Warren County Zoning Ordinance

Warren County Iowa

WARREN COUNTY ZONING
HISTORIC PRESERVATION
301 N. BUXTON
INDIANOLA, IOWA
BOARD OF ADJUSTMENT

REVISED ZONING AND SUBDIVISON ORDINANCES

EFFECTIVE:
DECEMBER 1, 2022

WARREN COUNTY ZONING ORDINANCE

WARREN COUNTY, IOWA

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CHAPTER 40

ZONING – GENERAL PROVISIONS AND REGULATIONS

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40.01 TITLE AND PURPOSE. The chapters numbered 40 through 44 of this Code of Ordinances shall be known and may be cited and referred to as the "Warren County, Iowa, Zoning Ordinance," and is referred to herein as "the Zoning Ordinance." The Zoning Ordinance is adopted for the purpose of promoting public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values, to secure and provide the social and economic advantages resulting from an orderly planned use of land resources; and to facilitate adequate, but economical provisions for public improvements, all in accordance with a comprehensive plan and as permitted by the provisions of Chapter 335, of the Code of Iowa, 2009.

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

40.03 AGRICULTURAL EXEMPTION. In accordance with the provisions of Chapter 335, Code of Iowa, no regulation or restriction adopted under the provisions of the Zoning Ordinance shall be construed to apply to land, farm houses, 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 restrictions which relate to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto. It shall be the responsibility of any person or group claiming that certain property is entitled to exemption on the basis of this section to demonstrate that the property is used for agricultural purposes.

40.04 DEFINITIONS. For the purpose of the Zoning Ordinance certain terms and words are herein defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

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

2. "Adult Amusement or Entertainment" means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", is defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

3. "Adult Book Store or Adult Gift Shop" an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein.

4. "Adult Hotel or Motel" a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by the individuals therein.

5. "Adult Massage Parlor" means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on "Specified Sexual Activities" or " Specified Anatomical Areas", as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's direction, physical therapist, chiropodist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

6. “Adult Photo Studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “Specified Anatomical Areas” or “Specified Sexual Activities”, as defined herein.

7. “Adult Theater” means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined herein, for observation by patrons herein.

8. “Adult Uses” means adult uses include Adult Amusement or Entertainment, Adult Book Store or Adult Gift Shop, Adult Hotel or Motel, Adult Photo Studio, Adult Theater and Adult Massage Parlor.

9. “Agriculture” means the use of land for purposes of growing the usual agricultural or farm products, including vegetables, fruit, trees and grains, pasturage, dairying, animal and poultry husbandry, and the necessary accessory uses for treating or storing the produce, provided that the operation of such accessory uses shall be secondary to that of the regular agricultural activities. If the tract of land is less than 20 acres, it shall be presumed that the tract is not primarily used for agricultural purposes.

10. “Apartment” means a room or suite of rooms in a multiple dwelling intended for or designed for use as a residence by a single family.

11. “Automobile Salvage Yard” – See “Junk Yard”.

12. “Basement” means a story having a part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulations.

13. “Bed and Breakfast Home” means a private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel, or motel, does not require reservations and serves food only to overnight guests.

14. “Beginning of Construction” means the incorporation of labor and materials within the walls of the building or buildings.

15. “Billboard” includes all structures, regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which

advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

16. "Boarding House" means a building, other than a hotel, where for compensation, meals or lodging and meals are provided for four (4) or more persons.

17. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property, but not including signs or billboards. When a structure is divided in separate parts by un-pierced walls extending from the ground up, each part is deemed a separate building.

18. "Building, Height of" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

19. "Bulk Stations" means 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.

20. "Cellar" means that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

21. "Commission" means the Warren County Zoning Commission.

22. "Corn Suitability Rating" (CSR) provides an index for ranking the suitability for row-crop production in Iowa. Corn suitability ratings range from five (5) to one hundred (100), with one hundred (100) reserved for those soils (a) located in areas most favorable weather conditions for Iowa, (b) that have high yield potential, and (c) that can be continuously row-cropped. (A detailed description of the CSR system, including methodology and CSR estimates for various soil types, may be found in Special Report Number 66, "Productivity Levels of Some Iowa Soils", April, 1971, published by the Agricultural and Home Economics Experiment Station and Cooperative Extension Service, Iowa State University).

23. "District" means a section or sections of the County within which the regulations governing the use of buildings and premises, or the height and area of buildings and premises are uniform.

24. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

25. “Dwelling, Single-Family” means a building designed for or occupied exclusively for residence purposes by one family or housekeeping unit.

26. “Dwelling, Two-Family” (Duplex) means a building or buildings designed for or occupied exclusively by two-families or housekeeping units, living independently of each other.

27. “Dwelling, Multiple” means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

28. “Dwelling, Condominium” means a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units, with each owner having an undivided interest in the common real estate.

29. “Dwelling, Row” means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls. Also referred to as a “townhouse”.

30. “Dwelling Unit” means a room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.

31. “Family” means one or more persons occupying a single dwelling unit.

32. “Feed Lot” means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, or sheep. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

33. “Garage, Private” means a garage intended for, and used by, the private motor vehicles of the families resident upon the premises, provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises, except that all the space in a garage of one or two car capacity may be so rented, such garage shall not be used for more than one (1) small commercial vehicle per family resident upon the premises.

34. “Garage, Public” means any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

35. “Garage, Storage” means any building or premises, used for housing only, of motor-driven vehicles pursuant to previous arrangements 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.

36. “Grade” means:

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

B. For buildings having walls adjoining more than one street, the average of the elevation of the regularly established sidewalk grades at the center 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 building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

37. “Hotel” means 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.

38. “Junk Yard’ means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, or packed, disassembled, or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. The presence on any property of four (4) or more motor vehicles (as defined by Chapter 306C of the Code of Iowa) without current registration which for a period exceeding thirty (30) days have not been capable of operating under their own power, and/or from which parts have been removed for re-use, salvage, or sale, shall constitute prima facie evidence of a junk yard.

39. “Kennel” means any premises on which three (3) or more dogs, six months or older, are kept for board, breeding, or sales purposes.

40. “Lodging House” means a building where lodging only is provided for compensation for four (4) or more persons.

41. “Lot” means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open space as are herein required. Such lot shall have frontage on a public road or approved private Street may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of, or of portions of lots of record; and

D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Zoning Ordinance.

42. "Lot, Corner" means a lot abutting upon two (2) or more streets at their intersection.

43. "Lot, Depth of" means the mean horizontal distance between the front and rear lot lines.

44. "Lot, Double Frontage" means a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

45. "Lot, Interior" means a lot other than a corner lot.

46. "Lot Lines" means the lines bounding a lot, including the right-of-way line of any public road or highway acquired by easement.

47. "Lot of Record" means a lot which is a part of a subdivision recorded in the office of the County Recorder of Warren County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

48. "Lot Width" means the width of a lot measured at the building line and at right angles to its depth.

49. "Lot, Reversed Frontage" means a corner lot the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.

50. "Lumber Yard" means a premise on which primarily new lumber and related building materials are sold.

51. "Manufactured Home" means a factory-built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. For the purpose of these regulations, manufactured home shall be considered the same as any site built single-family detached dwelling.

52. “Mobile Home” means any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. This does not include any mobile home that has had the tongue, wheels and axles removed and placed on a permanent foundation of at least forty-two (42) inches deep, said foundation being constructed out of concrete block with mortar, or a poured concrete foundation used to support the mobile home, and said mobile home being converted to real estate.

53. “Mobile Home Park” means any lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.

54. “Modular Home” means a factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

55. “Motel, Auto Court” means a building or group of attached or detached buildings containing individual sleeping or living units for overnight auto tourists, with garage attached or parking facilities conveniently located to each such unit.

56. “Nonconforming Use” means the lawful use of any building or land that was established prior to or at the time of passage of the ordinances codified herein, or amendments thereto, which does not conform, after the passage of said ordinances or amendments, with the use regulations of the district in which it is situated.

57. “Parking Space” means a permanently surfaced area of not less than two hundred fifty (250) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

58. “Quarter-Quarter Section” means the northeast, northwest, southwest or southeast quarter of a quarter section delineated by the United States Government system of land survey, and which is approximately 40 acres in size.

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

    A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

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

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

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

E. Signs directing and guiding traffic and parking on private property and bearing no advertising matter; not exceeding two (2) square feet in area.

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

61. "Sign, Exterior" means a sign which directs attention to a business, profession, service, product, or activity sold or offered upon the premises where such a sign is located. An exterior sign may be a sign attached flat against a building or structure, or projecting out from a building or structure, or erected upon the roof of a building or structure. An exterior sign may include any of the following:

A. Fascia Sign: A single-faced building or wall sign which is directly attached to and parallel to its supporting wall.

B. Projecting Sign: A double-faced building or wall sign projecting at right angles to its supporting wall.

C. Marquee Sign: A sign attached to and contained within the perimeter of the face or valance of a marquee.

D. Roof Sign: A sign attached upon or above a roof or parapet of a building.

62. "Sign, Free Standing or Post" means any sign erected or affixed in a rigid manner to one or more poles, posts, or the ground, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered, or goods sold or produced on the premises by an occupant thereof. A free standing or post sign may also include the following:

A. Directory Sign: A sign containing the name of a building, complex or center and two or more identification signs or panels of the same size, color, and general design, limited to one identification sign pre occupant.

B. Monument Sign: A structure, built on grade that forms an integral part of the sign or its background.

(See Attachment A for illustrations of sign area and sign types).

63. "Sign, Institutional Bulletin Board" means an on-premises sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its services or activities.

64. "Sign, Temporary" means a temporary sign is any sign not permanently attached to the ground, wall, or building, and intended to be displayed for a short and limited period of time.

65. "Specified Anatomical Areas" means less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state-even if completely and opaquely covered.

66. "Specified Sexual Activities" means patently offensive acts, exhibitions, representations, depictions, or descriptions of:

A. Human genitals in a state of sexual stimulation or arousal;

B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

C. Intrusion, however slight, actual, or stimulated, by any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body;

D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;

E. Flagellation, mutilation, or torture, actual or simulated, in a sexual context.

67. "Stable, Private" means a building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

68. "Stable, Public and Riding Academy" means a building or structure used or intended to be used for the housing of horses on a fee basis. Riding instruction may be given in connection with a Public Stable or Riding Academy.

69. "Stable, Riding Club" means a building or structure used or intended to be used

for the housing only of horses by a group of persons for non-commercial purposes.

70. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

71. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

72. "Street or Road Line" means a diving line between a lot, tract, or parcel of land and a contiguous street or road.

73. "Street or Road, Public" means any thoroughfare or public way which has been dedicated to the public or deeded to the County for street or road purposes.

74. "Structural Alterations" means 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, beyond ordinary repairs and maintenance.

75. "Structure" means anything constructed or erected, the sum of which requires permanent location on the ground or attached to something having a permanent location on the ground.

76. "Subterranean Home" means a home which has all but one wall completely covered and landscaped with earth including the roof.

77. "Tourist Home" means a residential building in which rooms are available for rental purposes as overnight sleeping accommodations primarily for automobile travelers.

78. "Tower" means any supporting structure for microwave, radio, television, digital or cellular communication equipment.

79. "Trailer, House" – See "Mobile Home".

80. "Trailer, Park" – See "Mobile Home Park".

81. "Travel Trailer" means a recreational vehicle, with or without motive power; designed as a temporary dwelling, not exceeding eight (8) feet in width and forty (40) feet in length, exclusive of separate towing unit. Such vehicles are customarily and ordinarily used for travel or recreational purposes and not used for permanent habitation.

82. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from thirty (30) inches above the general ground level upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

83. "Yard, Front" means a yard extending across the full width or the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches; the narrow frontage on a corner lot.

84. "Yard, Rear" means a yard extending across the full width of the lot measured between the rear lot line and the building or any projections other than steps, unenclosed balconies, or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the opposite end of the lot from the front yard.

85. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot line and the nearest building.

86. "Zoning Administrator" means the administrative officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in the Zoning Ordinance.

86 A. In the absence of the Warren County Zoning Administrator, the Assistant Warren County Zoning Administrator is authorized to perform all acts empowered to the Warren County Zoning Administrator herein.

87. "Zoning Certificate; Building Permit" means a written statement issued by the Zoning Administrator authorizing buildings, structures or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

40.05 OFFICIAL ZONING MAP. The boundaries of districts are indicated upon the Official Zoning Map of Warren County, Iowa, which map is made a part of the Zoning Ordinance by reference hereto. The digital copy of the Official Zoning Map shall be on file in the office of the Warren County, Iowa, Zoning Administrator, under the certification that it is the Official Zoning Map referred to in Section 40.05 of the Zoning Ordinance.

40.06 VACATED STREETS. Whenever any street, road, alley, or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to

include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district of districts.

40.07 DIS-INCORPORATION. All territory which may hereafter become part of the unincorporated area of Warren County, Iowa, that is regulated by the Zoning Ordinance, by the Dis-incorporation of any city, or any part thereof, shall automatically be classed as lying and being in the A-1 Agricultural District until such classification shall have been changed by amendment to the Zoning Ordinance, as provided by law.

