-third (1/3) of the area of one (1) floor shall be used for such purpose.
Bulletin Boards.

HEIGHT REGULATIONS: No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one (1) story or twelve (12) feet in height; except as provided herein.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS: The following minimum requirements shall be observed, subject to the modified requirements contained in Article VI.

USE	LOT AREA	LOT WIDTH	FRONT YARD DEPTHS	SIDE YARD WIDTHS Least width on any side	Min. sum of both sides	REAR YARD DEPTHS
1 &1½ Stories	10,000 Sq. ft.	80 ft.	35 ft.	8 ft.	20 ft.	35 ft.
2 & 2½ Stories	10,000 Sq. Ft.	80 ft.	35 ft.	10 ft.	25 ft.	35 ft.

"R-2" ONE AND TWO FAMILY RESIDENCE DISTRICT

The regulations set forth in this District, except as otherwise provided herein, are the regulations for "R-2".

PRINCIPAL PERMITTED USES: Any use permitted in the "R-1" Residence District, but not including animal and poultry husbandry on any lands used or platted for residential purposes. One and Two family dwellings. Alterations and conversions of single-family dwellings into two-family dwellings in accordance with the lot area, frontage and yard requirements as set forth in this section.

PERMITTED ACCESSORY USES: Any accessory use customarily associated with any permitted use. Customary home occupation such as handicraft, dressmaking, beautician, millinery, laundering, preserving and home cooking, etc, provided that not more than one-third (1/3) of the area of one (1) floor shall be used for such purpose.

Nursery schools and child care centers, provided there is established and maintained in connection therewith a completely fenced play lot.

Hospital, sanatoriums, nursing and convalescent or rest homes, but not including hospitals, or clinics for animals.

Institutions of a religious, educational or philanthropic nature, including libraries.

Storage garages, serving the principal use where lot is occupied by hospitals, institutions and the like.

HEIGHT REGULATIONS: No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as otherwise provided, and no accessory structure shall exceed one (1) story or twelve (12) feet in height.

LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS: The following mimimum requirements shall be observed, except as otherwise permitted under Article X.

USE	LOT AREA	LOT WIDTH	LOT AREA PER FAMILY	FRONT YARD DEPTHS	SIDE YARD WIDTHS Least Width on any one side	SIDE YARD WIDTHS Min. sum of both sides	REAR YARD DEPTHS
One-family							
1 & 1½ Stories	6,500 sq. ft.	60 ft.	6,500 sq. ft.	25 ft.	5 ft.	15 ft.	35 ft.
2 & 2½ Stories	6,500 sq. ft.	60 ft.	6,500 sq. ft.	25 ft.	6 ft.	17 ft.	35 ft.
Two-family							
1 & 1½ Stories	8,000 sq. ft.	65 ft.	4,000 sq. ft.	25 ft.	5 ft.	17 ft.	35 ft.
2 & 2½ Stories	8,000 sq. ft.	65 ft.	4,000 sq. ft.	25 ft.	6 ft.	22 ft.	35 ft.

"R-3" MULTIPLE RESIDENCE DISTRICT The regulations set forth in this District, except as otherwise provided herein, are the regulations for "r-3"

PRINCIPAL PERMITTED USES: Any use permitted in the "R-2" District, except nursery or greenhouse. Multiple Dwellings. Hotels. Tourist homes, Boarding and lodging houses, non-commercial clubs and lodges(but not including so-called Key Clubs.) Funeral parlors, fraternities and sororities.

PERMITTED ACCESSORY USED: Accessory buildings customarily incidental to any permitted uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building. If a storage garage is not a part of the main building, it shall be located not less than fifty (50) feet from the front line and not less than five (5) feet from any side street line.

Hotels in which shops and small business may be conducted for the sole convenience of the occupants of the building, provided however, that there shall be no entrance to such place of business, except from the inside of the building, nor shall any display of stock or goods for sale be so arranged that it can be viewed from the outside of the building.

HEIGHT REGULATIONS: No buildings shall exceed three (3) stories or forty (40) feet in height, at the required front side, and rear yard lines, except as further provided.

LOT AREA, LOT FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed, subject to the modified requirements contained in Article VI.

