

Compared

ZONING ORDINANCE  
FOR  
POTTAWATTAMIE COUNTY, IOWA

An ordinance dividing the unincorporated area of Pottawattamie County, Iowa; to regulate and restrict the location, erection, construction, reconstruction, alteration and use of buildings, structures and land, for industry, business, trade, residence and other purposes; to restrict height, number of stories, and size of buildings, and the size of yards, and other things; to require buildings to require off-street parking facilities; to regulate and restrict the density of population; to provide for the change or amendment of such regulations and boundaries of districts; to provide for a board of assessment; to provide for enforcement, and to prescribe penalties for violation of the provisions hereof;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF Pottawattamie County, Iowa, as follows:

ZONING REGULATION I. For the purpose of promoting the public health, safety, comfort and general welfare, conserving the values of property throughout the County, to facilitate the provisions of water, sewage, schools and other public requirements, and lessening and avoiding congestion in the public streets and highways, it is hereby provided as follows:

ZONING REGULATION II. This resolution shall be known and may be cited and referred to as the "Zoning Ordinance".

ZONING REGULATION III. No regulation or requirement contained in this resolution shall be construed to apply to land, farmhouses, 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 or to the operation of a farm, while so used.

Compare

ZONING REGULATION IV. The regulations in this ordinance may be adopted and enforced in the unincorporated portion of any township as well as any unincorporated portions of the entire County.

ZONING REGULATION V. For purposes of these zoning regulations, each township of Pottawattamie County, Iowa, shall constitute a zoning district and the boundaries and names of said townships shall constitute the boundaries and names of said zoning district.

ZONING REGULATION VI. NON-CONFORMING USES.

The lawful use of land, buildings or industrial processes at the times these regulations become effective for the zoning district in which the land, building or industrial process is located, may be continued although such use does not conform with the provisions of these regulations.

ABANDONMENT.

1. Whenever a non-conforming use has been discontinued, such use shall not be, thereafter, reestablished and any future use shall be in conformity with the provisions of these regulations.

2. No existing premises or buildings devoted to a use not permitted by this resolution, except when required to do so by law or order, shall be enlarged, extended or reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which building or premises is located.

3. When a building, the use of which does not conform to the provisions of this resolution, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than 50% of its value, it shall not be restored except in conformity with the regulations of the district in which said building is located.

ZONING REGULATION VII. CLASSIFICATION.

1. In order to classify, regulate and restrict the location of businesses, trades, industries, residences and other land uses and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed or altered; to regulate and limit the intensity of the use of Lot areas, and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the unincorporated area of Pottawattamie County, Iowa, or portions thereof, is hereby classified and zoned as agricultural land except for those areas within said Pottawattamie County, Iowa and outside of any incorporated city, town or village which have heretofore been platted under the laws of the State of Iowa as subdivisions or such other platted areas; and which owners and developers thereof have filed or caused to be filed with the County Recorder of Pottawattamie County, Iowa and approved by said Recorder as Official Plat within said boundaries and subdivisions of said area. Including with said boundaries and subdivisions those areas which are shown as such on the plat of said area and other uses as shown on said plat; and further except for that estate situated in Pottawattamie County, Iowa described as Act 7, Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 18 (1), Township Seventy-four (74) Range Forty-three (43).

1a. Agricultural land, definition: Agricultural land is defined, for the purposes of this ordinance, as an area which is used for the growing of the usual farm products such as vegetables, fruits, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operation of such an area for one or more of the above uses, including dairy farms with 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 the normal farming activities and provided further that farming does not include the extraction of minerals, or the commercial feeding of garbage or offal to such animals.

Ordinance

2. All territory which may hereafter become a part of the unincorporated area of Pottawattamie County that is regulated by this resolution, by the unincorporation of any village, town or city, shall automatically be classed as lying and being in the agricultural land classification until such classification shall have been changed by an amendment to the Zoning Resolution as provided by law.

3. Whenever any road or any other public way is vacated by official action of the Board of Supervisors of Pottawattamie County, the zoning district adjoining each side of such road or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall be and henceforth be subject to all appropriate regulations of the expended area.

4. No person shall use any residential building for any use other than those permitted in the area in which such buildings are located.

5. No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to create the limit area herein established and now being used for said purpose in said area.

5. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations in which the building is located. Every present land use, and every building hereafter erected or structurally altered shall not be located on an area larger than presently used at the time of the adoption of this Zoning Ordinance.

6. All land in said County outside of the incorporated area in the city, town, or village heretofore purchased by any school board or school district for use as a future school building site or upon which a school building is to be erected in the future, shall not be affected by any of the regulations contained in this Zoning Resolution.

ZONING REGULATION VIII. BOARD OF ADJUSTMENT.

The Board of Supervisors shall provide for a Board of Adjustment. The Board of Adjustment shall consist of three (3) members, one to be appointed for a term of five (5) years, one for a term of four (4) years and one for a term of three (3) years. The Board of Adjustment shall have the authority to hear and determine appeals from any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is

in such regulation.

ZONING REGULATION X. REVIEW AND APPEALS.

The prohibitions and restrictions in the zoning regulations shall be subject to review by the Board of Adjustment. If a use may be permitted as approved on this matter, the applicant to the securing of a permit shall be required to comply with the restrictions and safeguards as set forth in the regulations for the purposes of protecting the health, safety and general welfare of the community. The Board of Adjustment shall also have the authority to review any appeal under Chapter 100 of the Code of Ordinances.

No formal proceedings, and no hearing, shall be necessary for an appeal. An appeal from any decision of the Board of Adjustment shall be a matter of right. It shall be filed with the administrative officer within the time specified and legal holidays excepted. When the administrative officer receives the appeal, he shall forthwith transmit it to the Board of Adjustment. An appeal shall stay all proceedings and actions appealed from, unless and until the Board of Adjustment to whom the appeal is taken shall order otherwise. Notice of appeal shall have precedence with and take effect from the date of filing. In the event of a stay, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may be granted by the Board of Adjustment or by a restraining order or injunction issued by a court of record, on application and on notice to the officer from whom the appeal is taken and on due cause shown.

ZONING REGULATION XI. VIOLATIONS.

Any person or organization who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of these regulations shall be guilty of a misdemeanor and shall be fined in a sum not to exceed \$100.00 for each offense, or may be imprisoned in the county jail for

a term not exceeding thirty (30) days. After notification in writing by the administrative officer said above that a violation is permitted to exist beyond the expiration of the time specified in this notice and that a violation exists.

In the event a violation exists, the owner of the property shall be liable for the cost of the removal of the violation. The Board of Supervisors may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the County Zoning Commission, amend, supplement or change the zoning districts or regulations herein or subsequently established. In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area included in such proposed change or of the area included

SECTION 12-10. ZONING REGULATIONS.  
The Board of Supervisors may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the County Zoning Commission, amend, supplement or change the zoning districts or regulations herein or subsequently established. In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area included in such proposed change or of the area included

valid.

ZONING REGULATION REV., CHANGES AND AMENDMENTS.

The Board of Supervisors may, from time to time, on its own motion or on petition, after public notice and hearing as provided by law, and after report by the County Zoning Commission, amend, supplement or change the zoning districts or regulations herein or subsequently established. In case the proposed amendment, supplement or change be disapproved by the County Zoning Commission, or a protest be presented duly signed by the owners of twenty (20) percent or more either of the area included in such proposed change or of the area included

Continued

the boundaries thereof, such amendment, supplement or change shall not become effective except by the favorable vote of at least sixty (60) percent of all the members of the Board of Supervisors.

*By J. Kenneth Jack  
County Administrator*

This is to certify that the minutes of the Board of Supervisors (dated Sept. 3rd, 1959) shows the following action to wit:

"At 10:00 A.M. a public hearing was held pursuant to prior action by the Board and after a call for objections by Chairman [unclear] to the proposed zoning ordinance for Pottawattamie County, Iowa, and there being no written objections, or persons present to object, a motion by Rodenburg, seconded by Cohnk, that the zoning ordinance for Pottawattamie County, Iowa, as proposed by the Pottawattamie County Zoning Commission, a copy of which is on file, be recalled and adopted, effective this date. Motion carried."

*OR [unclear]  
4-4-1959*

FOR RECORD AND WHEN RECORDED IN MY OFFICE ON THIS 10 DAY OF Sept 1959 AT 2 O'CLOCK, 30 MINUTES, BY CHRIS CHRISTENSEN, RECORDER