40.08 INTERPRETATION OF DISTRICT BOUNDARIES. In cases where the exact location of a district boundary is unclear as shown on the Official Zoning Map in the office of the Zoning Administrator, the following rules shall be used in determining the location of said district boundary.

1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following city limits shall be construed as following city limits.

4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

6. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines.

7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Board of Adjustment shall interpret the district boundaries.

40.09 APPLICATION OF DISTRICT REGULATIONS. The regulations set by the Zoning Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations specified in the Zoning Ordinance for the district in which it is located.

2. No building or other structure shall hereafter be erected, or altered:

   A. To exceed the height;

   B. To accommodate or house a greater number of families;

   C. To occupy a greater percentage of lot area; or

   D. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of the Zoning Ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of the ordinance codified herein shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by the Zoning Ordinance.

40.10 NONCONFORMING USES. Within the districts established by the Zoning Ordinance, or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of the Zoning Ordinance or future amendment. It is the intent of the Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of the Zoning Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. To avoid undue hardship, nothing in the Zoning Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Ordinance and upon which actual building construction has been diligently carried on. Actual construction

is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding; such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

1. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of the Zoning Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which was established prior to October 1, 2004. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.

2. Nonconforming Use of Land. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Zoning Ordinance as enacted or amended, such use may be continued, subject to the following provisions:

   A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance.

   B. No such nonconforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.

   C. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by the Zoning Ordinance for the district in which such land is located.

3. Nonconforming Use of Structures. If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of the Zoning Ordinance, the lawful use may be continued, subject to the following provisions:

   A. No existing structure devoted to a use not permitted by the Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

   B. Any nonconforming use may be extended throughout any parts of a

building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or of a more restricted classification.

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for two (2) years, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

F. Any structure devoted to a use made nonconforming by the Zoning Ordinance that is destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure is less than sixty percent (60%) destroyed above the foundation, it may be reconstructed and used as before provided it is done within six (6) months of such happening and is built of like or similar materials.

4. Nonconforming Structures. Where a structure exists at the effective date of adoption or amendment of the Zoning Ordinance that could not be built under the terms of the Zoning Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance.

5. Registration of Nonconforming Use. The owner of any use of land or use of land and structure in combination in existence at the time of passage of the Zoning Ordinance and made nonconforming by the provisions of the Zoning Ordinance

shall apply for a Zoning Certificate from the Zoning Administrator within twelve (12) months after the effective date of the Zoning Ordinance.

6. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Ordinance shall not be increased. Nothing herein shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

40.11 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection.

40.12 STREET FRONTAGE REQUIRED. No lot shall contain any building used in whole or in part for residence purposes unless such lot abuts for at least forty (40) feet on at least one street, or unless it has an exclusive unobstructed private easement of access or right-of way at least twenty (20) feet wide to a street, and there shall be not more than one (1) single-family dwelling for such frontage or easement.

40.13 ACCESSORY BUILDINGS. No accessory building shall be erected in any required court or yard other than a rear yard except in the A-1 (Agricultural District) except as provided hereinafter. Accessory buildings shall conform to all minimum setback requirements and on a corner lot they shall conform to the setback regulations on the side street. Accessory buildings, except buildings housing animals or fowl, may be erected as a part of the principal building, or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. An accessory building which is not part of the main building shall not exceed the maximum accessory height restriction in the specified zoning district.

40.14 CORNER LOTS. For corner lots platted after the effective date of the Zoning Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street. On corner lots platted and of record at the time of the effective date of the Zoning Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reverse frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty percent (50%) of the setback required on the lots to the rear of such corner lot, and no accessory building on said corner lot shall project beyond the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of

purchase at the time of the effective date of the Zoning Ordinance, to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

40.15 BUILDING LINE ON APPROVED PLATS. Whenever the plat of a land subdivision approved by the Board of Supervisors and on record in the office of the County Recorder shows a building line along any street for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such street in place of any other yard line required in the Zoning Ordinance unless specific yard requirements herein require a greater setback.

40.16 ZONING DISTRICTS DIVIDING PROPERTY. Where one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification, and for the purpose of applying the regulations of the Zoning Ordinance, each portion shall be considered as if in separate and different ownership.

40.17 HOME OCCUPATIONS. Subject to the limitations of this section, any home occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation, as provided herein, shall be determined by the Zoning Administrator pursuant to the provisions of this ordinance. The regulations of this section are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in the home. This section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

1. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

   A. No person who is not a resident on the premises shall be employed.

   B. No more than 25% or 400 square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.

   C. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.

   D. No stock of goods shall be displayed or sold on the premises in excess of 30 cubic feet in volume.

   E. The home occupation shall be conducted entirely within the principal dwelling unit or in a permitted building accessory thereto, and in no event shall such use be apparent from any public way.

   F. There shall be no outdoor storage of equipment or materials used in the home occupation.

G. Not more than one commercial vehicle used in connection with any home occupation shall be parked on the property.

H. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure shall be used.

I. No home occupation shall be permitted which is noxious, offensive, or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.

J. No sign, other than one unlighted sign not over two (2) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.

K. There shall be no off-premise signs, radio, television, newspaper, handbill, or similar types of advertising linking the premises with the home occupation.

2. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations set out in Section 40.17 (1.) above.

A. Providing instruction to not more than four students at a time.

B. Office facilities for accountants, architects, brokers, doctors, dentists, engineers, lawyers, insurance agents and real estate agents.

C. Office facilities for ministers, priests, and rabbis.

D. Office facilities for salesmen, sales representatives, and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.

E. Studio of an artist, photographer, craftsman, writer, or composer.

F. Homebound employment of a physically, mentally, or emotionally handicapped person who is unable to work away from home by reason of his or her disability.

G. Shop or a beautician, barber, hair stylist, dressmaker, or tailor.

H. Bed and Breakfast establishments limited to not more than three guest rooms.

40.18 PROHIBITED STORAGE OF MOTOR VEHICLES. Outdoor storage of not more than three motor vehicles with storage licenses or not currently licensed shall be prohibited in all zoning districts, except motor vehicles held for sale by a licensed motor vehicle dealer at his place of business in a zoning district where motor vehicle sales are permitted.

40.19 SIGNS PERMITTED IN ALL ZONING DISTRICTS. Signs hereinafter designated shall be permitted in all zoning districts.

1. Temporary Signs.

A. Real Estate Signs. Signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed. One non-illuminated sign, not to exceed eight (8) square feet, shall be permitted on each premises. Such signs shall not extend higher than four (4) feet above grade level or be closer than ten (10) feet to any property line unless located on the wall of a building. Such signs shall be removed within seven (7) days after the disposition of the premises.

B. Construction Signs. Signs identifying the architect, engineer, contractor or individuals involved in the construction of a building and such signs announcing the character of the building enterprise or the purpose for which the building is intended but not including product advertising. One non-illuminated sign not to exceed fifty (50) square feet, shall be permitted per street frontage. Such sign shall not extend higher than ten (10) feet above grade level or be closer than ten (10) feet to any property line unless located on the wall of a building on the premises or on a protective barricade surrounding the construction. Such signs shall be removed within one week following completion of construction.

C. Political Campaign Signs. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property and shall be removed within one week following the election to which they pertain.

D. Street Banners. Signs advertising a public event providing that specific approval is granted under regulations established by the Board of Supervisors.

E. Seasonal Decorations. Signs pertaining to recognized national holidays and national observances.

2. Public Signs. Signs of a non-commercial nature and in the public interest, erected by or upon the order of a public officer in the performance of public duty, such as

safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest and other similar signs, including signs designating hospitals, libraries, schools and other institutions or places of public interest or concern.

3. Integral Signs. Signs for churches or temples, or names of buildings, dates of erection, monumental citations, commemorative tablets, and other similar signs when carved into stone, concrete or other building material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the structure to which they are attached.

4. Window Signs. Such signs which are displayed inside of a window or within a building, provided however, that lighted window signs shall be permitted only in those districts where lighted signs are permitted.

40.20 PROHIBITED SIGNS. Signs hereinafter designated shall be prohibited in all zoning districts.

1. Obsolete Signs. Signs that advertise an activity, business, product, or service no longer conducted on the premises on which the sign is located.

2. Banners, Balloons, Posters, etc. Signs which contain or consist of banners, balloons, posters, pennants, ribbons, streamers, spinners, or other similarly moving devices, except as specifically provided in Section 40.19 (1.d.) hereof. These devices when not part of any sign shall also be prohibited.

3. Portable Signs. Signs that are not permanently anchored or secured to either a building or the ground.

4. Off-Premises Signs on Public Property. Off-premise signs located on public property which is being used for public purposes.

5. Flashing Signs. No flashing, blinking, or rotation lights shall be permitted for either permanent or temporary signs.

6. Moving Signs. No sign shall be permitted any part of which moves by any mechanical or electronic means.

7. Painted Wall Signs. Off-premise signs painted on building walls.

8. Semi-trailers. Semi-trailers and other vehicles used primarily for permanent signage shall be prohibited in all zoning districts.

40.21 GENERAL SIGN REGULATIONS.

1. Conformance Required. Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed, or structurally

altered which does not comply with all of the regulations established by this ordinance.

2. Maintenance. All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting if any, the portion attaching the sign to the ground or structure, and the surface features.

3. Non-Conforming Signs. Where a sign exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

   A. No such sign may be enlarged or altered in a way which increases its non-conformity; however, reasonable repairs and alterations may be permitted.

   B. Should such sign be destroyed by any means to an extent of fifty (50) percent or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

4. Permit Required. A sign permit, approved by the Zoning Administrator, shall be required before the erection, construction, alteration, placing, or locating of all signs conforming with this ordinance.

5. Permit Not Required. A permit shall not be required for temporary signs repainting without changing permanent wording, composition, or colors; or for non-structural repairs.

6. Plans. A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this ordinance. Such plans shall show sufficient details about size of the sign, location, and materials to be used and such other data as may be required for the Zoning Administrator to determine compliance with this ordinance.

7. Appeal. Any person or persons aggrieved by the decision of the Zoning Administrator to approve or disapprove a sign permit, as provided by this ordinance, may appeal such decision to the Board of Adjustment as provided by Chapter 43 of this ordinance.

40.22 OFF-STREET LOADING SPACES REQUIRED. In any district in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least

one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof gross floor area so used in excess of ten thousand (10,000) square feet. Each loading space shall be not less than twelve (12) feet in width and forty (40) feet in length. Such space may occupy all or any part of any required yard or open space, except where adjoining an "R" district, it shall be set back at least twenty (20) feet and effectively screen planted.

40.23 OFF-STREET PARKING AREA REQUIRED.

1. In all districts, in connection with every industrial, commercial business, trade, institutional, recreational, or dwelling use, and similar uses, spaces for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking facilities shall be primarily for the parking of private passenger automobiles of occupants, patrons or employees of the principal use served.

   A. Automobile sales and service garages - fifty percent (50%) of gross floor area.

   B. Banks, business, and professional offices - fifty percent (50%) of gross floor area.

   C. Bowling alleys - five (5) spaces for each alley.

   D. Churches and schools - one (1) space for each five (5) seats in a principal auditorium. Where no auditorium is involved, one (1) space for each staff member.

   E. Dance halls, assembly halls - two hundred percent (200%) of floor area used for dancing or assembly.

   F. Dwelling - two (2) parking spaces for each family or dwelling unit.

   G. Funeral homes, mortuaries - one (1) parking space for each five (5) seats in the principal auditorium.

   H. Furniture and appliance stores, household equipment or furniture repair shops - one hundred percent (100%) of floor area used for display.

   I. Hospitals - one (1) space for each four (4) beds, plus one (1) space for each three (3) employees, plus one (1) space for each two (2) staff doctors.

   J. Hotels, motels, lodging houses - one (1) space for each bedroom.

   K. Manufacturing plants - one (1) space for each three (3) employees on the maximum working shift.

L. Restaurants, taverns, and nightclubs - two hundred percent (200%) of gross floor area.

M. Retail stores, shops, supermarkets, etc., over two thousand (2,000) square feet of floor area - two hundred fifty percent (250%) of gross floor area.

N. Retail stores, shops, supermarkets, etc., under two thousand (2,000) square feet of floor area - one hundred percent (100%) of gross floor area.

O. Sports arenas, auditoriums other than in schools - one (1) parking space for each five (5) seats.

P. Theaters, assembly halls with fixed seats - one (1) parking space for each five (5) seats.

Q. Wholesale establishments or warehouses - one (1) space for each two (2) employees.

2. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply.

3. Where a lot does not abut on a public or private street, road, alley, or easement of access, there shall be provided an access drive of not less than ten (10) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases, leading to the loading or unloading spaces and parking or storage areas required hereunder in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a residence district, such easement of access or access drive shall not be located in any residence district.

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

A. No part of any parking space shall be closer than five (5) feet to any established highway, street right-of-way or alley line. In case the parking lot adjoins an “R” district, it shall be set back at least five (5) feet from the “R” district boundary and shall be effectively screen-planted.

B. Any off-street parking area, including any commercial parking lot for more than five (5) vehicles, shall be surfaced with an asphaltic or portland cement binder pavement or such other surface as shall be approved by the County Engineer, so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area, and shall be so arranged and marked as to provide for

orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

C. Any lighting used to illuminate any off-street parking area, including any commercial parking lot, shall be so arranged as to reflect the light away from adjoining premises in any "R" district.