USE	LOT AREA	LOT WIDTH	LOT AREA PER FAMILY	FRONT YARD DEPTHS	SIDE YARD WIDTHS Least Width on any one side	SIDE YARD WIDTHS Min. sum of both sides	REAR YARD DEPTHS
One-family							
1 & 1½ Stories	6,500 sq. ft.	55 ft.	6,500 sq. ft.	25 ft.	5 ft.	12 ft.	35 ft.
2 & 2½ Stories	6,500 sq. ft.	55 ft.	6,500 sq. ft.	25 ft.	7 ft.	15 ft.	35 ft.
Two-family							
1 & 1½ Stories	7,500 sq. ft.	60 ft.	3,750 sq. ft.	25 ft.	7 ft.	15 ft.	35 ft.
2 & 2½ Stories	7,500 sq. ft.	60 ft.	3,750 sq. ft.	25 ft.	8 ft.	17 ft.	35 ft.
Multi-family and other permitted uses							
1 & 1½ Stories	10,000 sq. ft.	75 ft.	2,500 sq. ft.	25 ft.	8 ft.	18 ft.	40 ft.
2 & 2½ Stories	10,000 sq. ft.	75 ft.	2,000 sq. ft.	25 ft.	10 ft.	22 ft.	40 ft.
3 Stories	10,000	75 ft.	1,500	25 ft.	10 ft.	25 ft.	40 ft.

ARTICLE VIII BUSINESS "C-1" LIMITED COMMERCIAL DISTRICT

The regulations set forth in this District, except as otherwise provided herein, are the regulations for "C-1"

For the purpose of this section a "C-1" Commercial District is defined as a commercial district adjacent to Residence Districts in which such uses are permitted as are normally required for the daily local retail business needs of the residents of the locality only.

PRINCIPAL PERMITTED USES: Any use permitted in "R-3" Multiple Dwelling District. Antique shop. Apparel shop. Baby store. Bakery where products are sold only at retail and only on the premises. Bank. Barber shop or beauty parlor. Bicycle and motorcycle shop, sales and repair. Bookstore. Cafe, soda fountain, cafeteria, restaurant(including drive-in) but not including those with Class "B" beer permits. Camera Shop. Candy store whose products are sold only at retail and only on premises. Caterer. Clothes cleaning and laundry pickup station. Dairy store-retail only. Dance and/or music studio. Drapery shop. Drug store. Clothes dry cleaning and/or dyeing establishments using flammable cleaning fluids with a flash point higher than 100 degrees Fahrenheit, employing not more than five (5) persons. Florist shop-Retail Filing stations-retail. Food products-retail (grocery-delicatessen). Gift shop. Hardware store-retail. Hobby shop, but not including heavy products such as antique cars, boats, etc. Household apliances-sales or repair. Ice storage and distributing stations of not over five (5) ton capacity. Ice cream stores. Jewelry shop. Key shop. Landscape nursery and garden center-retail. Launderette. Locker plant for storage and retail sales only. Masseur and reducing salons. Music store. Optical, sales and service. Paint and wallpaper store. Photographic studio.

Post Office/sub station. Radio and television shop. Real estate office. Shoe repair. Tailor shop. Business or professional office and the like, supplying commodities or performing service primarily for residents of the neighborhood.

PERMITTED ACCESSORY USES: Accessory buildings and uses customarily incidental to the above permitted uses. Outdoor signs and bulletin boards appertaining to a permitted use. Any building used primarily for any purposes allowed in this District may have not more than forty (40) percent of the floor area devoted to storage purposes incidental to such primary use. HEIGHT REGULATIONS: No building shall exceed two (2) stories or thirty-five (35) feet in height except as otherwise provided in Article X.

LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS: The following mimimun requirements shall be observed, except as otherwise permitted under Article X.

USE	LOT AREA	LOT WIDTH	LOT AREA PER FAMILY	FRONT YARD DEPTHS	SIDE YARD WIDTHS Least Width on any one side	Min. sum of both sides	REAR YARD DEPTHS
Dwellings	Same as specified in the "R-3" District						
Other permitted uses			(1)	25 ft.	None required except adjoining any "R" District in which case not less than 10 ft.		40 ft.

(1) When a lot is used as a permitted commercial use and living facilities are erected above the commercial use, the intensity of use regulations are the same as those required in the "R-3" Multiple Dwelling District.

