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CHAPTER I

PURPOSE AND JURISDICTION

1.1 PURPOSE. This ordinance is written in accordance with a Comprehensive Plan and the objectives of Chapter 335 of the Iowa Code and is adopted for the following purposes:

- To promote the orderly growth of the County;
- To conserve the natural resources and beauty of the County;
- To consider the protection of soil from wind and water erosion;
- To regulate the density of the population;
- To regulate the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, all in accordance with Chapter 335 of the Iowa Code.

1.2 TITLE. This ordinance shall be known and may be cited as the "Page County, Iowa Zoning Ordinance", and shall be referred to herein as "This Ordinance".

1.3 JURISDICTION. This provisions of this ordinance shall apply to all the unincorporated territory of Page County, Iowa; except to the extent required to implement the Agricultural

Land Preservation Ordinance contained in Chapter 352 of the Iowa Code as amended, no regulation or requirement adopted under the provisions of this ordinance shall be construed to apply to land, farmhouses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, construction deposit, or excavation in or on the flood plains of any river or stream shall apply thereto.

1.4 INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standards shall govern.

1.5 VALIDITY. If a court of competent jurisdiction should declare any section of this ordinance invalid, such a decision shall not affect the validity of the remainder of the ordinance.

1.6 EFFECTIVE DATE. This ordinance shall be in full effect after its passage, approval, and publication as prescribed by law.

CHAPTER II

GENERAL PROVISIONS

2.1 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 "shall" is mandatory and not directory.

1. Accessory Use or Structure . A use or structure on the same lot with and for a purpose subordinate to the principal building and its use .

2. Agriculture . The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal or poultry husbandry, and the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

3. Apartment . See dwelling, multi-family.

4. Basement . A story of a building having part, but not more than one-half, of its height below grade. A basement is counted as a story for the purpose of height regulation.

5. Billboard . An advertising sign for a business, commodity, or service

located or offered elsewhere than upon the premises where such sign or billboard is located.

6. Boarding House . A building where lodging for no more than five guests is provided for compensation.

7. Building . A structure for the shelter or enclosure of persons, animals, or property.

8. Building Line . Foundation wall when applicable.

9. Dwelling, Single-Family . A building designed for residence by one (1) family.

10. Dwelling, Two-Family . A building designed for residence containing two (2) independent living units which share or are joined by a common wall.

11. Dwelling, Multi-Family . A building designed for residence containing three (3) or more independent living units within a common structure.

12. Garage, Private . An accessory building (attached or detached) to house motor vehicles or trailers owned or used by the residents of the principal dwelling.

13. Garage, Public . A building other than a private garage used for parking or repairing motor vehicles for compensation.

14. Grade . The average ground elevation at the outside walls of any building.

15. Height . The distance from grade to the highest point of the coping on 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.

16. Home Occupation . Any use conducted within a dwelling by its residents which is secondary to the basic use as a dwelling, which does not change the character of the building, and which only involves the sale of products or services provided within the dwelling by its residents.

17. Hotel . A building where lodging for six (6) or more guests is provided for compensation.

18. Junkyard . Land with or without buildings where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, cleaned, packed, disassembled, or handled.

19. Lot . A parcel of land that is or may be occupied by a building abutting on a right-of-way, with all the space requirements of this ordinance.

1. Lot Line . The property boundary of a lot.

2. Lot Area . The area within the lot lines.

3. Lot Width . The distance between the side lot lines at the minimum building setback lines.

4. Lot Depth . The average distance between the front and rear lot lines.

5. Lot, Corner . A lot which has at least two adjacent lot lines abutting streets which intersect at no more than a 135 degree angle.

6. Lot, Interior . A lot, other than a corner lot, which abuts only one street.

7. Lot, Double Frontage . A lot, other than a corner lot, which abuts two streets.

20. Mobile Home . A portable structure designed for use as a dwelling without a permanent foundation which may be mounted on wheels for conveyance to another location.

21. Mobile Home Park . A lot or lots where two or more mobile homes are located with or without compensation to the lot owner.

22. Motel . A building or group of buildings where lodging is provided with separate entrances and convenient parking for each unit.

23. Motor Fuel Station . A location where motor fuel and minor maintenance and repair services and products are offered for sale to the public, and deliveries are made directly into motor vehicles.

24. Retail Business . An establishment whose primary business is the sale of goods to the consumer; such a business may include light manufacturing or assembly if subordinate to the sales function.

25. Service Establishments . An establishment whose primary use is the sale

of services to the consumer.

26. Sign . Any publicly displayed grouping of words, designs, and/or colors intended to advertise products, persons, or services. Small displays of house numbers or residents names shall not be denoted as signs.

27. Story . The portion of a building between the finished floor and the floor, ceiling, or roof next above it.

28. Story, Half . The space under a sloping roof in which the intersection roof line and the wall face is no more than four feet above the floor. When a half story houses independent apartments, however, it shall be counted as a full story for the purpose of this ordinance.

29. Street . A public right-of-way set aside for vehicular and pedestrian traffic and placement of utilities which provides access to abutting property.