5. Off-street parking areas in agricultural and residential districts shall be provided on the same lot with the principal use. Off-street parking and loading areas may occupy all or part of any required yard or open space, subject to the provisions of this section, except that no required off-street parking or loading areas shall be located in any required front yard in an agricultural or residence district.

40.24 TOWERS. Tower permit fee is $1,000.00 per tower paid to the Warren County Treasurer.

TITLE V- PROPERTY AND LAND USE

CHAPTER 41

ZONING - DISTRICTS AND BOUNDARIES

41.01	Districts Established	41.08	R-4 District Regulations
41.02	A-1 District Regulations	41.09	R-5 District Regulations
41.03	C-A District Regulations	41.10	C-1 District Regulations
41.04	RR-1 District Regulations	41.11	C-2 District Regulations
41.05	R-1 District Regulations	41.12	M-1 District Regulations
41.06	R-2 District Regulations	41.13	M-2 District Regulations
41.07	R-3 District Regulations	41.14	FPC District Regulations

41.01 DISTRICTS ESTABLISHED. In order to carry out the purpose and intent of the Zoning Ordinance, the unincorporated area of the County is hereby divided into thirteen (13) zoning district classifications as follows:

A-1	Agricultural District
C-A	Commercial-Agriculture District
RR-1	Rural Residential District
R-1	Suburban Residential District
R-2	Single Family Residential District
R-3	Multiple Family Residential District
R-4	Planned Residential Development District
R-5	Mobile Home Park Residential District
C-1	Local Service Commercial District
C-2	General Commercial-Highway Service District
M-1	Light Industrial District
M-2	Heavy Industrial District
FPC	Floodplain and Conservation District

41.02 A-1 DISTRICT REGULATIONS. The A-1 Districts (Agricultural Districts) are intended and designed to preserve the agricultural resources of the County and protect agricultural land from encroachment of non-agricultural uses and activities.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the A-1 District.

   A. Agriculture and the usual agricultural buildings and structures including livestock feed lots, poultry farms, grain storage and grain drying facilities.

   B. Single-family (non-farm) dwellings, including subterranean homes.

   C. Churches, chapels, temples, and similar places of worship.

D. Public and parochial schools, elementary and secondary, and colleges and universities.

E. Forests and wildlife preserves.

F. Private riding stables.

G. Cemeteries, including mausoleums, provided that all buildings shall be at least 200 feet from adjacent property lines; and further provided that any new cemetery shall have a minimum lot area of not less than 20 acres.

H. Kennels for the raising, breeding, and boarding of dogs or other small animals; provided that all buildings, including exercise runways, be at least two hundred (200) feet from all property lines.

I. Nurseries, greenhouses, and truck gardens.

J. Vineyards and wineries with customary uses encouraging tourism.

K. Corn maze with customary uses encouraging tourism.

L. Wind generators for private use with a maximum tower height of ninety (90) feet and a maximum size of one hundred (100) kw, and the tower shall be located at least 110% of the tower height from all property and right-of-way lines.

M. Appliance de-manufacturing under state and federal regulations.

N. Agricultural themed residential facility.

O. Any other use as determined by the Zoning Administrator to be a similar and like use to one of those named above.

P. Communication towers constructed, operated, and maintained as part of the Warren County Emergency Services Communication Equipment and Systems. This subsection is repealed on December 31, 2021.

2. Special Use Permits A-1. The following uses may be permitted in the A-1 District subject to approval by the Board of Adjustment after notice and public hearing and subject to the conditions in subsection 3 of this section:

A. Mink and chinchilla farms and ranches.

B. Private aircraft landing fields.

C. Mining and extraction of minerals and raw materials, including sand and gravel pits; subject to approval of the Iowa Department of Natural Resources, including plans for final site treatment, of any such operation located in or on the flood plain on any river or stream.

D. Public or private sanitary landfills, solid waste disposal facilities, and yard waste composting facilities.

E. Commercial swimming pools and similar uses.

F. Private campgrounds and travel trailer parks.

G. Automobile race tracks and/or drag strips and snowmobile tracks.

H. Public water supply and sewage treatment facilities.

I. Electrical and natural gas transmission, regulating and storage facilities.

J. Any public building erected and used by any department of the township, county, state, or federal government, not previously allowed as a principal permitted use.

K. Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:

1. Carnivals and circuses.

2. Rodeo grounds, show rings, music festivals and sports festivals.

L. One mobile home for use as a non-farm dwelling unit for the care of parents or other family members, i.e., immediate blood relatives, of owners of the property who require care and assistance.

M. Livestock feed lots and poultry farms, as provided in subsection 41.02 (1) (A) (2) of this section.

N. Publicly owned parks, playgrounds, golf courses, and recreation areas.

O. Private non-commercial recreational areas and centers, including country clubs, swimming pools and golf courses; but not including automotive race tracks, miniature golf courses, drive-in theaters, and similar commercial uses.

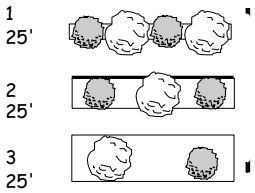
P. Publicly owned airports and landing fields.

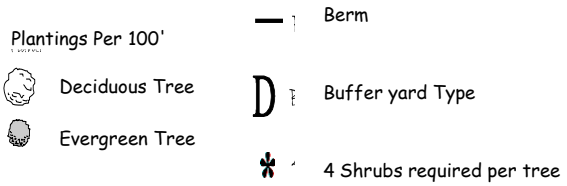
Q. Home Business. Subject to the limitations of the Zoning Ordinance of Warren County and this section, home businesses may be permitted, provided such business is neither noxious, offensive, nor hazardous by reason of vehicular traffic, generation or emission of smoke, dust, or other particulate matter, odorous matter, humidity, radiation, or other objectionable emissions. Further, that new or used car and/or truck sales are not to be construed to be included in this section.

R. One mobile home utilized as living quarters for persons employed on a farm.

S. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of the tower (as measured from the base) to all tower site boundaries.

T. Electrical Substations, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property and that the substation satisfies one of the following buffer yard requirements of the utilities' choice:





U. Public or private temporary use asphalt or concrete plants with reclamation piles of asphalt or concrete and new material piles associated with paving projects.

V. Private gun clubs, skeet shooting ranges, archery, and firearms ranges – Outdoor.

1. Pursuant to the State of Iowa Code Chapter 657.9, the Warren County Zoning Commission must review and approve the proposal, to-wit:

   Iowa Code 657.9 Shooting Ranges. (1) Before a person improves property acquired to establish, use, and maintain a shooting range by the erection of buildings, breastworks, ramparts, or other works or before a person substantially changes the existing use of a shooting range, the person shall obtain approval of the county zoning commission or the city zoning commission, whichever is appropriate. The appropriate commission shall comply with section 335.8 or 414.6. In the event a county or a city does not have a zoning commission, the county board of supervisors or the city council shall comply with section 335.6 or 414.5 before granting the approval. (2) A person who acquires title to or who owns real property adversely affected by the use of property with a permanently located and improved range shall not maintain a nuisance action against the person who owns the range to restrain, enjoin, or impede the use of the range where there has not been a substantial change in the nature of the use of the range. (3) This section does not prohibit actions for negligence or recklessness in the operation of the range or by a person using the range.

2. All outdoor firearm ranges are to be designed by an architect or professional engineer licensed in the State of Iowa using established guidelines for range design.

   a. In designing an outdoor firearm range, the primary concern shall be ensuring the health, safety and welfare of the participants, staff, spectators, and surrounding inhabitants.

   b. The construction of the range must be certified by the professional designer that the range was constructed according to his or her design.

3. When applying for a special use permit, the applicant shall provide, in addition to the requirements in Chapter 41.02(4), the following information:

   a. Location of the operation.

   b. Description of the firing range and operation procedures including:

i. A detailed description of the operation.

ii. Types and calibers of weapons and ammunition proposed to be used and means of weapon and ammunition storage.

iii. Safety procedures, rules and regulations proposed.

iv. Days and hours of operation.

v. Methods used for range clean up and maintenance including lead abatement and disposal.

c. Special considerations for the design of the backstop, berms, and the bullet impact areas along with proposed landscaping and buffering are of critical importance. Also, a means of restricting unauthorized access onto the range by perimeter fencing, gates, etc., shall be addressed. An Environmental Assessment or an Environmental Impact Statement for the site and an "End Use Plan" which addresses the issue of lead mitigation and abatement for the ranges shall be submitted for Board of Adjustment review and consideration.

4. For all outdoor firearm ranges, proper legal documents must be presented that outline:

   a. Post operation cleanup procedures.

   b. Legal responsibility for any environmental pollution that could occur after the facility is closed; and

   c. Financial ability to clean up any possible pollution that occurs after the facility is closed.

5. The owner/operator may be required to submit a bond or surety which would guarantee and cover any or all of the cost of cleanup necessary after range abandonment or ceasing of its operation.

6. The Izaak Walton League Shooting Range and any other gun and archery ranges approved before October 5, 2021 are grandfathered-in under this ordinance.

W. Agricultural – Limited Use District. The Agricultural – Limited Use District is intended and designed to provide for uses of agricultural land requiring oversight by the Zoning Commission, Warren County Board of Supervisors, and the Board of Adjustment. It is the intent of this ordinance to provide specific rules regarding parcel size, wastewater treatment systems, and residential occupancy.

In addition to rezoning the property to Agricultural – Limited Use District, the property owner will be required to obtain a special use permit from the Board of Adjustment.

1. Residential Treatment Facilities.

a. Residential treatment facilities will be located on a parcel of no fewer than twenty (20) acres.

b. The facility must connect to a publicly owned sanitary sewer system, or in the alternative, the facility's wastewater treatment system must be permitted by the Iowa Department of Natural Resources Wastewater Engineering Section.

c. The program manager or director must reside on the property.

d. The facility shall provide 24-hour security for the facility.

e. The facility must obtain a Special Use Permit from the Board of Adjustment

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board of Adjustment shall consider all of the following conditions:

A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

B. That such use shall not impair an adequate supply of light and air to surrounding property;

C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety;

D. That such use shall not diminish or impair established property values in adjoining or surrounding property; and

E. That such use shall be in accord with the intent, purpose, and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size, and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special permit as submitted or, before approval, may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

B. Private garage or carport.

C. Home occupations as permitted in and as limited by Subsection 40.17.

D. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.

E. Temporary buildings, including mobile homes or trailers, for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

F. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire, or sale of a building, premises, or lots; which sign shall refer to property on which the sign is located, and shall be

removed as soon as the premises are sold or leased, or construction completed.

G. Institutional bulletin board signs.

H. Roadside stands for the sale of products grown on the premises.

I. Signs, not exceeding 10 square feet in area, identifying the premises or indicating the product grown or material and equipment used on the premises.

J. Noncommercial Parabolic, dish type, or ham radio towers are permitted within setback lines.

K. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side, or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.

L. Wind generators for private use with a maximum tower height of ninety (90) feet and a maximum size of one hundred (100) kw, and the tower shall be located at least 110% of the tower height from all property and right-of-way lines.

6. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area and Density. Non-farm, single-family dwellings: four dwellings per quarter-quarter section not already containing a farm or non-farm dwelling provided that:

1. Each such dwelling shall be located on a separately owned and described parcel of land which shall have a net lot area of not less than two (2) acres;

2. Each lot or parcel on which a dwelling is located shall have at least **one hundred fifty (150) feet** of frontage on a road or highway that is a part of the State primary or County secondary road system and frontage on a Level B road does not qualify for this road frontage requirement;

3. No more than four (4) dwellings are permitted in any quarter-quarter. However, one (1) additional dwelling may be allowed with the approval of the Warren County Board of Adjustment.

For other permitted uses, no minimum requirement unless specifically required by other sections of the Zoning Ordinance.

B. Minimum Lot Width. Dwellings: one hundred fifty (150) feet. Other permitted uses: two hundred (200) feet.

C. Minimum Front Yard Depth. Dwellings and other permitted uses: fifty (50) feet, unless otherwise specified. In all cases the front yard depth shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Each side yard: fifteen (15) feet.

E. Minimum Rear Yard Depth. Dwellings and other permitted uses: fifty (50) feet unless otherwise specified.

F. Maximum Height. No Limitation.

G. Maximum Number of Stories. No Limitation.

H. Off-Street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

I. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet.

J. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required for all principal buildings.

41.03 C-A DISTRICT REGULATIONS. The C-A Districts (Commercial-Agriculture Districts) are intended to provide for those agriculturally related service business uses unique to and interrelated to the A-1 Agricultural Districts. The C-A Districts are to be dispersed through the A-1 Districts.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-A District.

A. Agriculture and the usual agricultural buildings and structures including livestock feed lots, poultry farms, grain storage and grain drying facilities, provided however, that all feed lots and poultry farms meet all of the waste treatment requirements of the Iowa Department of Natural Resources and obtain the necessary permits where applicable.

B. Commercial feed lots subject to the requirements of subsections 41.02 (1) (A) (1) and (2) of this chapter.

C. Agricultural feed and seed sales.

D. Agricultural equipment repair, such as blacksmith, welding, mechanical repair, and related services.

E. Storage and repair facilities of custom hire machinery and equipment and supplies incidental to the production of farm produce. Such types of equipment or machinery included in this section may include but are not necessarily limited to: any type of tillage equipment, chemical application equipment (ground types only).