"C-2" Commercial District The regulations set forth in this District, except as otherwise provided herein, are the regulations for "C-2"

PRINCIPAL PERMITTED USES: Any use permitted in the "C-1" District. Any of the following or similar uses where goods are stored, displayed or offered for sale, or services rendered; and where nothing is fabricated, manufactured, converted or altered, except for such retail sales; and where the handling of materials, products or articles, or movements of vehicular traffic across the public sidewalks will not be in such amounts as to interfere with the free, safe and continuous passage of pedestrians along such sidewalks, and where such uses, operations and products shall not be objectionable,

due to odor, dust, noise, vibration, electrical disturbance, danger from explosion or other similar causes.

Animal hospital, veterinary clinic or kennel; providing an exercising runway shall be at least two hundred (200) feet from any "R" District and one hundred (100) feet from any C-1 District boundary. Automobile, trailer and farm implement establishments for display, hire and sales (including sales lots and including as incidental to these major uses all repair work in connection with their own and customers' vehicles,) but not including automobile, tractor, or machinery wrecking and rebuilding and used parts yards. Amusement and recreation places such as bowling alleys, baseball, dance halls, but not including so-called go-cart tracks. Appliance sales and service, automotive and accessories, displays, sales, service and storage, but not including junk yard operations as defined. Banks and financial institutions. Beer parlors and night clubs, saloons, taverns, key clubs (subject to any greater restriction as designated by any City ordinance or State Law.) Book and stationery stores and newsstands, broadcast and receiving stations. Building materials, lumber yards, sales yards, except those specified as permitted only in industrial districts. Bus and railroad depot, express facilities. Carpenter and cabinet shops employing not more than five (5) employees. Cigar and tobacco stores. Clothing, furrier, ready-to-wear shops. Convention and exhibition buildings. Dry Cleaners and/or dyeing establishments using flammable cleaning fluids with a flash point higher than 100 degrees Fahrenheit. Dry goods department and variety stores. Furniture and home furnishings. Hotels, Motels, motor and trailer courts, etc. Laundries. Liquor stores. Lawn mower repair. Officies, business and professional. Parking lots or garages/public or private. Pet shop, including aquarium, Plumbing and heating. Printing and/or publishing establishments. Sheet metal shop. Sign painting and/or sign shops. Sporting goods, including boats. Tire shop, sales, repairing, retreading and/or vulcanizing. Repair shops for small tools, equipment and appliances. Upholstery and furniture repair shop.

PERMITTED ACCESSORY USES: Accessory uses and structures customarily incidental to any permitted principal uses.

HEIGHT REGULATIONS: No building shall exceed 3 stories or forty (40) feet in height except as otherwise provided in Article X.

LOT AREA, LOT FRONTAGE AND YARD REQUIREMENTS: The following minimum requirements shall be observed, except as otherwise permitted under Article X.

USE	LOT AREA	LOT WIDTH	LOT AREA PER FAMILY	FRONT YARD DEPTHS	SIDE YARD WIDTHS Least Width on any side	SIDE YARD WIDTHS Min. sum of both sides.	REAR YARD DEPTHS
Dwellings	Same as specified in the "R-3" District.						
Trailer Parks	1 acre	150 ft.	1,250 sq. ft.	25 ft.	15 ft.	30ft.	40ft.
Motels and Auto Courts							
1 story	1 acre	150 ft.	1,000 sq. ft. per unit	30 ft.	20 ft.	40ft.	40ft.
2 story	1½ acre	150 ft.	1,000 sq. ft. per unit	30 ft.	20 ft.	40ft.	40ft.
Other permitted uses			None required		None required		

ARTICLE IX
INDUSTRIAL

"M-1" LIGHT INDUSTRIAL DISTRICT The regulations set forth in this District, except as otherwise provided herein, are the regulations for "M-1"

REQUIRED CONDITIONS: 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, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