30. Structure . Anything constructed which requires a permanent location or attachment to a permanent location.

31. Structural Alteration . Any change to supporting members of a building such as foundations, columns, etc.

32. Wholesale Business . An establishment whose primary use is the sale of goods to retail businesses; light to medium manufacturing or assembly, if subordinate to the sales function.

33. Yard . That portion of a lot occupied by a building which is unobstructed from the ground up excepting as provided herein.

1. Yard, Front. The open area measured between the adjoining right-of-way boundary and the building line, extending across the full width of the lot.

2. Yard, Rear. The open area measured between the rear lot line and nearest point of the main building, excluding steps and unenclosed porches or balconies.

3. Yard, Side. The open area measured between the side lot line and the nearest point of the main building, excluding steps and unenclosed porches or balconies.

CHAPTER III

DISTRICTS, BOUNDARIES, AND MAP

3.1 OFFICIAL ZONING MAP. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this ordinance.

3.2 IDENTIFICATION OF OFFICIAL ZONING MAP. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

"This is to certify that this is the Official Zoning Map referred to in Chapter III of the Page County, Iowa Zoning Ordinance as adopted the _____ day of _____, 1997"

The Official Zoning Map shall be on file in the Office of the County Auditor and shall be the final authority as to the current zoning status of land, buildings, and other structures in the County.

3.3 CHANGES IN OFFICIAL ZONING MAP. No changes in the Official Zoning Map shall be made, except by amendment to this ordinance, as provided for under Chapter 15 herein. Such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, with the signature of the Chairman of the Board of Supervisors approving such change. 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.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this ordinance and be punishable as provided in Chapter 13 of this ordinance.

3.4 ESTABLISHMENT OF DISTRICTS. The following districts are hereby established:

- A - Agricultural District
- R - Residential District
- C - Commercial District
- I - Industrial District
- HWB - Highway Business District

3.5 BOUNDARIES. The boundaries of the above established districts are hereby established as shown on the map entitled "Zoning Map of Page County", which is hereby made a part of this ordinance.

1. The boundary lines are intended to follow street and road center lines, corporate limit lines, railroad right-of-way lines, section and quarter-section lines, and drainage centerlines.
2. Questions of exact location of district boundary lines shall be decided by the Board of Adjustment.

CHAPTER IV

GENERAL PROVISIONS

4.1 FARM EXEMPTION. No provision of this Ordinance shall be construed to apply to land, farm houses, Farm barns, farm outbuildings, or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood, WHILE SO USED; in accordance with the provisions of Chapter 335 of the Code of Iowa, as amended.

4.2 APPLICATION. The regulations of this ordinance shall apply uniformly as minimums for each class of land or structures within each district.

4.3 COMPLIANCE. Except as stated in Section 4.1 and Chapter 12 no land or structures shall be used, constructed, reconstructed, moved, or structurally altered unless in the conformity with the regulations for the district in which it is located.

4.4 DWELLINGS.

1. No more than one dwelling may be built on any lot except as provided in Section 10.4(4) .

2. Minimum Floor Areas. After the effective date of this Ordinance, a conforming dwelling may be constructed provided it shall contain no less than the following floor areas:

- a. One-Story ----- 800 square feet;
- b. One and One-Half Story ----- 900 square feet;
- c. Two-Story ----- 1,000 square feet.

4.5 SIGHT TRIANGLE AT STREET INTERSECTION. After the effective date of this Ordinance, corner lots shall be subject to the following restriction: No privacy fences, shrubbery or visual barrier, shall be placed that may obstruct traffic visibility within a triangle formed by the centerlines of the intersecting streets a stipulated distance (cited below) from the point of intersection and a line across the corner of the lot connecting these centerline points. The distance from the intersection point along the street centerlines, which are based on the speed limit on each street, are listed below:

Speed Limit	Distance
20 MPH	50'
25 MPH	75'
30 MPH	100'

For speed limits above thirty (30) MPH, distances shall be determined according to applicable State or County Standards.

CHAPTER V

AGRICULTURAL DISTRICT

5.1 PRINCIPAL USES PERMITTED. The following uses shall be permitted in the Agricultural District:

1. Any customary agricultural use, including agronomy, horticulture, animal and poultry husbandry, greenhouses, nursery gardens, and aquatic farming.
2. Single and two-family dwellings.
3. Churches.
4. Schools.
5. Public parks and public recreational facilities.
6. Hospitals, nursing homes, or other medical service facilities.
7. Utility installations, except warehousing and storage.
8. Cemeteries.
9. Public facilities such as libraries, museums, fire stations, and

auditoriums.

5.2 ACCESSORY USES PERMITTED. The following accessory uses are permitted in an Agricultural District:

1. Agricultural Structures, including roadside stands for sale of produce.
2. Private garages.
3. Home Occupations.
4. Dwelling accessory structures.

5.3 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in an Agricultural District, when authorized in accordance with Section 10.1:

1. Private recreational facilities.
2. Airports.
3. Sanitary landfills.
4. Mining or mineral extraction operations.
5. Commercial feed lots.
6. Commercial Stables, riding academies, and clubs.