2. Special Use Permits C-A. The following uses may be permitted in the C-A District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

A. Veterinary clinics provided that any structures, including any livestock holding facilities, be located at least two hundred (200) feet from any "R" District boundary lines.

B. Ammonia storage and pumping facilities.

C. Sale barns provided that all structures including any holding facilities, be located at least four hundred (400) feet from any "R" District boundary lines.

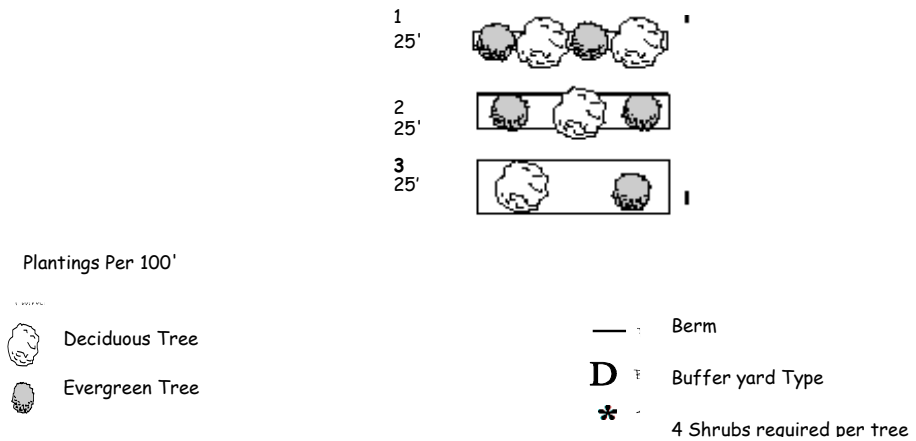
D. Facilities for the custom cleaning and drying of grain.

E. Storage and repair of facilities of tiling contractors including incidental supplies and equipment.

F. Fertilizer and agricultural chemicals sales.

G. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of the tower (as measured from the base) to all tower site boundaries.

H. Electrical Substations, provided that the fence surrounding the substation equipment shall be built no closer than 200 feet from any then existing residential dwelling house with 100 feet of the required separation being on the utility property and that the substation satisfies one of the following buffer yard requirements of the utilities' choice:



Further, structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply of fresh air and light to surrounding property.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

   E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the

standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

   A. Uses of land or structures customarily incidental and subordinate to one of the principal permitted uses.

   B. Signs pertaining to products or uses in the C-A Districts.

6. Bulk Regulations. The following minimum requirements shall be observed, subject to modifications contained in Chapter 42 hereof:

   A. Minimum Lot Area. Permitted uses listed in this section: No minimum.

   B. Minimum Lot Width. Permitted uses listed in this section: No minimum.

   C. Minimum Front Yard Depth. All uses: fifty (50) feet. In all cases the front yard depth shall be measured from the right-of-way line.

   D. Minimum Side Yard Width. Permitted uses listed in this section:

      1. When adjacent to an "A" District-fifty (50) feet.

      2. When adjacent to an "R" District-one hundred (100) feet.

   E. Minimum Rear Yard Depth. Fifty (50) feet.

   F. Height Regulations. No structure shall exceed three (3) stories or forty (40) feet in height.

   G. Off-Street Parking and Loading. As required in Sections 40.22 and 40.23 of the Zoning Ordinance.

41.04 RR-1 DISTRICT REGULATIONS. The RR-1 Districts (Rural Residential Districts) are intended and designed to provide for the development of very low-density single-family subdivisions in the agricultural areas of the County. It is the intent of this section to provide for such large lot development in accordance with the basic land use policies adopted by the Board of Supervisors regarding residential land use and the preservation of agricultural land.

Community facilities and open space uses which serve the residents of the District are also permitted.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the RR-1 Districts.

   A. Single-family dwellings, including subterranean homes.

   B. Churches, chapels, temples, and similar places of worship, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

   C. Public and parochial schools, elementary and secondary, and other educational institutions having an established current curriculum the same as ordinarily given in the Warren County public schools, provided that all principal buildings be set back a minimum of fifty (50) feet from all property lines.

   D. Publicly owned parks, playgrounds, golf courses, recreation areas, forests, and wildlife preserves.

   E. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers including country clubs or golf courses.

   F. Cemeteries adjacent to or an extension of existing cemeteries.

   G. Agricultural uses, including nurseries and truck gardens, but not including the feeding or raising of livestock or poultry, provided that no offensive odors or dust are created, and provided further, that no retail sales shall be permitted on the premises.

   H. Family homes as permitted by and as limited by Section 335, Code of Iowa, 2003.

   I. Elder family homes as permitted by and as limited by Section 335.31 and Section 231 A.2, Code of Iowa, 2003.

2. Special Use Permits RR-1. The following uses may be permitted in the RR-1 District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

   A. Electrical substations. Structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply for fresh air and light to surrounding property.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

   E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning, and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

   A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

   B. Private garage or carport.

C. Home occupations as permitted in and as limited by Subsection 40.17.

D. Reserved.

E. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed three (3) per building.

F. Customary home occupations such as the following: handicraft, dressmaking, millinery, laundering, preserving and home cooking.

G. Temporary buildings, including mobile homes or trailers, for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

H. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.

I. One board or sign not to exceed fifty (50) square feet in area referring to the construction, lease, hire or sale of a building, premises, or subdivision lots, which sign shall refer to property on which the sign is located, and shall be removed as soon as the premises are sold or leased, or construction completed.

J. Institutional Bulletin Board Signs.

K. Day nurseries and nursery schools.

L. Private stable, provided that any structure shall be located at least two hundred (200) feet from all boundary lines of the property on which located. The Board of Supervisors may waive this requirement during the subdivision process.

M. Parabolic or dish type antennas which shall be placed in the rear yard and must be a minimum of ten (10) feet from all property lines and shall not be larger than eight (8) feet in diameter if of opaque construction or ten (10) feet in diameter if of wire or mesh construction. All such parabolic or dish type antennas shall be mounted at ground level. The erection and construction of a parabolic or dish type antenna shall require obtaining a permit from the Zoning Administrator prior to the commencement of any work.

N. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side, or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar

access easements may be obtained from adjoining property owners in accordance with State statutes.

O. Wind generators for private use with a maximum tower height of fifty (50) feet and a maximum size of twenty (20) kw, and the tower shall be located at least sixty (60) feet from all property and right-of-way lines.

6. Criteria for Establishing RR-1 Districts. Subject to the provisions of Section 43.10 of the Zoning Ordinance, the Board of Supervisors shall evaluate all requests for a zoning change to the RR-1 District in accordance with, but not limited to, the following criteria:

A. That the proposed district will not include any lands subject to flooding;

B. Plans or proposals, submitted by the owner or developer, indicating how the proposed development will be designed to minimize the loss of woodlands or timber, if available on the site;

C. That the proposed district is at least ¼ mile (1,320 feet) from any existing livestock feed lot, with more than 500 head of livestock on feed, or poultry farm housing more than 5,000 fowl;

D. That at least seventy-five percent (75%) of the property included in the proposed district has a Corn Suitability Rating (CSR) of fifty-five (55) or less;

E. Evidence that the proposed source of water supply and method of wastewater treatment will meet the requirements of the Warren County Board of Health;

F. Evidence that existing roads and bridges providing access to the proposed district are adequate to serve any proposed development;

G. Any comments or recommendations from local school district officials regarding classroom capacity and bus service to the proposed district;

H. That the proposed district will be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Land Use Plan and Policies of the County.

7. Bulk Regulations. The following minimum requirements shall be observed, subject to modifications contained in Chapter 42 of this Zoning Ordinance.

A. Minimum Lot Area. Two (2) net acres.

B. Minimum Lot Width. Dwellings: one hundred fifty (150) feet. Other permitted uses: two hundred (200) feet.

C. Minimum Front Yard Depth. Dwellings and other permitted uses: fifty (50) feet, unless otherwise specified. In all cases the front yard depth shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Each side yard-dwellings: fifteen (15) feet. Other permitted uses: twenty-five (25) feet unless otherwise specified.

E. Minimum Rear Yard Depth. Dwellings and other permitted uses: fifty (50) feet unless otherwise specified.

F. Maximum Height. Principal building: thirty-five (35) feet. Accessory building: twenty (20) feet.

G. Maximum Number of Stories. Principal building: three (3) stories. Accessory building: one (1) story.

H. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

I. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet.

J. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required for all principal buildings.

41.05 R-1 DISTRICT REGULATIONS. The R-1 Districts (Suburban Residential Districts) are intended and designed to provide for certain low density residential areas of the County now developed with single-family dwellings, and areas where similar residential development seems likely to occur. These districts will be permitted only where public owned water supply and publicly owned sewage treatment works are available.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-1 Districts.

A. Single-family dwellings.

B. Church or other place of worship, including parish house and Sunday school building.

C. Public and parochial schools and colleges for academic instruction.

D. Public buildings and properties of the cultural, administrative, or public service type, but not including such uses as storage yards, warehouses, or garages.

E. Private non-commercial recreational areas and facilities, swimming pools, institutional or community recreation centers including country clubs and golf courses. Commercial golf courses may be permitted by the Board of Supervisors after public hearing and recommendation by the Zoning Commission.

F. Cemeteries adjacent to or an extension of existing cemeteries.

G. Nurseries and greenhouses.

H. Family homes as permitted by and as limited by Section 335.25, Code of Iowa, 2003.

I. Elder family homes as permitted by and as limited by Section 335.31 and Section 231 A.2, Code of Iowa, 2003.

J. Agricultural uses, including nurseries and truck gardens, but not including the feeding or raising of livestock or poultry; provided that no offensive odors or dust are created and provided further, that no retail sales shall be permitted on the premises.

2. Special Use Permits R-1. The following uses may be permitted in the R-1 District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

A. Electrical substations. Structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

B. That such use shall not impair an adequate supply for fresh air and light to surrounding property.

C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning, and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

A. Uses of land or structures customarily incidental and subordinate to one of the permitted principal uses, unless otherwise excluded.

B. Private garage or carport.

C. Summer houses and other customary incidental structures.

D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and house trailers used as offices.

E. Institutional Bulletin Board Signs.

F. One bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold, or construction completed.

G. Private stable, provided that any structure shall be located at least two hundred (200) feet from all boundary lines of the property on which located.

H. Home occupations as permitted and as limited by Subsection 40.17.

I. Parabolic or dish type antennas which shall be placed in the rear yard and must be a minimum of ten (10) feet from all property lines and shall not be larger than eight (8) feet in diameter if of opaque construction or ten (10) feet in diameter if of wire or mesh construction. All such parabolic or dish type antennas shall be mounted at ground level. The erection and construction of a parabolic or dish type antenna shall require obtaining a permit from the Zoning Administrator prior to the commencement of any work.

J. Solar collectors mounted on the ground in the rear yard or attached to the principal building facing the front, side, or rear yard at a height no greater than the peak of the roof of the principal structure. If required, solar access easements may be obtained from adjoining property owners in accordance with State statutes.

6. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 hereof.

A. Minimum Lot Area. Forty thousand (40,000) square feet.

B. Minimum Lot Width. Dwellings and other permitted uses: one hundred (100) feet.

C. Minimum Front Yard Depth. Dwellings and other permitted uses: fifty (50) feet unless otherwise specified. In all cases the front yard depth shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Each side yard - dwellings and other permitted uses: twelve (12) feet unless otherwise specified.

E. Minimum Rear Yard Depth. Dwellings: fifty (50) feet. Other permitted accessory uses: twelve (12) feet unless otherwise specified.

F. Maximum Height. Principal building: thirty-five (35) feet. Accessory building: twelve (12) feet.

G. Maximum Number of Stories. Principal building: three (3) stories. Accessory building: one (1) story.

H. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

I. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet.

J. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required for all principal buildings.

41.06 R-2 DISTRICT REGULATIONS. The R-2 Districts (Single-Family Residential Districts) are intended and designed to provide for certain medium density residential areas of the County now developed with single-family dwellings, and areas where similar residential development seems likely to occur. These districts will be permitted only where public owned water supply and publicly owned sewage treatment works are available.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-2 Districts.

   A. Single-family dwellings.

   B. Any use or structure permitted and as regulated in the R-1 District except as otherwise provided herein, except cemeteries, nurseries, and greenhouses.

2. Special Use Permits R-2. The following uses may be permitted in the R-2 District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

   A. Electrical Substations. Structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply for fresh air and light to surrounding property.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning, and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

A. Any use or structure permitted and as regulated in the R-1 District, except as otherwise provided herein, but not including private riding stables.

B. Nursery schools, preschools, and child care centers when the principal building is located not less than twenty (20) feet from any other lot in the "R" district; provided there is established and maintained in connection therewith a completely fenced and screened play lot.

6. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area. Dwellings: ten thousand (10,000) square feet. Other permitted uses: twenty thousand (20,000) square feet.