PRINCIPAL PERMITTED USES: Any use permitted in "C-2" District except that no buildings shall hereafter be erected nor shall any existing building be used, converted, reconstructed or structurally altered for dwelling or human habitation purposes, either temporarily or permanently, except for a resident watchman or careaker employed on the premises. Bottling works. Blacksmith and/or welding shop. Coal, coke or wood yard. Contractors equipment and/or storage. Yard or rental equipment used by contractors. Bag, carpet and rug cleaning with approved and effective dust recovery installation. Bakeries, other than retail. Live-stock feed (storage and/or sale) provided dust is effectively controlled. Storage yard for vehicles of delivery or draying service. Carting or hauling storage yards. Circus, carnival or similar transient enterprise: provided such structures or buildings shall be at least two hundred (200) feet from any "R" District. Concrete mixing, ready mix plant, concrete products, manufacturing. Grain elevators. Creameries. Egg and poultry, hatchery. Ice cream manufacturing (wholesale). Ice manufacturing and/or cold storage plant. Enameling, lacquering, or japanning. Flammable liquids, underground storage only, not to exceed 25,000 gallons, if located not less than two-hundred (200) feet from any "R" District. Laboratories, experimental, film or testing. Livery stable or riding academy. Lumber yards, dealing principally in heavy timbers, bridging material, etc. Machine shop. Manufacturing of musical instruments and novelties. Manufacture of furniture. Manufacture or assembly of electrical appliances, instruments and devices. Manufacture of pottery and other similar ceramic products using only previously pulverized clay kilns. Manufacture and repair of electric signs, advertising structures, sheet metal products, including heating and ventilating equipment. Milk distributing station other than a retail business conducted on the premises. Sawmill, planning mill, including manufacture of wood products not involving a chemical treatment.

The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals, and food products except fish and meat products, cereals, sauerkraut, vinegar, yeast, stock feed, flour, and the rendering or refining of fats and oils.

The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials such as bone cloth, cork, fibre, leather, paper, plastics, metal or stones, tobacco, wax, yarns and wood.

Repair shops for heavy equipment, wagon and body works.

Small manufacturing plants using machine tools for production but excluding foundries, smelting operations, or any operation giving off objectionable fumes, dust or noises.

Warehouses and storage buildings.

PERMITTED ACCESSORY USES: Any accessory uses customarily accessory and incidental to a permitted principal use.

HEIGHT REGULATIONS: No building shall exceed three (3) stories or forty (40) feet in height except as otherwise provided in Article X paragraph F, and where a building is located on a lot abutting or adjoining a dwelling district or a publicly owned area, other than an alley, or street, it shall not exceed two (2) stories.

YARD REQUIREMENTS: The following minimum requirements shall be observed subject to the modified requirements contained in Article X Paragraph F.

USE	FRONT YARD DEPTHS	SIDE YARD DEPTHS	REAR YARD DEPTHS
Any Permitted use	25 ft. or to the building line-whichever is greater	None required except adjacent to an "R" district in which case not less than 25 ft.	40 ft.

"M-2" HEAVY INDUSTRIAL DISTRICT The regulations set forth in this District, except as otherwise provided herein, are the regulations for "m-2"

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

PRINCIPAL PERMITTED USES: A building or premises may be used for any purpose whatsoever not in conflict with any ordinance of the City of Winterset, Madison County or the law of the State of Iowa except that no structure shall be built or occupied or premises used or occupied for dwelling or care of humans, except quarters for a night watchman or care taker employed upon the premises, or by any of the following uses until and unless the location and proposed method of operation shall have been approved by the Board of Adjustment after a written report by the Fire and Health Department.

Acid manufacture or wholesale storage of acids. Acetylene gas manufacture and storage. Airports or landing fields. Automobile, tractor or machinery wrecking and used parts yards. Alcoholic manufacture. Ammonia, Bleaching power or chlorine manufacture. Arsenal. Asphalt manufacture. Cement, lime, gypsum or plaster of paris manufacture. Coke ovens. Creosote manufacture or treatment. Distillation of bones. Explosive manufacture or storage. Fat rendering. Fertilizer manufacture. Garbage, offal or dead animal reduction or dumping. Gas manufacture or storage including butane, propane and like products and cylinder recharging. Glue, size or gelatine manufacture. Manufacture, treatment, fabrication or processing of the following: Acetylene gas; acid; alcohol; ammonia; bleaching power or chlorine; asphalt; brick; tile or pottery; candles; celluloid; cement; lime,gypsum; plaster of paris; creosote; disinfectants; dyestuff, exterminators or insect poison; emery cloth and sandpaper; explosives or fireworks; fertilizers; gas; glue; lampblack; matches; oilcloth or linoleum; oiled rubber goods; paint; oil; shellac; turpentine or varnish; pickles; pryroxylin; sauerkraut; shoe polish; soap; soda; tallow; grease or lard; tar; tar roofing; tobacco; or vinegar. Paper and pulp manufacture. Petroleum or its products, refining or wholesale storage of. Rubber goods manufacture. Sand or gravel pits. Slaughter houses or stock yards. Smelting of tin, copper, zinc or iron ores, aluminum, etc. Transmitting stations, Waste paper yards.. Wholesale storage of gasoline.