5.4 HEIGHT REGULATIONS. The following maximum height restrictions shall apply in an

Agricultural District:

1. Principal Structure ----- 2½ stories.
2. Accessory Structure ----- 15 feet.

5.5 LOT AREA, WIDTH, AND YARD REGULATIONS. The following shall be the minimum requirements in an Agricultural District:

1. Lot Area ----- 1 Acre.
2. Lot Width ----- 200 feet.
3. Yard Requirements (measured from the property line):
 - a. Front Yard ----- 50 feet.*
 - b. Rear Yard ----- 50 feet.
 - c. Side Yard ----- 25 feet.

* - 100 feet along County Roads.

5.6 PARKING. See Chapter 11.

5.7 SIGNS. Signs shall be permitted only in accordance with the following:

1. Service club signs not to exceed four (4) square feet.
2. School, church, or other semi-public organization not to exceed twelve (12) square feet.

3. Temporary signs advertising construction on, or sale or lease of, property not to exceed fifty (50) square feet and shall be removed upon completion of the construction, sale, or lease.

4. Billboards not exceeding 200 square feet and subject to the Board of Adjustment's review.

5.8 EXCEPTIONS. See Section 10.4.

CHAPTER VI

RESIDENTIAL DISTRICT

6.1 PRINCIPAL PERMITTED USES. The following uses shall be permitted in the Residential District:

1. Single and two-family dwellings.
2. Churches.
3. Schools.
4. Public parks and recreational facilities.
5. Hospitals, nursing homes, or other medical service facilities.
6. Utility installations, except warehousing and storage.
7. Cemeteries.
8. Public facilities such as libraries, museums, fire stations, and auditoriums.
9. Agricultural uses, including agronomy and horticulture specialties, but excluding animal and poultry husbandry as principal uses.

10. Family homes and residential care facilities.

6.2 ACCESSORY USES PERMITTED. The following accessory uses shall be permitted in a Residential District:

1. Private garages.
2. Home occupations.
3. Dwelling accessory structures.

6.3 SPECIAL EXCEPTION USES. The following special exception uses shall be permitted in a Residential District, when authorized in accordance with Section 10.1:

1. Private recreational facilities.
2. Multi-family dwellings.
3. Mobile home parks.
4. Boarding houses.

6.4 HEIGHT REGULATIONS. The following maximum height restrictions shall apply in a Residential District:

1. Principal Structure ----- 2½ stories.
2. Accessory Structure -----15 feet.

6.5 LOT AREA, WIDTH, AND YARD REGULATIONS. The following shall be the minimum requirements in a Residential District:

1. Lot Area ----- 7,500 sq. ft.

2. Lot Width ----- 75 feet.

3. Yard Requirements (measured from the property line):

- | | |
|---------------|----------|
| a. Front Yard | 50 feet. |
| b. Rear Yard | 25 feet. |
| c. Side Yard | 10 feet. |

6.6 PARKING. See Chapter 11.

6.7 SIGNS. Signs shall be permitted only in accordance with the following:

1. Service club signs not to exceed four (4) square feet.

2. School, church, or other semi-public organization signs not to exceed twelve (12) square feet.

3. Temporary signs advertising construction on, or sale or lease of, property not to exceed fifty (50) square feet which shall be removed upon completion of the construction, sale, or lease.

4. Billboard signs shall be prohibited.

6.8 EXCEPTIONS. See Section 10.4.

CHAPTER VII

COMMERCIAL DISTRICT

7.1 PRINCIPAL USES PERMITTED. The following uses shall be permitted in the Commercial District:

1. Churches.
2. Schools.
3. Public parks and public recreational facilities.
4. Hospitals, nursing homes, or other medical service facilities.
5. Utility installations, except warehousing and storage.
6. Cemeteries.
7. Public facilities such as libraries, museums, fire stations, and auditoriums.
8. Retail business or service establishments.
9. Non-profit institutions.

10. Restaurants

11. Animal hospitals or veterinary clinics.

7.2 ACCESSORY USES PERMITTED. The following accessory uses shall be permitted in a Commercial District:

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

7.3 SPECIAL EXCEPTION USES PERMITTED. The following special exception uses shall be permitted in a Commercial District, when authorized in accordance with Section 10.1:

1. Mobile Home Park.
2. Boarding Houses.
3. Multi-family Dwellings.
4. Single and Two-Family Dwellings.
5. Wholesale business
6. Warehousing.
7. Motels and Hotels.

7.4 HEIGHT REGULATIONS. The following maximum height restrictions shall apply in a Commercial District:

1. Principal Structure ----- 2½ stories or thirty-five feet (35').
2. Accessory Structure ----- 20 feet.

7.5 LOT AREA, WIDTH, AND YARD REGULATION. The following shall be the minimum requirements for cases not involving dwellings; the requirements for lots occupied or to be occupied by dwellings shall meet the same requirements as the residential district:

1. Lot Area ----- none, except that structures shall not

occupy more than 50% of total lot area.