B. Minimum Lot Width. Dwellings: eighty (80) feet. Other permitted uses: one hundred (100) feet.

C. Minimum Front Yard Depth. Dwellings: thirty-five (35) feet. Other permitted uses: forty (40) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Dwellings: [one to one and one-half (1 to 1½) stories]: ten (10) feet; [two to three (2 to 3) stories]: twelve (12) feet. Other permitted uses: twelve (12) feet. Accessory buildings: four (4) feet.

E. Minimum Rear Yard Depth. Dwellings: forty (40) feet. Other permitted uses: fifty (50) feet. Accessory buildings: four (4) feet.

F. Maximum Height. Principal building: thirty-five (35) feet. Accessory building: twelve (12) feet.

G. Maximum Number of Stories. Principal building: three (3) stories. Accessory building: one (1) story.

H. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

I. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet.

J. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required for all principal buildings.

41.07 R-3 DISTRICT REGULATIONS. The R-3 Districts (Multiple Family Residential Districts) are intended and designed to provide for certain high-density residential areas of the County and areas where similar development seems likely to occur. These districts will be permitted only where public owned water supply and publicly owned sewage treatment works are available.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-3 Districts.

A. Any use permitted in and as regulated by the R-2 District regulations.

B. Two-family dwellings.

C. Multiple dwellings, including row dwellings and condominium dwellings.

D. Boarding and rooming houses.

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

F. Nursing, convalescent, and retirement homes.

G. Private clubs, lodges, or veterans' organizations.

2. Special Use Permits R-3. The following uses may be permitted in the R-3 District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

   A. Electrical substations. Structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply for fresh air and light to surrounding property.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

   E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning, and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses. Accessory uses and structures as permitted and regulated in the R-2 District except as otherwise provided herein.

6. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area.

One-family dwelling - seven thousand five hundred (7,500) square feet.

Two-family dwelling – nine thousand (9,000) square feet.

Multiple dwellings (including row housing) – twelve thousand (12,000) square feet, plus an additional three thousand (3,000) square feet for each unit over four (4).

B. Minimum Lot Width.

One-family dwelling – sixty (60) feet.

Two-family dwelling – seventy (70) feet.

Row housing units – twenty (20) feet.

Multiple family dwelling – eighty (80) feet.

Other permitted uses – one hundred (100) feet.

C. Minimum Front Yard Depth. Dwellings: thirty (30) feet. Other permitted uses: forty (40) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width.

One-family dwelling – eight (8) feet each side.

Two-family dwelling – ten (10) feet each side.

Multiple family dwelling – twelve (12) feet each side.

Accessory building: four (4) feet.

Other permitted uses – twelve (12) feet each side.

E. Minimum Rear Yard Depth.

One-family dwelling – thirty-five (35) feet.

Two-family dwelling – thirty-five (35) feet.

Multiple family dwelling – forty (40) feet.

Accessory building: four (4) feet.

Other permitted uses – fifty (50) feet.

F. Maximum Height.

Principal building: forty (40) feet.

Accessory building: fifteen (15) feet.

G. Maximum Number of Stories.

Principal building: three (3) stories.

Accessory building: one (1) story.

H. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

I. Minimum Width Regulation. The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet.

J. Perimeter Foundation Requirement. A permanent perimeter foundation shall be required for all principal buildings.

41.08 R-4 DISTRICT REGULATIONS. The R-4 Districts (Planned Residential Development Districts) are intended to provide for the development or redevelopment of tracts of ground on a unit basis, allowing greater flexibility of land use and building locations than the conventional single lot method provided in other sections of the Zoning Ordinance. It is the intent of this section that basic principles of land use planning, including an orderly relationship between various types of land uses, be maintained and that zoning standards set forth herein and other statutes of the County concerning adequate light and air, recreation, open space and building coverage be preserved. These districts will be permitted only where public owned water supply and publicly owned sewage treatment works are available. Semipublic sewage disposal systems will not be allowed.

1. Procedure. The owner or owners of any tract of land comprising an area of not less than 10 acres may petition the Board of Supervisors for a change to the R-4

Zoning District Classification. The petition shall be accompanied by evidence that the proposed development is compatible with the surrounding area, evidence showing how the owner or owners propose to maintain any common ground included within the development, evidence of the feasibility of providing adequate storm and surface water drainage, water supply, water mains and sanitary sewerage facilities for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. A preliminary plan of the proposed development shall be submitted in triplicate, showing in schematic form the location of all proposed (a) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (b) parking areas; (c) access drives; (d) streets abutting or within the proposed development; (e) walks; (f) site topographic features; (g) landscaping and planting areas; (h) required peripheral yards; (i) common land, recreation areas and parks; (j) existing utility or other easements; and (k) development stages and timing. The petition and all attachments shall be referred to the County Zoning Commission for study and report after public hearing. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan and with recognized principles of urban design, land use planning and landscaping architecture. After public hearing, the Commission may approve or disapprove the preliminary plan and request for rezoning as submitted or require that the petitioner amend the plan to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. The petition and preliminary plan along with the Commission's recommendations on the request for rezoning shall then be referred to the Board of Supervisors.

The Board, after public hearing, may approve or disapprove the preliminary plan and request for rezoning, as reported, or may require such changes as are necessary to preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. If the Board approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or such longer period as may be approved by the Board after recommendation by the Commission, to the Commission a final development plan, in triplicate, of not less than one stage of the proposed development showing in detail the location of all proposed: (a) buildings and uses, the height and exterior design of typical dwellings and the number of dwelling units in each; (b) parking areas; (c) access drives; (d) streets abutting or within the proposed development; (e) walks; (f) all proposed walls and fences; (g) landscaping and plant material; (h) required peripheral yards; (i) common land, recreation areas and parks; (j) existing and proposed utilities and public easements; (k) proposed signs and their area and dimensions; (l) storm and sanitary sewer lines; (m) water mains; and (n) development stages and timing. The final development plan shall be accompanied by the following required documents:

A. If the proposed development includes common land which will not be dedicated to the County, and the proposed development will not be held in

single ownership, proposed bylaws of a homeowner's association fully defining the functions, responsibilities, and operating procedures of the association. The proposed bylaws shall include but not be limited to provisions (1) automatically extending membership in the association to all owners of dwelling units within the development; (2) limiting the uses of the common property to those permitted by the final development plan; (3) granting to each owner of a dwelling unit within the development the right to use and enjoyment of the common property; (4) placing the responsibility for operation and maintenance of the common property in the association; (5) giving every owner of a dwelling unit voting rights in the association; and (6) if the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's association and the rights renters shall have to the use of the common land.

B. Performance bond or bonds, in accordance with the requirements of Chapter 46 of this Code of Ordinances (the Subdivision Ordinance), which bond or bonds shall insure to the County that the dedicated public streets and utilities, including sewers and water mains, located therein and other common development facilities shall be completed by the developer within the time specified on the final development plan.

C. Covenant to run with the land, in favor of the County, and all persons having a proprietary interest in any portion of the development premises, that the owner or owners of the land or their successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the County, in compliance with this Code of Ordinances.

D. Any additional easements and/or agreements required by the Board of Supervisors at the time of preliminary plan approval.

E. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements, and other applicable items required by the Subdivision Ordinance. Following approval of the final plat by the Commission and Board, the plat shall be recorded with the Warren County Auditor and Recorder.

2. Final Plan. The final development plan and required documents shall be reviewed by the Commission, for compliance with the standards of this section and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Board. The Board shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. No building permits or zoning certificates

shall be issued until the final development plan and final plat have been approved by the Board of Supervisors.

3. Standards. Permitted principal and accessory land uses, lot area, yard, and height requirements shall be as set out below, which shall prevail over conflicting requirements of the Zoning Ordinance or the Subdivision Ordinance.

   A. Buildings shall only be used for residential purposes, occupant garages, occupant storage space and similar accessory uses, non-commercial recreational facilities, and community activities, including churches and schools.

   B. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district or suitable screening or buffering shall be provided around the boundaries of the development. In the absence of an appropriate physical barrier, the Board may require open space or screenings be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within 125 feet of the development boundary.

   C. All public streets, water mains, sanitary sewer, and storm sewer facilities shall comply with appropriate ordinances and specifications of the County Board of Health, the Iowa Department of Natural Resources, and the County Engineer.

   D. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development or to land dedicated to the general public.

   E. Any land gained within the development because of the reduction in lot sizes, below minimum Zoning Ordinance requirements, shall be placed in common land to be dedicated to the County or retained in private ownership to be managed by a homeowner's association. The dedication of land to the County shall be referred to the Warren County Conservation Board for recommendation and report.

   F. The requirements of Sections 40.22 and 40.23 of this Zoning Ordinance, relating to off-street parking and loading, shall apply to all R-4 developments.

   G. Each stage of the final development plan shall comply with the density requirements of this section for the zoning district in which it is located.

   H. No stage of a final development plan shall contain less than 10 acres.

4. Density Requirements. The maximum number of dwelling units permitted in an R-4 development shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted in the R-4 development shall be determined by the zoning district in which the development is located as follows:

Zoning District	Percentage of Total Dwelling Units Permitted as Multiples
R-1	30%
R-2	50%
R-3	75%

If the development area contains two (2) or more different zoning classifications, the number of dwelling units permitted, and the percentage of multiples allowed shall be determined in direct proportion to the area of each zoning classification contained in the entire tract.

5. Completion. The Board may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Board shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Board, in accordance with the provisions of Section 43.10 of the Zoning Ordinance, to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the Commission and approved by the Board for due cause shown. Any proposed change in the development plan after approval by the Board shall be resubmitted and considered in the same manner as the original proposal. For the purpose of this section, the term “unimproved” property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

6. Completion of Stages. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety (90%) of all construction and improvements have been completed in any prior stage of such plan.

41.09 R-5 DISTRICT REGULATIONS. The R-5 Districts (Mobile Home Park Residential Districts) are intended and designed to provide for certain high density residential areas of the County for the development of mobile home parks, which by reason of their design and location will be compatible with nearby residential and agricultural areas. These districts will be permitted only where public owned water supply and publicly owned sewage treatment works are available. Semipublic sewage disposal systems will not be allowed.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the R-5 Districts: Mobile home parks, in accordance with the provisions of this section, regulations of the County Board of Health and applicable State statutes; but not including mobile home sales and display areas. No part of any park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. This shall in no way prohibit the sale by the resident owner of a mobile home located on a mobile home stand and connected to the pertinent utilities.

2. Special Use Permits R-5. The following uses may be permitted in the R-5 District subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 3 hereof:

   A. Electrical substations. Structures and equipment within such facilities are exempt from the height regulations of the district.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply for fresh air and light to surrounding property.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

   E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a

site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning, and landscape architecture. The Board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

   A. Accessory uses may include common facility service buildings which provide laundry facilities, short order food service, accessory supplies, vending machines, garage, parking areas, storage facilities, etc.; also, park management buildings, maintenance buildings, community buildings, swimming pools, and uses of a similar nature.

   B. One permanent identification sign shall be permitted at any main entrance to a mobile home park. Such sign shall be of ornamental metal, stone, masonry, wood, or other permanent material and shall indicate only the name of such mobile home park. Such sign shall not exceed twenty (20) square feet in surface area.

6. Height Regulations. No mobile home or accessory building shall exceed twenty-five (25) feet in height.

7. Lot Area, Lot Frontage and Yard Requirements.

   A. The minimum area proposed for a mobile home park shall have at least ten (10) acres of gross development area. The maximum density allowed for the gross development area shall be eight (8) mobile home units per gross acre.

   B. No part of any mobile home space shall be closer to any public street upon which the park adjoins than seventy-five (75) feet; however, interior park streets may be located within the setback area.

C. The individual mobile home lot shall contain not less than 4,500 square feet in area with a minimum depth of ninety (90) feet. Each lot shall have a front yard of not less than fifteen (15) feet in depth measured from the edge of the surfaced street to the closest point of the lower face of the mobile home. Side and rear yards shall be provided and maintained so as to provide a separation at the nearest point between mobile homes and other buildings and structures on adjoining lots of at least twenty-five (25) feet. Nothing in the Zoning Ordinance shall prevent the construction of entranceways, rooms, breeze ways, or other integral parts to the existing mobile home.

D. A minimum of 250 square feet for each lot shall be provided for one or more recreation areas which shall be easily accessible to all park residents. The required recreational area shall be computed in addition to the minimum lot area specified herein.

8. Parking. A minimum of two (2) off-street parking spaces for each mobile home shall be provided. These required parking spaces, or parking areas, shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve. All parking areas shall be constructed with a portland cement concrete or asphaltic concrete surface.

9. Streets. The entrance road connecting the park streets with a public street shall have a minimum road pavement width of thirty-one (31) feet, measured back-to-back of curbs. All interior streets shall not be less than twenty-eight (28) feet in width, measured back-to-back of curbs. All streets shall be constructed with either hot mix asphaltic or portland cement concrete with an approved curb to provide for drainage.

10. Skirting. Skirting of a permanent type material and construction shall be installed within ninety (90) days to enclose the open space between the bottom of a mobile home floor and the grade level of the mobile home stand. This skirting shall be maintained in an attractive manner consistent with the exterior of the mobile home and to preserve the appearance of the mobile home park.

11. Utilities. Sewer and water facilities shall be provided for each mobile home park space in accordance with the requirements of the Iowa Department of Natural Resources. Any lagoons, or other treatment facilities, constructed in conjunction with the development, shall be located not less than seventy-five (75) feet from any public road or street or lot line (in the case of a lagoon, this distance shall be measured from the outside toe of the levee slope).