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.

YARD REQUIREMENTS: The following minimum requirements shall be observed;

USE	FRONT YARD DEPTHS	SIDE YARD DEPTHS	REAR YARD DEPTHS
Any permitted use	25 ft.	None required except adjacent to an "R" District in which case, not less than 200 ft. or 100 ft. from any "M-1" District	40 ft.

ARTICLE X
SUPPLEMENTAL REGULATIONS PARKING AND LOADING AREAS

A. OFF STREET LOADING SPACES REQUIRED In any district in connection with every building or part thereof, hereafter erected; in which an operation or business requires the receipt or disbursement, by vehicles, of material, supplies, or merchandise; shall provide and maintin sufficient off-street loading space or spaces to provide for the normal activities in such operation. Each loading space required shall be not less than twelve (12) feet in width and of sufficient length, that the vehicle or vehicles are not protruding into a street, alley, or public right-of-way. Such space may occupy all or any part of any required yard, court space or main building.

B. PARKING AREAS In all Districts, except the down-town Public Square and the area within one and one-half (1½) blocks in all directions therefrom, in connection with every building or part thereof, hereafter erected, there shall be provided adjacent or accessible

off-street parking spaces as defined for parking and storage of vehicles in accordance with the following schedule as a minimum, however, no parking area required hereunder shall be less than one-thousand (1,000) square feet in area, except in the cases of dwellings, or small retail stores and shops, containing less than five-hundred (500) sq. ft. floor space. No portion of any street, alley, lane, public property or right-of-way shall be counted as space or spaces. Auditoriums, theaters, arenas, schools, churches, etc., One (1) space for each ten (10) seats in principal auditorium. In case of schools with no auditoriums- One (1) space for each class room plus twenty-five (25) percent. Auto sales and service garages - fifty (50) percent of floor space. Bank, business and professional offices - fifty (50) percent of floor area. Bowling alleys - five (5) spaces for each alley. Dwellings - one (1) space for each family plus one (1). In case of a dwelling the drive and garage on the premises may be used in figuring spaces. Funeral homes, mortuaries - one (1) space for each five (5) seats in principal auditorium. Furniture and appliance Stores, household equipment, furniture repair, shops, etc. of over one thousand (1,000) square feet of floor area - fifty (50) percent of floor space. Hospitals and similar institutions - one (1) space for each four (4) beds. Hotels - one (1) space for each four (4) beds. Lodging houses one (1) space for each three (3) bed rooms. Manufacturing and assembly of light and heavy industrial plants, etc. - one (1) space for each three (3) employees on the maximum working shift. Motels and similary operated establishments (1) space for each unit plus twenty (20) percent. Restaurants, beer parlors, night clubs, etc. - two hundred (200) percent of floor space. Retail stores, super-markets, shops, etc. - parking space equal to floor space. Wholesale establishments or warehouses - one (1) space for each two (2) employees. In case of any building, structure or premises, the use of which is not specifically mentioned herein and provisions for a use which is so mentioned and to which said use is similar, shall apply.

C. SIGNS AND BULLETIN BOARDS One (1) sign, not to exceed eight (8) square feet in area, appertaining to the construction, lease, hire or sale of a building or premises, may be built in any district , provided it shall be removed as soon as the premises are leased, hired, sold, or the construction completed or abandoned. Directional signs and signs of public nature erected and maintained by a division of the government may be erected in any district as authorized by the City Council, after submitting proposed location, design and purpose to the Commission such as; Highway or road signs, "Welcome to Winterset" and signs indicating direction or route to public properties such as parks,hospitals, swimming pools, airports, post office, etc. The following signs and Bulletin Boards shall be permitted in Districts "A", "R-1", "R-2" and "R-3"; Announcement signs or bulletin boards, provided such signs do not exceet twenty (20) square feet in area and are erected on the premises of a charitable, religious or public institution for its own use. Name signs are permitted provided such signs do not exceed four (4) square feet in area and are erected on the premises of a hospital, clinic, private club, veterans organization, lodge, funeral home, mortuary or rest or nursing home, for its own use. Home occupation signs as defined not exceeding one (1) square foot in area are permitted.