2. Lot Width ----- 50 feet.

3. Yard Requirements (measured from the property line):

a. Front yard ----- 50 feet.

b. Side yard ----- 10 feet.

c. Rear yard ----- 25 feet.

7.6 PARKING. See Chapter 11.

7.7 SIGNS. Signs shall be permitted only as follows:

1. Service club signs not to exceed four (4) square feet.

2. School, church, or other semi-public organization's sign not to exceed twelve(12) square feet.

3. Temporary signs advertising construction on, or sale or lease of, property not to exceed fifty (50) square feet, which shall be removed upon completion of the construction, sale, or lease.

4. Billboards not exceeding two-hundred (200) square feet, and subject to review by the Board of Adjustment.

5. Signs advertising the establishment occupying the lot where the sign is located, with the following restrictions:

1. Maximum size shall be fifty (50) square feet.

2. The top of the sign shall be no more than twenty (20) feet above grade.
3. Signs shall not project into the street or road right-of-ways.
4. Illuminated signs shall not be permitted within two-hundred (200) feet of a residential district.

7.8 EXCEPTIONS. See Section 10.4.

CHAPTER VIII

INDUSTRIAL DISTRICT

8.1 PRINCIPAL USES PERMITTED. The following uses shall be permitted in the Industrial District:

1. Public facilities such as libraries, museums, fire stations, and auditoriums.
2. Recreational facilities.
3. Retail business or service establishments.
4. Non-profit institutions.
5. Manufacturing, processing, warehousing, and wholesaling, subject to the performance standards.
6. Machine shops
7. Feed and seed sales and storage, including grain elevators.

8.2 ACCESSORY USES PERMITTED. All uses customarily incidental to a permitted principal use.

8.3 SPECIAL EXCEPTION USES PERMITTED. The following special exception uses shall be permitted in an Industrial District, when authorized in accordance with Section 10.1:

1. Airports.
2. Mining and Extraction.

8.4 HEIGHT REGULATIONS. The following maximum height restrictions shall apply in an Industrial District:

1. No structure shall exceed three stories or fifty (50) feet in height, except as provided in Section 10.4(1).

8.5 LOT AREA, WIDTH, AND YARD REGULATIONS. The following are the minimum requirements in an Industrial District:

1. Lot Area ----- None, except structure shall not occupy more than 25% of area.
2. Lot Width ----- 50 feet.
3. Yard Requirements (measured from the property line):
 - a. Front Yard ----- 100 feet.
 - b. Rear Yard ----- 100 feet.
 - c. Side Yard ----- 50 feet.

8.6 PARKING. See Chapter 11.

8.7 SIGNS. Signs shall be permitted only as follows:

1. Service club signs not to exceed four (4) square feet.
2. School, church, or other semi-public organization signs not to exceed twelve (12) square feet.
3. Temporary signs advertising construction on, or sale or lease of, property not to exceed fifty (50) square feet which shall be removed upon completion of the construction, sale, or lease.
4. Billboards not exceeding two-hundred (200) square feet, and subject to review by the Board of Adjustment.
5. Signs advertising the establishment occupying the lot where the sign is located with the following restrictions:
 - a. Maximum size shall be fifty (50) square feet.
 - b. The top of the sign shall be no more than twenty (20) feet above grade.
 - c. Signs shall not project into street or road right-of-ways.
 - d. Illuminated signs shall not be permitted within two-hundred (200) feet of a Residential District.

8.8 EXCEPTIONS. See Section 10.4.

CHAPTER IX

HIGHWAY BUSINESS DISTRICT

9.1 PRINCIPAL USES PERMITTED. The following uses shall be permitted in a Highway Business District:

1. Hotels and motels.
2. Vehicle sales and service.
3. In-car retailing sales and services.
4. Filling Station.
5. Convenience Store.
6. Restaurant.

9.2 ACCESSORY USES PERMITTED. The following accessory uses shall be permitted in a Highway Business District:

1. All uses customarily incidental to the principal permitted uses.

9.3 SPECIAL EXCEPTION USES PERMITTED. The following special exception uses shall

be permitted in a highway business district, when authorized in accordance with Section 10.1:

1. Retailing services, wholesaling, and warehousing establishments.
2. Recreational facilities.

9.4 HEIGHT REGULATIONS. The following maximum height restrictions shall apply in a Highway Business District:

1. Principal Structure ----- 2½ stories or 35 feet.
2. Accessory Structure ----- 20 feet.

9.5 LOT AREA, WIDTH, AND YARD REGULATIONS. The following are the minimum requirements in a Highway Business District:

1. Lot Area ----- None, except structure shall not occupy more than 50% of area.

2. Lot Width ----- 50 feet.

3. Yard Requirements (measured from the property line):
 - a. Front Yard ----- 50 feet.
 - b. Rear Yard ----- 25 feet.
 - c. Side Yard ----- 10 feet.