12. Plan Required. Each petition for a change to the R-5 zoning classification submitted to the Board of Supervisors shall be accompanied by a mobile home park plan. Said plan shall show each mobile home space, the water, electrical and

sewer lines serving each mobile home space, the location of garbage cans, water hydrants, service buildings, driveways, walkways, recreation areas, required yards, parking facilities, lighting, and landscaping. If public water and sanitary sewerage facilities are not available to the mobile home park site, private water and sewerage systems shall be provided in accordance with the requirements of the Iowa Department of Natural Resources, subject to approval of the Board of Supervisors. The plan shall be considered by the County Zoning Commission and the Board of Supervisors, who may approve or disapprove said plan or require such changes thereto, as are deemed necessary to effectuate the intent and purpose of the Zoning Ordinance. All changes to the R-5 classification shall be made in accordance with the provisions of Section 43.10 of the Zoning Ordinance.

41.10 C-1 DISTRICT REGULATIONS. The C-1 Districts (Local Service Commercial Districts) are intended to provide for the normal business and commercial uses required to serve the local needs of the unincorporated areas of the County.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-1 Districts: Any retail business or service establishment supplying commodities or performing services, such as the following.

   A. Automotive Service:

      Filling station (See Chapter 42 for Regulations)
      Tire and auto accessory store
      Public parking
      Repair garage
      Car wash.

   B. Business Service:

      Bank
      Loan office
      Professional or commercial office
      Travel bureau.
      Real estate office.

   C. Clothing Service:

      Apparel shop
      Clothes cleaning pickup station
      Costume rental
      Diaper service
      Shoe sales or repair
      Tailor
      Hat cleaning or repair shop.

D. Equipment Service:

Household appliances
Phonograph/record shop
Photographic shop.

E. Food Service:

Caterer
Grocery
Fruit and vegetable store
Meat market
Drug store
Tea rooms
Restaurant
Tavern
Delicatessen shop.

F. Personal Services:

Beauty parlor
Barber shop
Cosmetics
Masseur salon
Optician
Reducing salon
Medical and dental clinics.

G. General Retail Service:

Antique store
Bicycle sales and repair shops
Bird or pet shop
Book store
Cigar store
Consumer Fireworks Seller; as defined in Section 100.19, Statutes of the State of Iowa, provided that the retailer engaged in sale of consumer fireworks shall possess a consumer fireworks seller license issued by the state fire marshal, show proof of general liability insurance with minimum per occurrence coverage of at least one million dollars and aggregate coverage of at least two million dollars, and abide with all rules adopted by the state fire marshal regarding a consumer fireworks license.
Florist shop
Furrier
Hardware

Paint and wallpaper store
Toy shop
Variety store.

H. Amusement Enterprises:

Bowling alleys
Billiard hall
Theater (indoor).

I. Hotel, Motel, Private Club or Lodge.

J. Electrical Substations and Telephone Exchanges.

K. Advertising Sign or Billboard; provided that when the same is located within fifty (50) feet of an "R" district boundary line, it shall be affixed to or be on a building and not extend over any street line nor project above the roof line or parapet wall. See Chapter 42 for additional regulations.

L. Milk Distribution Stations, but not processing concerns.

M. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of tower (as measured from the base) to all tower site boundaries.

N. No new residential uses shall be permitted unless accessory to a permitted principal use.

O. Any other use as determined by the Zoning Administrator to be a similar and like use to one of those named above.

2. <u>Permitted Accessory Uses.</u>

A. Accessory uses and structures customarily accessory and incidental to any permitted principal use.

B. Any exterior sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line or extend more than six (6) feet over any building line whether fixed to the building or any other structure. In no case shall any sign project more than four (4) feet above the roof line or a parapet wall, and the total area of all signs pertaining to the business conducted in any building shall

not exceed two (2) square feet in area for every foot occupied by the front of the building displaying such sign. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.

C. One post sign on each street on which a business abuts, provided, however, that said post sign shall not have a surface area greater than fifty (50) square feet on any one side thereof and not more than two (2) sides of said post sign shall be used for advertising purposes. The bottom of said post sign or surface area thereof shall be not less than twelve (12) feet above the sidewalk or above the surface of the ground upon which it is erected, and the total vertical or horizontal dimension of said sign shall not be greater than nine (9) feet. The term post sign as herein defined shall not be deemed to include any sign advertising the trade name, merchandise, or service of any person, firm, or corporation who pays a consideration for the privilege of placing, maintaining, or using any portion of said sign to the owner or occupant of the premises upon which said sign is erected or placed. Said post sign shall not extend over street right-of-way lines nor otherwise obstruct or impair the safety of pedestrians or motorists.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area. Permitted uses listed in this section: no minimum.

B. Minimum Lot Width. Permitted uses listed in this section: no minimum.

C. Minimum Front Yard Depth. All uses: Thirty (30) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Permitted uses in this section:

When adjacent to an "A" District - 50 feet.

When adjacent to an "R" District – 75 feet.

E. Minimum Rear Yard Depth. Thirty-five (35) feet.

F. Height Regulations. Two and one-half (2 ½) stories, but not exceeding thirty-five (35) feet in height; and no accessory structure shall exceed one (1) story or fifteen (15) feet in height.

G. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

41.11 C-2 DISTRICT REGULATIONS. The C-2 Districts (General Commercial-Highway Service Districts) are intended to provide for the commercial and highway service uses required to serve the general needs of the County and the highway traveling public.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the C-2 District.

A. Uses as permitted and regulated in the C-1 District except as otherwise provided herein.

B. Automobile, trailer, mobile home, and farm implement establishments for display, hire, sales, and repair, including sales lots; however, this paragraph shall not be construed to include automobile, tractor, machinery, or similar wrecking and used parts yards.

C. Theaters, provided that for drive-in theaters, the screen shall be so located as to not be visible from adjacent highways. Sufficient driveway area shall be provided so that cars will not be waiting in line on any public right-of-way or otherwise create a hazard to vehicular movement.

D. Animal hospital, veterinary clinic, or kennel provided any structure or area used for such purpose shall be at least two hundred (200) feet from any "R" district boundary and one hundred (100) feet away from any A-1 or C-1 district boundary.

E. Commercial baseball fields, swimming pools, skating, golf driving ranges, or similar recreational uses and facilities.

F. Carpenter, sheet metal and sign painting shops, baker, laundry, clothes cleaning and/or dyeing establishments; lumber yards and commercial greenhouses, provided that no heating plant or ventilating flue in connection with such operations shall be within fifty (50) feet of any "R" district.

G. Outdoor advertising signs in accordance with the provisions of Chapter 42.

H. Camping grounds.

I. Drive-in Restaurants.

J. Public mini-storage.

K. Amusement Parks.

L. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of tower (as measured from the base) to all tower site boundaries.

M. Any other use as determined by the Zoning Administrator to be a similar and like use to one of those named above.

2. Permitted Accessory Uses.

A. Accessory uses and structures customarily incidental to any permitted principal use.

B. Accessory uses and structures as permitted in and regulated by the C-1 District regulations; provided, however, that the surface area of post signs may be increased to two hundred (200) square feet.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area. Permitted uses listed in this section: no minimum.

B. Minimum Lot Width. Permitted uses listed in this section: no minimum.

C. Minimum Front Yard Depth. All uses: thirty (30) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Permitted uses in this district:

When adjacent to an “A” District – 50 feet.

When adjacent to an “R” District – 75 feet.

E. Minimum Rear Yard Depth. Thirty-five (35) feet.

F. Height Regulations. No structure shall exceed three (3) stories or forty (40) feet in height (excluding Section 41.11 [1][L]).

G. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

4. Special Use Permits: The following uses may be permitted in the C-2 district subject to approval by the Board of Adjustment after notice and public hearing, and subject to the conditions contained in subsection 5 and 6 hereof:

   A. Adult uses.

   B. Amusement parks.

   C. Camping grounds.

   D. Drive-in theater.

5. Special Restrictions.

   A. Adult uses.

      1. An adult use shall not be located within one thousand five hundred (1,500) feet of another adult use, nor shall they be located within one thousand five hundred, (1,500) feet of any public school or parochial school, day care center, church, public park, residential district, or any existing residential dwelling (one family, two family, or multiple dwelling).

      2. The one thousand five hundred (1,500) foot restrictions shall be computed by measurement from the residential zone or from the nearest property line of the land used for another adult use or any public or parochial school, licensed day care facility, church, public park, residential district, or any existing dwelling to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.

      3. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or from other public, or semi-public areas. Signage for the adult use will be restricted to printed word form which shall include only the name of the business, type of operations, and hours of operation. No visually explicit or derogatory signs will be allowed on any sign or on the façade of the building. Compliance to other signage requirements in sections 40.19, 40.20, and 40.21 is required.

      4. No more than one adult business will be allowed per building and property.

5. Due to their adverse effect, the adult use property shall be screened from the road and from other adjacent uses by either use of landscaping or screened fence. A site plan according to subsection 7 of this section showing the location of the building, the overall site layout, and methods of buffering, will be submitted to the director and Board of Adjustment for their review at the time of application.

6. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

   A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety, and general welfare of the persons residing or working in adjoining or surrounding property.

   B. That such use shall not impair an adequate supply of fresh air and light to surrounding properties.

   C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety.

   D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

   E. That such use shall be in accord with the intent, purpose and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the county.

7. Application for Special Use Permit. Applications for a special use permit under terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property. It shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways, and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location size and number of signs and the manner of providing water supply sewage treatment facilities. Before issuance of a special use permit for any of the above buildings, or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan. The board may approve or disapprove the special use permit as submitted, or before approval may require that the applicant modify, alter, or amend the proposal as the board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

41.12 M-1 DISTRICT REGULATIONS. The M-1 Districts (Light Industrial Districts) are intended and designed to provide areas of the County suitable for activities and uses of a light industrial nature. It is not intended that any new residential development be permitted in the M-1 Districts.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the M-1 Districts.

   A. Any use permitted in the C-2 District. No new residential uses shall be permitted, unless accessory to a permitted principal use.

   B. Automobile assembly and major repair.

   C. Creamery, bottling, ice manufacturing and cold storage plant.

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

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

   F. Manufacture of musical instruments, novelties, and molded rubber products.

   G. Manufacture or assembly of electrical appliances, instruments, and devices.

   H. Manufacture of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.

   I. Laboratories – experimental, film or testing.

   J. Manufacture and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.

   K. Blacksmith, welding, or other metal shop, excluding drop hammers and the like.

   L. Foundry casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.

M. Bag, carpet, and rug cleaning; provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

N. Enameling, lacquering, or japanning.

O. Crematory – if located not less than two hundred (200) feet from any "R" district.

P. Concrete mixing, concrete products manufacture.

Q. Sawmill, planing mill; including manufacture of wood products not involving chemical treatment.

R. Building material sales yards, retail lumber yard, contractor's equipment storage yard or plant for rental of equipment commonly used by contractors, storage and sale of livestock, feed and/or fuel, provided dust is effectively controlled, and storage yards for vehicles of a delivery or drying service.

S. Circus, carnival, or similar transient enterprise provided all structures or buildings shall be at least two hundred (200) feet from any "R" District.

T. Flammable liquids, underground storage only, not to exceed 50,000 gallons.

U. Storage and wholesale distribution of grains.

V. Printing and/or publishing houses.

W. Wholesale warehouse or business.

X. Truck terminal or yard, including repair.

Y. Distribution terminal with warehousing, test facilities/proving grounds.

Z. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of the tower (as measured from the base) to all tower site boundaries.

AA. Any other use as determined by the Zoning Administrator to be a similar and like use to one of those named above.

2. Permitted Accessory Uses.

A. Any accessory uses or structures customarily, accessory or incidental to a permitted principal use.

B. Signs permitted in and as regulated in the C-2 District.

3. Required Conditions.

A. All uses specified in subsections 41.12 (1) (B) through (X), inclusive, shall be conducted wholly within a completely enclosed building except for parking, loading, and unloading facilities.

B. 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, vibration, refuse matter or water-carried waste. All facilities required for the discharge, collection, and treatment of liquid, solid or gaseous wastes shall be designed, constructed, and operated in accordance with the regulations of the Iowa Department of Natural Resources.

4. Bulk Regulations. The following minimum requirements shall be observed subject to the modifications contained in Chapter 42.

A. Minimum Lot Area. No minimum.

B. Minimum Lot Width. No minimum.

C. Minimum Front Yard Depth. All uses: fifty (50) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Permitted uses in this section:
When adjacent to an "A" District – 75 feet.

When adjacent to an "R" District – 100 feet.

E. Minimum Rear Yard Depth. All uses: Forty (40) feet. No rear yard required where the rear of the property adjoins a railroad right-of-way.

F. Height Regulations. No structures shall exceed three (3) stories or fifty (50) feet in height.

G. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of the Zoning Ordinance.

41.13 M-2 DISTRICT REGULATIONS. The M-2 Districts (Heavy Industrial Districts) are intended and designed to provide areas of the County for activities and uses of a heavy industrial character. Since this is the least restrictive of any district, almost any use is permissible which does not conflict with other ordinances or regulations of Warren County or the State of Iowa. In addition, no residential uses are permitted except farm dwellings in areas used for agriculture.