In the "C-1", "C-2", "M-1" and "M-2" Districts signs are permitted provided; That such signs appertain to the business product or service therein offered in or on the premises on which sign is displayed. That such signs are constructed and erected in compliance with this ordinance and other ordinances of the City of Winterset.

That such signs that overhang streets, sidewalks or other public places shall be hung and secured in a manner approved by the Building Inspector and shall extend not more than eight (8) feet from any building and shall allow at least ten (10) feet clearance from the

ground or sidewalk level.

D. WALLS AND FENCES In any district fences are permitted around or upon premises of schools, playgrounds, churches, parks and public institutions provided that such fences are at least sixty-five (65) percent open and provided they do not materially obstruct vision at street intersections. In "A", "R-1", "R-2" and "R-3" districts fences and wall not exceeding six (6) feet in height are permitted within the limits of side and rear yards provided that such fences within the set-back area of front yards shall be at least sixty-five (65) percent open. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. In 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. On any corner lot in "A", "R-1", "R-2" or "R-3" districts within the tri-angular area of said lot bounded by the street lines of the intersecting streets and a line connecting two points on said lines twenty (20) feet back from said intersection, no fence or other structure shall be erected to a height of more than two (2) feet above the established street grade at the intersection of the center lines of the streets bounding said lot; and no planting of trees, shrubs, or foliage which in the judgment of the building inspector, will materially obstruct the view of the drivers of vehicles approaching the street intersection shall be placed or maintained within such area. No barbed wire shall be used in any such fences in "R-1", "R-2" or "R-3", but shall be permitted on or above top rail on industrial fences in Commercial Districts, and on fences on Public or Institutional grounds on fences six (6) feet high or over.

E. SPECIAL PUBLIC USES. The City Council of Winterset may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this ordinance. Any public building erected and used by any department of the City, Township, County, State or Federal Government. Airport or landing field. Community building or recreation field, playground. Hospital, institutions of an educational, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height, except in the down-town (public square) section of District "C-2" and District "R-3". Public Cemetery. Before issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the City Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Zoning Commission has been filed. Provided, however, that if no report is received from the Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission.

F. HEIGHT AND AREA REGULATIONS: The district regulations hereinafter set forth in this Article qualify or supplement as the case may be, the district regulations appearing elsewhere in this ordinance.

Public, semi-public service buildings, hospitals, churches, temples, sanitariums, or schools when permitted in a district, may be erected to a height not exceeding fifty (50) feet. Single-family dwellings and two-family dwellings in the dwelling districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided, but they shall not exceed three (3) stories in height.

Chimneys, cooling towers, elevator bulk-heads, fire towers, monuments, pent houses, stacks, stage towers, radio towers, or scenery lofts, tanks, water towers, or necessary mechanical appertenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Winterset, Iowa. In computing the depth of a rear yard or the width of a side yard where the rear yard or side yard opens onto an alley, one-half of the alley width may be included as a portion of the rear or side yard, as the case may be.

G. ACCESSORY BUILDINGS: No accessory building shall be erected in any required court, or in any yard other than a rear yard, except as provided hereinafter. Accessory buildings shall be distanced at least five (5) feet from alley lines and from any other separate building or other structure on the same lot, and at least two (2) feet from lot lines of adjoining lots which are in any "R" District, and on a corner lot they shall conform to the set-back regulations of the side street. Accessory buildings, except stables, may be erected as a part of the principal building or, if at least six (6) feet therefrom, may be connected thereto by a breeze-way or similar structure in which case it becomes part of the principal building as regards to yard requirements, and provided all yard requirements for a principal building are complied with. An accessory building which is not a part of the main building shall not occupy more than (30) percent of the rear yard and shall not exceed twelve (12) feet in height, however, this regulation shall not be interpreted to prohibit the construction of a four hundred forty (440) square foot garage on a minimum rear yard. No accessory building shall be construed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear yard, and except for the ordinary projections of skylight, sills, belt courses, cornices and ornamental features projecting not to exceed twelve (12) inches. Open or lattice-enclosed fire escapes, fire proof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet, and the ordinary projections of chimneys and flues are permitted to encroach upon side and rear yard requirements.