9.6 PARKING. See Chapter 11.

9.7 SIGNS. Signs shall be permitted only as follows:

1. Signs shall be permitted only as in the Commercial District.

9.8 EXCEPTIONS. See Section 10.4.

CHAPTER X

SPECIAL PROVISIONS

10.1 SPECIAL EXCEPTION USES. The initiation of a special exception use, as specified under the regulations of each zoning district, requires an application, a public hearing, and a favorable ruling of the Board of Adjustment.

1. The applicant and/or property owner shall file the prescribed application form with the Zoning Administrator. The application form shall be accompanied by a plot plan of the proposed development, a fee of twenty-five dollars (\$25.00), and such other material as may be required by the Zoning Administrator.

2. The Zoning Administrator shall then review the application and, if it is complete, transmit it, along with all supporting materials, to the Secretary of the Board of Adjustment who shall arrange a public hearing within thirty (30) days.

The Board shall notify all property owners adjoining the proposed development by mail at least five days prior to the hearing and file proof of mailing by affidavit. The Board shall publish notice of the hearing in a newspaper of general circulation in the County not less than four (4) nor more than twenty (20) days prior to the hearing.

3. After the hearing, the Board of Adjustment shall have ten (10) days to review and render a decision on the application, at which time the Zoning

Administrator shall be instructed to inform the applicant of the Board's decision.

4. A record of all Board of Adjustment actions shall be kept in the Zoning Administrator's office as a public record.

10.2 STANDARDS GOVERNING SPECIAL EXCEPTION USES. Except as modified below, the requirements for special exception uses shall be those given for the Zoning District involved.

1. Mobile Home Parks.

a. Yard Requirements:

		Park	
Home			
		Boundary	
Space			
	1. Front yard	50'	15'
	2. Rear yard	25'	10'
	3. Side yard	25'	10'
	4. Area		2 acres
50'x80'			

b. Interior Streets: 25' wide, surfaced with a permanent, all weather, dustless material, with a sufficient base as approved by the County Engineer.

2. Multi-family dwellings - The lot area requirement for multi-family dwelling shall be 8,500 square feet minimum with an additional 1,000 square feet for each additional unit over three (3).

3. In the consideration of all special use applications, the Board of Adjustment may grant the permit subject to any reasonable conditions they feel are necessary to protect the public health, safety and welfare, and to minimize the adverse effects of excessive heat or vibration.

10.3 PERFORMANCE STANDARDS. For the purposes of this ordinance, all uses, whether specifically permitted or initiated under a special use permit, shall be required to meet the following performance standards:

1. Noise from any assembling or manufacturing process shall be inaudible 200

feet from the Industrial District boundary.

2. Ground vibration caused by any use shall be imperceptible at the boundary of the property involved.

3. Dust resulting from any use shall be controlled by surfacing, watering, or fencing, or whatever means deemed necessary by the Board of Adjustment.

4. Heat and excess or unusual light produced by, or necessary to, any use shall not be noticeable at the boundary of the lot involved.

5. Air emissions from any use shall be regulated according to Iowa Air Pollution Control Commission Standards.

6. The disposal of solid or liquid wastes from any use shall require Board of Adjustment approval prior to commencement.

7. All required open areas shall be maintained in an attractive manner which is not detrimental to the character of the surrounding areas.

10.4 MISCELLANEOUS PROVISIONS.

1. Exceptions to height regulations:

a. Mechanical appurtenances or special equipment such as communication towers, smoke stacks, water towers, church spires, grain elevators, cooling towers, or other similar uses shall be constructed to heights approved by the Board of Adjustment.

b. Private and public service structures such as schools, auditoriums, hospitals, shall be constructed to heights approved by the Board of Adjustment, provided that front yard requirements of the district involved are increased one foot for each increased foot of height.

2. Construction of the Accessory structure before the Principal structure - No building permit for an accessory structure shall be issued before the permit for the principal structure. Construction of the principal structure shall begin within a year after the issuance of said permit.

3. Water and Sewer Requirements - For individual dwellings or dwelling developments where no centralized sewer and/or water system is reasonably available, the minimum lot area requirements shall be increased as provided below, except where the minimum established by another agency with jurisdiction is greater than those given below.

- 1. No sewer or water ----- 30,000 square feet
- 2. No sewer ----- 15,000 square feet

a. In a case where a developer chooses to provide centralized systems for sewer and water, such systems shall be designed by a professional engineer licensed in the State of Iowa and shall conform to the County's Subdivision Ordinance.

4. Multiple Use Development - In a case where it is proposed to erect two or more dwellings or commercial buildings on the same parcel of land without the customary division into streets and lots and without the intention of such

division, the Board of Adjustment may waive certain requirements of this ordinance, as long as the development in total is deemed to be in harmony with the surrounding area. In no case, however, shall the Board reduce the land area requirements, increase the height limitation, or allow any use not permitted in the zoning district involved.