1. Principal Permitted Uses. A building premises may be used FOR ANY PURPOSE whatsoever provided the regulations listed in the following subsections are met:

   A. Uses permitted in the M-1 District; provided that no Zoning Certificate shall be issued for any dwelling, school, hospital, clinic, or other institution for human care, except where incidental to a permitted principal use.

   B. Any other use not otherwise prohibited by law; provided, however, that none of the following uses shall be established or reconstructed, structurally altered, enlarged, or moved unless the Board of Adjustment approves the issuance of a permit therefore in accordance with the provisions of Sections 43.07 through 43.09 of the Zoning Ordinance.

      1. Abattoirs, slaughter houses, meat packing and processing plants and stockyards.

      2. Acid manufacture or wholesale storage of acids.

      3. Anhydrous ammonia storage and/or pumping facilities.

      4. Cement, lime, gypsum, or plaster of paris manufacture.

      5. Distillation of bones.

      6. Explosive manufacture or storage.

      7. Fat rendering; fertilizer, gas, or glue manufacture.

      8. Garbage, offal, or dead animal reduction or dumping.

      9. Petroleum or petroleum products refining.

      10. Smelting or reduction of ores or metallurgical products.

      11. Salvage yards, including auto wrecking and salvage, used parts sales and junk, iron or rags storage or baling. No portion of the front yard is to be used for the conduct of business in any manner whatsoever except for parking of customer or employee vehicles.

Any premises on which such activities are carried on shall be wholly enclosed within a building or by a wooden or masonry fence or wall not less than six (6) feet in height and in which any openings or cracks are less than fifteen percent (15%) of the total area.

12. Wholesale storage of gasoline.

13. Transmitting stations.

14. Composting facilities.

2. Required Conditions.

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

B. All principal buildings and all accessory buildings or structures, housing a use permitted only in the M-2 District, shall be located at least two hundred (200) feet from any "R" district boundary.

C. All facilities required for the discharge, collection, and treatment of liquid, solid or gaseous wastes shall be designed, constructed, and operated in accordance with the regulations of the Iowa Department of Natural Resources.

3. Bulk Regulations. The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

A. Minimum Lot Area. No minimum.

B. Minimum Lot Width. No minimum.

C. Minimum Front Yard Depth. All uses: fifty (50) feet. In all cases the front yard shall be measured from the right-of-way line.

D. Minimum Side Yard Width. Permitted uses in this section:

When adjacent to an "A" District – 75 feet.
When adjacent to an "R" District – 100 feet.

E. Minimum Rear Yard Depth. All uses: fifty (50) feet. No rear yard required when the rear of the property adjoins a railroad right-of-way.

F. Height Regulations. No limitation.

G. Off-street Parking and Loading. As required by Sections 40.22 and 40.23 of this Zoning Ordinance.

41.14 FPC DISTRICT REGULATIONS. The FPC Districts (Floodplain and Conservation Districts) are intended to preserve and protect the river and stream banks and floodplains of the County as well as the heavily wooded areas from adverse future development. It is further intended that development of the floodplains be restricted to minimize the danger to life and property which results from development undertaken without full realization of such danger.

1. Principal Permitted Uses. Only the use of structures or land listed in this section shall be permitted in the FPC Districts.

   A. Agriculture, truck gardening and nurseries, and the usual accessory buildings, but not including livestock feed lots or poultry farms; provided that no permanent dwelling unit shall be erected thereon unless the tract contains twenty (20) or more acres.

   B. Forests and forestry.

   C. Publicly owned parks, playgrounds, golf courses, and recreational uses.

   D. Private or publicly owned recreational uses including guest ranches, hunting, fishing and camping areas; boat docks and marinas; riding stables and trails; provided, however, that water supply and sewage collection and disposal systems shall meet all of the requirements of the Iowa Department of Natural Resources and the County Board of Health.

   E. Mining and extraction of minerals and raw materials, subject to approval of the Board of Adjustment including plans for final site treatment; provided that in areas subject to flooding prior approval is obtained from the Iowa Department of Natural Resources.

   F. Public utility structures.

   G. Dumping of non-combustible materials for landfill purposes, subject to prior approval of the Iowa Department of Natural Resources in areas subject to flooding.

   H. Private or publicly owned grass landing strips, not changing the elevation of the FEMA floodplain for construction.

2. Special Use Permits FPC. The following uses may be permitted in the FPC District subject to approval by the Board of Adjustment after notice and public hearing and subject to the conditions in Subsection 3 of this section:

A. Towers allowing for the construction and erection of microwave, radio, television, digital or cellular communication equipment. Towers 100 feet or less must be stealthed. No fall area on monopoles or silos. Fall areas shall be required on all towers over 100 feet in height. Requirement of fall zone be equal to the height of the tower (as measured from the base) to all tower site boundaries.

B. Public or private temporary use asphalt or concrete plants with reclamation piles of asphalt or concrete and new material piles associated with paving projects.

C. Temporary establishments or enterprises involving large assemblages of people or automobiles including, but not limited to:

1. Carnivals and circuses

2. Rodeo grounds, show rings, music festivals and sports festivals.

3. Conditions for Special Use Permits. In its determination upon the particular use at the location requested, the Board shall consider all of the following conditions:

A. That the proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;

B. That such use shall not impair an adequate supply of light and air to surrounding property;

C. That such use shall not unduly increase congestion in the streets or public danger of fire and safety;

D. That such use shall not diminish or impair established property values in adjoining or surrounding property; and

E. That such use shall be in accord with the intent, purpose, and spirit of the Zoning Ordinance and the Comprehensive Land Use Plan of the County.

4. Applications for Special Use Permits. Applications for a special use permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structures, the areas to be developed for parking, the locations of driveways and the points of ingress and egress, including access roads where required, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

Before issuance of a special use permit for any of the above buildings or uses, the Board of Adjustment shall review the conformity of the proposal and site plan with the standards of the Comprehensive Land Use Plan, and with recognized principles of engineering design, land use planning and landscape architecture. The Board may approve or disapprove the special permit as submitted or, before approval, may require that the applicant modify, alter, or amend the proposal as the Board deems necessary to the end that it preserve the intent and purpose of the Zoning Ordinance to promote public health, safety, and the general welfare. In the event a special use permit is granted under the terms of this section, any change thereafter in the approved use or site plan shall be resubmitted and considered in the same manner as the original proposal.

5. Permitted Accessory Uses.

A. Accessory uses customarily incidental to a permitted principal use.

B. Bulletin boards and signs appertaining to the use of the premises or to the lease, hire or sale of a building or premises, or signs appertaining to any material that is mined, grown, or treated within the District; provided however, that such signs shall not exceed 10 square feet in area.

C. Outdoor music festivals and concerts, provided that any assembly of more than 200 persons shall not be permitted without prior approval of the Board of Adjustment.

6. Bulk Regulations. The following minimum requirements shall be observed in the FPC District.

A. Minimum Front Yard Depth. 100 feet.

B. Minimum Side Yard Width. Two side yards, not less than 50 feet each.

C. Minimum Rear Yard Depth. 100 feet.

D. Maximum Height. No limitation.

E. Maximum Number of Stories. No limitation.

F. Off-street Parking and Loading. Spaces for off-street parking and loading shall be provided in sufficient number to accommodate the permitted uses and shall not encroach on any public right-of-way.

TITLE V- PROPERTY AND LAND USE

CHAPTER 42

ZONING SUPPLEMENTARY AND QUALIFYING REGULATIONS

42.01	Construction of Accessory Building Before Principal Building	42.05	Other Exceptions to Yard Requirements
42.02	Use of Existing Lots of Record	42.06	Mixed Use Yard Requirements
42.03	Water and Sewerage Requirements	42.07	Filling Stations
42.04	Structure Permitted Above Height Limits	42.08	Outdoor Advertising Signs and Billboards

42.01 CONSTRUCTION OF ACCESSORY BUILDING BEFORE PRINCIPAL BUILDING. In A-1 zoned property, a permit for an accessory building may be issued prior to a permit for a principal building. In other zoned properties, a permit for an accessory building may not be issued prior to the completed construction of the principal building.

42.02 USE OF EXISTING LOTS OF RECORD. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of the Zoning Ordinance irrespective of its area or width; provided, however:

1. The sum of the side yard widths of the lot or plot shall not be less than thirty percent (30%) of the width of the lot, but in no case less than ten percent (10%) of the width of the lot for any one side yard.

2. The depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, but in no case less than twenty (20) feet.

42.03 WATER AND SEWERAGE REQUIRMENTS. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and frontage requirements shall be as follows, or the minimum required for the particular district, whichever is the greater:

1. Lot area – twenty thousand (20,000) square feet; lot width at building line – one hundred (100) feet; provided, however, that where a public water supply system is available these requirements shall be fifteen thousand (15,000) square feet, and one hundred (100) feet, respectively.

2. The above requirements shall not apply in subdivision developments, providing private water supply and sewage collection and disposal systems, which have been approved by the Iowa Department of Natural Resources.

3. In all districts where a proposal building, structure or use will involve the use of sewage facilities, and public sewer and/or water is not available, the sewage disposal system and domestic water supply shall comply with all of the

requirements and standards of the Warren County Board of Health.

42.04 STRUCTURE PERMITTED ABOVE HEIGHT LIMITS. The building height limitations of the Zoning Ordinance shall be modified as follows:

1. Chimneys, cooling towers, elevators bulk-heads, fire towers, monuments, stage towers or scenery lofts, water towers, churches, ornamental towers and spires, radio or television towers or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted regulations of Warren County; provided, however, that no such structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

2. Public, semi-public or public service buildings, hospitals, sanitariums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted in a district, may be erect to a height not exceeding seventy-five (75) feet, if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.

42.05 OTHER EXCEPTIONS TO YARD REQUIREMENTS. Every part of a required yard shall be open to the sky unobstructed with any building of structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches, including roof overhang.

42.06 MIXED USE YARD REQUIREMENTS. In instances where buildings are erected containing two or more uses housed vertically, the required side yards for the first-floor use shall control.

42.07 FILLING STATIONS.

1. No gasoline filling station or a commercial customer or employee parking lot for twenty-five (25) or more motor vehicles, or a parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

2. Pump islands, light standards and related minor accessory equipment not involving repair work or servicing of vehicles other than for fuel, air, and water shall be permitted in the yard areas provided no gasoline pump or fuel dispensing equipment shall be located within twelve (12) feet of any street right-of-way.

3. No oil draining pit or appliance for such purpose shall be located within twenty-five (25) feet of any “R” district boundary or street right-of-way line.

4. On all corner lots, all vehicular entrances to, or exits from, and curb openings shall be set back a minimum of fifty (50) feet from the projecting intersection of curb lines and such openings shall not exceed thirty-five (35) feet in width at the curb line. There shall be a minimum of twenty (20) feet measured along the curb line between any series of driveways.

5. One permanent, free-standing, double-faced post, or pedestal sign shall be permitted for each street or road upon which a service station property abuts; provided that such sign shall not project over the right-of-way line of the abutting street. Said sign shall not exceed fifty (50) square feet in area per face. Nonpermanent movable advertising signs shall be permitted. One permanent, free-standing, double-faced post, or pedestal sign shall be permitted for each street or road upon which a service station property abuts; provided that such sign shall not project over the right-of-way line of the abutting street. Said sign shall not exceed fifty (50) square feet in area per face. Non-permanent movable advertising signs shall be permitted provided the area does not exceed nine (9) square feet per face.

42.08 OUTDOOR ADVERTISING SIGNS AND BILLBOARDS.

1. In all districts where permitted, billboards shall be set back from the proposed right of-way line of any State or Federal Highway, any major County thoroughfare so designated by the Official Major Thoroughfare Plan, and from the right-of-way line of any other street or road, at least as far as the required front yard depth for a principal building in such district, except that at the intersection on any State or Federal Highway, the setback of any outdoor advertising sign or billboard (not including, however, business identification and directional and other incidental signs otherwise permitted under the provisions of the Zoning Ordinance) shall be not less than one hundred (100) feet from the established right-of-way line of each such highway or street. No such sign or billboard shall be permitted which faces the front or side lot line of any lot in any “R” district used for residential purposes within one hundred (100) feet of such lot lines, or which faces any public parkway, public square, or entrance to any public park, public or parochial school, church, cemetery, or similar institution, within three hundred (300) feet thereof.

2. Advertising signs are prohibited adjacent to Interstate Highways, Expressways, Freeways, and Parkways, except in areas zoned for Commercial “C” or Industrial “M” use. However, if any such sign, because of its location, size, nature, or type constitutes or tends to constitute a traffic hazard to safe and efficient operation of vehicles upon County Highways or creates a condition which endangers the safety of persons or property, the Board of Supervisors may order its removal based upon a complete report as to traffic or safety problems created by any such sign. The Board shall notify the sign company of any existing problem and within thirty (30) days set a hearing to discuss the removal of said sign.

3. If said sign is not removed within thirty (30) days after due notice to the property owner by the Board, the County Road Department shall remove said sign and bill the property owner where the sign is located for the full cost.