ARTICLE XI
NON-CONFORMING USES

The lawful use of land upon which no building is constructed which does not conform to the provisions of this ordinance shall be discontinued within one (1) year from the date of the approval of this ordinance, and the use of land which becomes non-conforming by reason of a subsequent change in this ordinance shall also be discontinued within one (1) year from the date of the change. The lawful use of a building existing on the effective date of this ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made a non-conforming use of a building may be changed to another non-conforming use of the same or a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. Whenever the use of a building becomes non-conforming through a change in the zoning ordinance or district boundaries such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of the same or a more restricted classification. In the event that a non-conforming use of any building or premises is discontinued for a period of 365 days, the use of the same shall thereafter conform to the use permitted in the district in which it is located. No existing building or permises devoted to a use not permitted by this ordinance in the district in which such buildings or permises, is located, except that when required to do so by law or ordinance, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted

in the district in which such building or premises is located. When a building the use of which does not conform to the provisions of this ordinance, is damaged by fire, explosion, "Act of God", or a public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district in which the building is situated. When a building, the use of which does not conform to the provisions of this ordinance, is damaged by fire, explosion,, "Act of God", or a public enemy, to the extent of less than sixty (60) percent of its fair market value, it may be restored if done so within nine (9) months if the Board of Adjustment finds one compelling public necessity requiring the continuance of the non-conformig use and the primary purpose of continuing the non-conforming use is not to continue a monopoly, otherwise, it shall be restored only in conformity with the provisions of this ordinance. Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

CESSATION: Notwithstanding any other provisions of this ordinance, any automobile wrecking yard or junk yard in existence in any agricultural, residential or business district at the date of enactment of this ordinance shall at the expiration of one (1) year from such date become a prohibited and unlawful use and shall be discontinued.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

ADMINISTRATIVE AND ENFORCEMENT OFFICIALS. This ordinance shall be administered by the City Clerk of the City of Winterset, Iowa, and enforced by the Building Inspector of the City of Winterset, Iowa, who shall be named by resolution by the City Council of said City.

ENFORCEMENT PROVISIONS: No building permit or certificate of occupancy shall be granted by them for any purpose except in compliance with the provisions of this ordinance.

BUILDING PERMITS Each application for a building permit shall be accompanied by a plot drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plots shall be kept in the office of the City Clerk. Each building permit will expire by limitation unless contruction shall have been commenced in good faith within six months from the date of issuance. A permit that has thus expired may be renewed or extended by the City Council at the request of the applicant. No change or use shall be made in any building or part thereof now or hereafter erected or structurally altered without a permit being issued therefor by the Building Inspector. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this ordinance.

No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made for certificate of occupancy, and no building or premises shall be occupied until that certificate and permit are issued.

CERTIFICATE OF OCCUPANCY No land shall be occupied or used and no building hereafter erected or structurally altered shall be ocupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Building Inspector, stating that the building and use comply with the provisions of the ordinance and the building and health ordinances of the City of Winterset, Iowa. A certificate of occupancy shall be required of all non-conforming uses. Application for Certificate of Occupancy for Non-Conforming Uses shall be filed within twelve (12) months from the effective date of this ordinance. Certificate of occupancy and compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of a building is completed. A record of all certificates shall be

kept on file in the office of the City Clerk and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