CHAPTER XI

OFF-STREET PARKING AND LOADING REGULATIONS

11.1 OFF-STREET PARKING REGULATIONS. Off-Street Parking shall be provided according to the following schedule:

<u>USE</u>	<u>REQUIRED SPACES</u>
Residential	
Single & Two Family -----	2 per unit
Multi-family -----	1.5 per unit
Hotel/Motel -----	1 per room, 1
per employee	
Institutions	
Hospitals -----	1 per 2 beds
Nursing homes, correctional institutions -----	1 per 4 residents

Church, auditoriums, arenas ----- 1 per 4 seats

Elementary and Junior High Schools ----- 1 per classroom & Administrator

High Schools and Colleges ----- 1 per 5 students

Commercial

ft. Retail ----- 1 per 100 sq.

ft. Service ----- 1 per 300 sq.

Bank and non-medical office ----- 1 per 400 sq. ft.

Medical office and clinic ----- 1 per 200 sq. ft.

Eating and drinking ----- 1 per 100 sq. ft.

Industrial

Manufacturing, processing, warehousing ----- 1 per employee

ft. sales area Wholesaling ----- 1 per 500 sq.

11.2 OFF-STREET LOADING REGULATIONS. Buildings and structures which will receive and distribute material by truck shall be provided with an adequate number of off-street loading spaces to accommodate their needs. Each space shall be a minimum of twelve (12) feet by forty (40) feet with fourteen (14) foot clearance. The following guidelines shall be used to establish a minimum number of loading spaces.

1. Establishments up to 5,000 square feet may use off-street parking as loading spaces.
2. Establishments over 5,000 square feet shall have a minimum of one space plus an additional space for each additional 20,000 square foot increment.

CHAPTER XII

NON-CONFORMITIES

12.1 NON-CONFORMING USES. Any structure or use that is legally established on or before the effective date of this ordinance may continue subject to the following restrictions:

1. A non-conforming use which has or may be discontinued for one year shall not be renewed.
2. A non-conforming structure may be repaired as long as no structural alterations are made, unless such alterations are required by law for safety or are done to bring the structure into conformity.
3. A structure which is non-conforming by height, size, set-backs, or use shall not be expanded unless the entire structure thereafter is in conformity.
4. A non-conforming land use, with no substantial investment in a principal structure, as determined by the Board of Adjustment, shall not be expanded, and further shall be discontinued three (3) years after the effective date of this ordinance.
5. If a non-conforming structure is damaged by flood, fire, explosion, or other uncontrollable act of nature, it may be rebuilt if construction is begun within one year, provided that the restoration cost does not exceed 50% of the fair market

value of the original structure.

6. "Special Exception Uses" as provided in Section 10.1 should not be confused with non-conforming uses. Once a special exception use permit has been granted, that use is automatically considered to be in conformity.

CHAPTER XIII

ADMINISTRATION AND ENFORCEMENT

13.1 ZONING ADMINISTRATOR. The Zoning Administrator, upon appointment by the Board of Supervisors, shall be responsible for the administration and enforcement of this ordinance. The administrator's duties shall include the following:

1. Issuing building permits and collecting fees for same.
2. Handle administrative duties relative to this ordinance for the Zoning Commission and the Board of Supervisors.
3. Enforce the ordinance and identify site violations.
4. Explain provisions of the ordinance to citizens requesting information.

13.2 BUILDING PERMITS.

1. When required - For any construction, altering, moving, or change of use of a structure, a building permit must be issued by the Zoning Administrator prior to commencement of work.
2. Application procedures - Written application, on an approved form, with two

copies of plats or plans drawn to scale, showing the shape, size, and use of the lot and the size, use, and estimated cost and any other pertinent features of the proposed structures. All dimensions pertaining to the lot size shall be based on an actual land survey performed by a land surveyor licensed in the State of Iowa. If the use and structure proposed conform to this ordinance, the zoning administrator shall issue a permit.

3. Fees - Fees for building permits shall be charged as follows:

<u>Estimated Construction Cost</u>	<u>Fee</u>
\$0 to \$20,000	\$5.00
\$20,000 to \$50,000	\$0.25 per \$1,000
\$50,000 up	\$12.50 + \$0.10 per \$1,000 above \$50,000

4. Duration - Permits issued according to this Chapter shall be void after one year if construction has not begun. All construction shall be complete within three (3) years or a new permit must be issued in accordance with the provisions of Section 13.2 (2).

13.3 VIOLATIONS.

1. Penalty for Violation - In addition to any other remedy granted herein, the violation on any regulation, restriction, or boundary adopted under this chapter or the occupancy or the use of any structure erected, altered, or maintained in violation of this chapter shall constitute a misdemeanor. Such occupancy or use shall be deemed a continuing violation and may be the subject of repeated prosecutions if so continued. Every person convicted of a misdemeanor, by

reason of violations hereinabove set forth, shall be punished by a fine of not more than one-hundred dollars or by imprisonment of not more than thirty (30) days.

2. Prevention of Violation - 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 board of Supervisors in addition to other remedies, may institute any appropriate action or proceedings 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 such premises.