ARTICLE XIII
INTERPRETATION OF ORDINANCE

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 XIV
BOARD OF ADJUSTMENTS

A Board of Adjustment is hereby established as provided for in Chapter 414, Section 414.7, Code of Iowa, 1958, which shall consist of five (5) members. The word "Board" when used in this Article shall be construed to mean the Board of Adjustment. The term of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by statute. The Board of Adjustment shall hear and decide appeals from, and review any order, requirement, decision, to determination made by the Building Inspector in the enforcement of this ordinance. Such appeal shall be taken within a reasonable time as shall be prescribed by the Board by general rule, by filing with the Building Inspector and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee of five dollars ($5.00) to the Building Inspector at the time the notice is filed, which the Building Inspector shall forthwith pay over to the City Treasurer to the credit of the General Revenue Fund of the City of Winterset, Iowa. The Board shall have full power to adopt all rules for the transaction of its business, the regulation of procedure before it, and the carrying out of the powers granted to it by the provisions herein set forth and not inconsistent therewith. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him practical difficulties or particular hardship, the Board may consider and allow such variations of the strict application of terms of this ordinance if the variations are in harmony with the general purpose and intent of this ordinance and the Board is satisfied, under the evidence heard by it, that the granting of the variation will not merely serve as a convenience for the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created. The only instances in which the Board may allow a variation or authorize anything to be done are:

1. Permit the erection of a non-conforming building which has been damaged by explosion, fire, Act of God, or public enemy, to the extent of less than sixty (60) percent of its fair market value, when the Board finds some compelling necessity requiring a continuance of the non-conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly.

2. Permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

3. Authorize a variance where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property of record at the time of the adoption of this ordinance or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a specific piece of property, the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship, upon the owner of the property and amount to a practical

confiscation of the property as distinguished from a mere inconvenience to the owner, provided, the variation can be granted without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulation and provisions contained in this ordinance.

In considering all the appeals and all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the District Map and will not impair any adequate supply of light and air to adjacent property, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the City of Winterset, Iowa.

Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on sworn testimony and evidence, specifying the reason for granting or denying the variation. Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board, or bureau of the City of Winterset, Iowa, may present to the District Court of Madison County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such a petition shall be preesnted to the Court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board for review for such decision of the Board and shall prescribe therein the time within which a return thereto must be made, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, upon notice to the Board and on due cause shown, grant a restraining order.

The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If upon the hearing, which shall be tried de novo, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take such evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm wholly or in part, or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

ARTICLE XV AMENDMENTS

The City Council of the City of Winterset, Iowa, may from time to time, on its own motion, on petition, or upon recommendation of Zoning Commission, amend, supplement or change the regulations or the district boundaries, herein or subsequently established. No such action shall be taken, however, until after the proposed change has been submitted to the Zoning Commission and they have submitted their recommendation and report thereon, and until after public notice and hearing as provided by law. Any such change shall not become effective except by the favorable vote of at least three fourths (3/4) of all members of the City Council.

Any person or persons, firm or coporation may present a petition requesting a desired amendment or change in this Ordinance text or map on any property in the City. The

request should be directed to the City Council of Winterset, Iowa. The property or properties affected by the petition should be clearly described by a legal description accompanied by a map drawn to scale of the area affected by the request and should include all properties within three hundred (300) feet of the boundaries of said property in all directions, with the owner's names clearly marked on all parcels of land. This petition must be signed by 50% of the owners of all real estate included within the boundaries of the tract described in the petition, and in addition signed by fifty (50) percent of the owners of all tracts of ground within two-hundred and fifty (250) feet of the boundaries thereof, which two-hundred and fifty (250) feet does not include street and alleys.

The council will take no action on the petition until they receive the recommendation from the Commission, which recommendation must be within forty-five (45) days after receipt of such request.

Whenever a petition requesting an amendment supplement or change or regulation prescribed by this ordinance has been properly filed, it must be acted upon within one (1) year and whenever it has been denied by the City Council such petition cannot be renewed for one (1) year thereafter.

Before any action shall be taken as provided in this Article, the party or parties proposing or recommending a change in the district regulations or boundaries shall deposit with the City Treasurer, the sum of Five dollars ($5.00) to cover the cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said amendment to be enacted.

ARTICLE XVI
SEPARABILITY CLAUSE (VALIDITY)

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid the 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 XVII
VIOLATION AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforecement of any of the provisions of this ordinance upon conviction shall be fined not more than One hundred dollars ($100.00) for each offense Each day that a violation is permitted to exist constitutes a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the City Council, in addition to other remedies, may institute any proper action or proceedings in the name of the City of Winterset, Iowa, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE XVIII
EFFECTIVE DATE

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

PASSED AND ADOPTED AND APPROVED THE 14th DAY OF JUNE, 1960:

(CITY OF WINTERSET SEAL)

Wayne Newton, Mayor
of the City of Winterset, Iowa

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

COMPARED