CHAPTER XIV

BOARD OF ADJUSTMENT

14.1 COMPOSITION. The Board of Adjustment (hereinafter in this section called the "Board") shall consist of five members appointed by the Board of Supervisors. The first Board members shall be appointed for terms of one, two, three, four, and five years respectively. All appointments thereafter shall be for five years or the duration of any vacated terms. Members shall be removable by the Board of Supervisors for cause upon written charge and after public hearing.

14.2 MEETINGS. The Board shall meet upon initial appointment, elect a chairman and a secretary and adopt rules of order. Thereafter, the Board shall meet at the call of the Chairman or acting chairman. The secretary shall keep minutes of all meetings showing the vote of each member on each action taken by the Board and file said minutes in the Zoning Administrator's office. All decisions of the board shall require the concurring vote of three members. All Board meetings and records shall be open to the public.

14.3 POWERS. The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
2. To grant or deny requests for special exception use permits as per Section 10.1 of this ordinance.

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

4. The decision of the Board is final and the only further appeal is through the courts. The Board is independent from both the Board of Supervisors and the Zoning Commission.

14.4 APPEAL OF BOARD DECISIONS.

1. Petition to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of this ordinance or any taxpayer, officer, department, board, or bureau of the County, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

2. Review by Court - Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney, 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, on 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

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.

3. Trial to Court - 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 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 partly, or may modify the decisions 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, in bad faith, or with malice in rendering its decision.

4. Precedence - A petition of appeal concerning a decision of the Board shall have preference over all other civil actions and proceedings before the court.

CHAPTER XV

CHANGES AND AMENDMENTS

15.1 INITIATION. Procedure to change or amend this ordinance may be initiated by the Planning and Zoning Commission (PZC), individual citizens, or organizations.

15.2 PROCEDURE. Any party desiring to change or amend this ordinance must submit:

1. A properly completed application form supplied by the Zoning Administrator.
In amending the Official Zoning Map, appropriate plats or maps showing the boundary change requested and the property ownership within the area of the proposed changes and within 500 feet of the boundary of said area shall be prepared by the applicant. When the PZC initiates the procedure to make a change or amendment, it must prepare the same form and maps.

15.3 PZC ACTION. Upon receiving or initiating a request for a change or amendment of this ordinance, the secretary of the PZC shall examine the materials received or prepared for compliance with Section 15.2 (1) and make such materials available to the public at the office of the Zoning Administrator. The secretary shall then set a date, time, and place for a public hearing on the proposed change or amendment and provide public notice. In case of a zoning district change, the applicant shall supply proof by affidavit of having mailed written notice to the property owners within 500 feet of the area of the proposed change at least 15 days prior to the hearing. The notice shall state the date, time and place for the hearing, and that the proposed amendment may be examined at the office of the Zoning Administrator. At or after the public hearing, the PZC shall determine its recommendations and submit them and the proposed amendment to the Board of Supervisors. The PZC shall keep detailed records

of all proceedings and keep such records available to the public at the office of the Planning Zoning Administrator.

15.4 BOARD OF SUPERVISORS ACTION. When receiving the PZC recommendations and request materials, the Board of Supervisors shall set a date, time, and place for a public hearing on the proposed change or amendment and arrange for public notice of the time and place of the hearing in a newspaper of general circulation in the county at least 15 days prior to the hearing. The Board shall examine the request materials and then gather public opinion at the hearing. Based on all information, the Board shall then vote to approve or deny the request; except in a rezoning case, if 20% of the property owners within the area of the proposed change, or 20% of the property owners within 500 feet of the boundary of the proposed change, oppose the change, a 60% majority of the vote of the Board is required to approve the change. The Board of Supervisors shall keep detailed records of all proceedings and have such records available to the public at the office of the Board.

APPLICATION FOR BUILDING PERMIT
PAGE COUNTY, IOWA

Applicant _____ Date

Address _____ Application No.

Phone # _____ Permit # _____ Expiration Date

I do hereby request (indicate what request is for):

_____ a Building Permit

Legal Description of Property:

Size of lot, tract, or area _____ Estimated Cost \$

Setbacks:

Front Yard _____ Rear Yard _____ Side Yard: (L) _____ (R)

Height: _____ Zoning District _____ # of Family Units

Signs _____ Off-Street Parking _____ Off-Street Loading

Principal Use

Accessory Use

Other Information

*****I Certify that the above information is true and accurate.

Applicant's

Signature

Scale: _____

North Point

FOR USE BY THE ZONING ADMINISTRATOR

Building Permit is hereby: _____ Approved _____ Denied

Comments:

Date: _____

Fee:

Date:

_____ Zoning Administrator

PETITION FOR REZONING

To The Page County Zoning Commission

Page County, Iowa

Zoning Ordinance

Gentlemen:

We (I), the undersigned, owner(s) of the property described in paragraph 1. below, do hereby respectfully petition your Honorable Body to amend the present Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be rezoned is contained in the following legal description:

2. That it is requested and desired that the foregoing property be rezoned from the _____ District to the _____ District.

3. That the reasons for requesting the change are as follows:

4. That the undersigned below own(s) property within the area which is requested to be rezoned.

5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be rezoned may be put if the rezoning takes place.

6. That in addition to the undersigned name(s) given below there is attached a plat, showing the

area to be rezoned and giving the names and mailing addresses of the property owners within 500 feet of the perimeter of the proposed change.

Respectfully submitted,

_____	_____	_____
Name	Address	Phone

_____	_____	_____
Name	Address	Phone

_____	_____	_____
Name	Address	Phone

_____	_____	_____
Name	Address	Phone

PETITION FOR A CHANGE OR AMENDMENT
TO THE PAGE COUNTY ZONING ORDINANCE

To The Page County Planning and Zoning Commission
Page County, Iowa
Zoning Ordinance

Gentlemen:

We (I), the undersigned, owner(s) of the property described in paragraph 1. below, do hereby respectfully petition your Honorable Body to change or amend the present Zoning Ordinance as hereinafter designated, and in support thereof, the following facts are presented:

1. That the area to be change or amended is contained in the following legal description:

2. That it is requested and desired that a change or amendment be made described as

3. That the reasons for requesting the change are as follows:

4. That the undersigned below own(s) property within the area which the change or amendment is requested.

5. That the undersigned have been fully appraised and acquainted with the uses to which the area to be changed or amended may be put if the change or amendment takes place.

6. That in addition to the undersigned name(s) given below there is attached a plat, showing the area to be changed or amended and giving the names and mailing addresses of the property owners within 500 feet of the perimeter of the proposed change or amendment.

Respectfully submitted,

_____	_____	_____
Name	Address	Phone

_____	_____	_____
Name	Address	Phone

_____	_____	_____
Name	Address	Phone

FILE NO. 001737
FEE - _____
BOOK 596 PAGE 528

ORDINANCE NO. 97-1

97 JAN 28 PM 3:45

AN ORDINANCE ADOPTING "PAGE COUNTY, IOWA, ZONING AND
SUBDIVISION ORDINANCE, 1997"

DRENDIA ESAIAS
PAGE CO. RECORDER
CLARINDA, IOWA

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF PAGE COUNTY, IOWA:

SECTION 1. PURPOSE. The purpose of adopting this Ordinance is to enable Page County, Iowa, to adopt "Page County, Iowa, Zoning and Subdivision Ordinance, 1997".

SECTION 2. ADOPTION. The County of Page, Iowa, hereby adopts "Page County, Iowa, Zoning and Subdivision Ordinance, 1997" pursuant to the provisions of the Code of Iowa.

SECTION 3. CONTENT. "Page County, Iowa, Zoning and Subdivision Ordinance, 1997" is composed of all the zoning and subdivision regulations presently in effect.

SECTION 4. ADOPTING ORDINANCE. "Page County, Iowa, Zoning and Subdivision Ordinance, 1997" shall include this adopting ordinance and the Auditor's certification of its adoption and passage.

SECTION 5. OFFICIAL COPY. The County Auditor shall be responsible for the compilation, organization, and maintenance of the Zoning and Subdivision Ordinance and shall keep an official copy on file in the office of the County Auditor.

SECTION 6. PUBLIC COPIES. Additional copies of the Zoning and Subdivision Ordinance shall be kept in the office of the County Engineer and shall be available for public inspection and purchase.

SECTION 7. ADDITIONAL ORDINANCE PERTAINING TO ZONING OR SUBDIVISIONS. All ordinances adopted after the effective date of the "Page County, Iowa, Zoning and Subdivision Ordinance, 1997" shall be in the form of an amendment to, or an addition to, the "Page County, Iowa, Zoning and Subdivision Ordinance, 1997".

SECTION 8. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance, and amendments thereto, are hereby repealed to the extent necessary to give this ordinance full force and effect.

SECTION 9. VALIDITY. Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in effect from and after its adoption and publication as required by law.

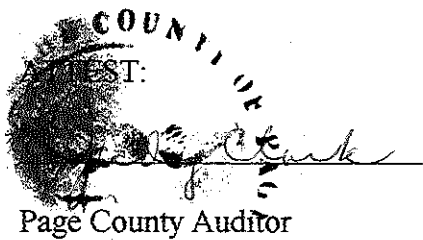
PASSED AND ADOPTED THIS 28th day of January, 1997, BY THE PAGE COUNTY BOARD OF SUPERVISORS.

Robert D Anderson AYE

Elaine Armstrong AYE

Manuel R. Rios AYE

Page County Board of Supervisors

The seal of Page County, Missouri, is circular with the text "PAGE COUNTY, MISSOURI" around the perimeter. In the center, there is a landscape scene with a river and hills. Below the seal, the name "Judy Clark" is written in cursive and underlined.

Certification

I hereby certify that the foregoing ordinance adoption was published as Ordinance No. 97-1 in the Clarinda Herald Journal and the Valley News Today on the 5th day of February, 1997, and the Essex Independent on the 6th day of February, 1997. The complete Ordinance will be available for viewing at the Page County Engineer's Office.

Judy Clark

Judy Clark, Page County Auditor