TITLE V- PROPERTY AND LAND USE

CHAPTER 43

ZONING-ENFORCEMENT AND ADMINISTRATION

43.01	Applications for Zoning Certificates; Building Permits	43.06	Board of Adjustment – Appointment and Terms; Meetings
43.02	Enforcement by Zoning Administrator	43.07	Application, Appeals and Hearings
43.03	Notice in Writing	43.08	Powers and Duties of Board
43.04	Violations and Penalties	43.09	Decisions of Board of Adjustment
43.05	Violations, How Prevented	43.10	District Changes and Amendments

43.01 APPLICATIONS FOR ZONING CERTIFICATES; BUILDING PERMITS. It shall be unlawful to do any excavating, erecting, construction, reconstruction, enlarging, altering, or moving of any building or structure until a Zoning Certificate or Building Permit shall have been issued by the Zoning Administrator. It shall also be unlawful to change the use or occupancy of any building, structure, or land from one classification to another, or to change a nonconforming use without the issuance of a Zoning Certificate or Building Permit.

1. Applications. Written applications on approved forms shall be filed with the Zoning Administrator and shall be accompanied by plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, size, and height of any building or structure to be erected or altered, the existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the Zoning Ordinance. One (1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Administrator together with such Zoning Certificate or Building Permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location for the building thereon shall be staked out on the ground before construction is started. Evidence shall be submitted that any new proposed dwelling unit has met the minimum requirements of the Warren County Board of Health with regard to sewage disposal systems and approval for the sewage disposal permit has been granted. This shall include any existing dwellings for which any additions to the number of bedrooms are proposed.

2. Fees. A permit fee of five hundred dollars ($500.00) shall be charged for the issuance of a zoning certificate or building permit for a principal use or structure. A fee of five hundred dollars ($500.00) shall be charged for an accessory use or an addition to an existing primary or accessory structure. Accessory use is a detached garage or pole building, shipping containers, signs, wind generator for

private use, etc. **Exception**: Less than 200 square foot building is not considered an accessory structure for fee.

3. Time Limits. Zoning Certificates or Building Permits issued in accordance with the provisions of this section shall be null and void at the end of six (6) months from the date of issue if the construction, alteration or change of use is not commenced during the six (6) month period. Proposed construction or alteration must be completed with eighteen (18) months.

43.02 ENFORCEMENT BY ZONING ADMINISTRATOR. A Zoning Administrator appointed by the Board of Supervisors shall administer and enforce the Zoning Ordinance. Said Zoning Administrator may be provided with the assistance of such other persons as the Board may direct. The Zoning Administrator may make exceptions to setback rules up to 35% of original setback with written permission from the landowners adjacent to the setback.

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

43.04 VIOLATIONS AND PENALTIES. If prosecution becomes necessary, it shall be administered under the provisions of Chapter 331, Code of Iowa, which states in part that the violation of any regulation, restriction or boundary adopted under said chapter or the occupancy or use of any structure erected, altered, or maintained in violation of said 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 County infraction, by the reason of violations hereinafter set forth, shall be punished by a fine of not more than seven hundred fifty dollars ($750.00) for each violation or if the infraction is a repeat offense a civil penalty not to exceed one thousand dollars ($1000.00) for each repeat offense.

43.05 VIOLATIONS, HOW PREVENTED. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of the Zoning Ordinance or any amendment or supplement hereto, said Board of Supervisors, the County Attorney of Warren County, said County Zoning Administrator, or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

43.06 BOARD OF ADJUSTMENT-APPOINTMENT AND TERMS; MEETINGS. A Board of Adjustment is hereby created. Such Board of Adjustment shall consist of five (5) members appointed by the Board of Supervisors for staggered terms of five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing. The Board of Adjustment shall organize and adopt rules in accordance with provisions of the Zoning Ordinance and the Code of Iowa. All meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such time and place within the County as the Board of Adjustment may determine. Such Chairperson, or in the Chairpersons' absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep complete records of its hearings and other official actions. Every rule, regulation, every amendment, or repeal thereof and every order, requirement or decision of the Board of Adjustment shall immediately be filed in the office of the Board of Adjustment and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

43.07 APPLICATION, APPEALS AND HEARINGS.

1. Applications, When and By Whom Taken. An application, in cases in which the Board of Adjustment has original jurisdiction under the provisions of the Zoning Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit same to the Board of Adjustment.

2. Appeals, When and By Whom Taken. An appeal to the Board of Adjustment may be taken by any person aggrieved or by an officer of the County affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

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

4. Hearings. The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give ten (10) days notice by letter to all owners of property located within five hundred (500) feet (two hundred (200) feet for property zoned R-2 or

R-3) in all directions from the property for which the variation is being sought, and decide the same within a reasonable time after it is submitted. If the applicant is the only adjacent landowner within five hundred (500) feet or two hundred (200) feet of the property for which the variance is being sought, notice must be sent to the next adjacent landowner(s). Each application shall be accompanied by a check, payable to the Treasurer of Warren County, or a cash payment, of five hundred dollars ($500.00) to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings. At the hearing, owner, and applicant must appear in person; agent or attorney may speak for owner or applicant.

43.08 POWERS AND DUTIES OF BOARD.

1. The Board of Adjustment shall have the following powers and it shall be its duty:

   A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance or of any supplement or amendment.

   B. To hear and permit special exceptions to the terms of the Zoning Ordinance upon which the Board of Adjustment is required to pass under the Zoning Ordinance.

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

2. No variation in the application of the provisions of the Zoning Ordinance shall be made unless and until the Board of Adjustment shall be satisfied that granting the variation will not:

   A. Merely serve as a convenience to the applicant and is not necessary to alleviate demonstrable hardship or difficulty so great as to warrant the variation.

   B. Impair the general purpose and intent of the regulations and provisions contained in the Zoning Ordinance.

   C. Impair an adequate supply of light and air to adjacent properties.

   D. Increase the hazard from fire and other danger to said property.

E. Diminish the value of land and buildings in the County.

F. Increase congestion and traffic hazards on public roads.

G. Otherwise impair the public health, safety, and general welfare of the inhabitants of the County.

3. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance and punishable under Sections 43.02 through 43.05 of the Zoning Ordinance.

4. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by the Zoning Ordinance to render a decision.

5. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the District Maps. Such power and authority rests solely with the Board of Supervisors, in the manner hereafter provided in Section 43.10.

43.09 DECISIONS OF THE BOARD OF ADJUSTMENT.

1. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance, provided, however, that the action of the Board shall not become effective until after the resolution of the Board, setting for the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

2. Every variation and exception granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.

3. Any taxpayer, or any officer, department, board or bureau of Warren County, or any person or persons jointly or severally aggrieved by any decision of the Board 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.

4. Whenever any application for a special use permit, variance, or appeal of any order, requirement, decision, or determination made by the Zoning Administrator shall have been denied by the Board of Adjustment, then no new application covering the same matter shall be filed with or considered by the Board of Adjustment unless new evidence has been introduced until one (1) year shall have elapsed from the date of filing of the first application.

5. Failure of both the applicant and owner to attend the public hearing will result in dismissal of the application and no new application can be submitted for one (1) year from the date of dismissal.

43.10 DISTRICT CHANGES AND AMENDMENTS. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may by resolution on its own action or by petition, after recommendation by the Zoning Commission after public hearing as specified herein, amend, supplement, or change the regulations, district boundaries, or classification of property, now or hereafter established by the Zoning Ordinance or amendments hereof. The procedure for such amendment, supplement or changes is as follows:

1. Applications for any change of district boundaries or classification of property as shown on the Official Zoning Map shall be submitted to the County Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of the Zoning Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

2. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred (500) feet of the property concerned, or two hundred (200) feet if zoned R-2 or R-3, by placing said notice in the United States Mail at least ten (10) days before date of such hearing. If the applicant is the only adjacent land owner within five hundred (500) feet or two hundred (200) feet, as applicable, of the property for which the amendment is being sought, notice must be sent to the next adjacent land owner(s). The notice shall state the place and time at which the proposed amendment to the Zoning Ordinance, including text and maps, may be examined.

When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

3. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, the notice of time and place of which shall be published not less than four (4) days nor more than twenty (20) days by one (1) publication in a newspaper of general circulation in the County. In addition, notices shall be sent by the United States Mail as specified in subsection 2 above.

4. After receiving certification of the recommendations on the proposed amendment from the Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote upon the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.

5. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within five hundred (500) feet or two hundred (200) feet, as applicable, of any part of the property proposed to be changed.

6. Failure to notify as provided in subsections 2 and 3 above shall not invalidate any recommendation of the Zoning Commission provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide, so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Zoning Commission proposing to make a change in the Zoning Map or the regulations set forth in the Zoning Ordinance.

7. Each application for an amendment or rezoning, except those initiated by the Zoning Director, Administrator or Commission, shall be accompanied by a check payable to the Treasurer of Warren County, or a cash payment in the amount of one thousand dollars ($1000.00). The costs are to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment or rezoning to be enacted into law.

8. Whenever any petition for an amendment, supplement or change of the zoning districts or regulations herein contained or subsequently established shall have been voted on by the Zoning Commission or denied by the Board of Supervisors, then no new petition, covering the same property and/or additional non denied

property shall be filed with the zoning office nor considered by the Zoning Commission or the Board of Supervisors until one (1) year shall have elapsed from the date of the hearing on the first petition.

9. Failure of both the applicant and owner to attend the public hearing will result in dismissal of the application and no new application can be submitted for one (1) year from the date of dismissal.

TITLE V- PROPERTY AND LAND USE

CHAPTER 44

ZONING – AIRPORT HEIGHT AND HAZARD REGULATIONS

44.01	Statement of Intent	44.05	Lighting
44.02	Definitions	44.06	Variances
44.03	Airport Zones and Airspace Height Limitations	44.07	Board of Adjustment
		44.08	Administration and Enforcement
44.04	Use Regulations	44.09	Conflicting Regulations

44.01 STATEMENT OF INTENT. These regulations are adopted pursuant to the authority conferred on the Warren County Board of Supervisors by Chapters 329 and 335, Code of Iowa. It is the intent of these regulations that the prevention of the creation or establishment of airport hazards and the marking and lighting of existing airport hazards are public purposes. It is further intended that in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented.

44.02 DEFINITIONS. For the purpose of this chapter certain words, terms and phrases are herein defined, as follows:

1. "Airport" means the Des Moines International Airport.

2. "Airport Elevation" means the reference point of an airport's usable landing area measure in feet above mean sea level, which elevation is established to be 958 feet mean sea level.

3. "Airport Hazard" means any proposed manmade objects or objects of natural growth and terrain which would exceed the federal obstruction standards as contained in 14 Code of Federal Regulations Sections 77.21, 77.23, and 77.25 as revised March 4, 1972, and which obstruct the air space required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

4. "Airport Primary Surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface exceeds 200 feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

5. "Airspace Height" means, for the purpose of determining the height limits in all zones set forth in this chapter and shown on the Airport Height and Hazard

Zoning Map, the datum is mean sea level elevation unless otherwise specified.

6. "Decision Height" means the height at which a decision must be made during an ILS instrument approach to either continue the approach or to execute a missed approach.

7. "Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.

8. "Minimum Descent Altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

9. "Minimum EnRoute Altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

10. "Minimum Obstruction Clearance Altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment, and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

11. "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

12. "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration (FAA) approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

44.03 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS. In order to carry out the provisions of this chapter, there are hereby created and established certain zones which are depicted on the Airport Height and Hazard Zoning Map. A structure located in more than one (1) zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Horizontal Zone. The land lying under the Horizontal Surface, a plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runways 30R and 5 and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed the Horizontal Surface, within the

boundaries of the Horizontal Zone located in Warren County as depicted on the Airport Height and Hazard Zoning Map.

2. Conical Zone. The land lying under the Conical Surface, a surface extending outward and upward from the periphery of the Horizontal Surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. No structure shall exceed the Conical Surface, within the boundaries of the Conical Zone located in Warren County, as depicted on the Airport Height and Hazard Zoning Map.

3. Approach Zone. The land lying under the Approach Surface, a surface longitudinally centered on the extended runway centerline and extending outward and upward from the end of the primary surface of Runway 30R. The inner edge of this Approach Surface is 1,000 feet wide, and the outer edge of the Approach Surface is 16,000 feet wide. The Approach Surface extends for a horizontal distance of 10,000 feet at a slope of 50 to 1 and then 12,000 feet at a slope of 40 to 1, and then restricted to 500 feet above the airport elevation for 28,000 feet. No structure shall exceed the Approach Surface to Runway 30R, located within Warren County, as depicted on the Airport Height and Hazard Zoning Map.

4. Transitional Zone. The land lying under the Transitional Surfaces, surfaces extending outward and upward from the sides of the primary surface at a slope of 7 to 1 until said surfaces intersect the Horizontal Surface. With respect only to Runway 30R, additional Transitional Surfaces shall extend outward and upward at a slope of 7 to 1 from the sides of the Approach Surface for those portions of the Approach Surface which project through and beyond the limits of the Conical Surface. The Transitional Zone under these Surfaces extends a distance of 5,000 feet measured horizontally from the edge of the Approach Surface and at right angles to the runway centerline. No structure shall exceed the Transitional Surface to Runway 30R, located within Warren County, as depicted on the Airport Height and Hazard Zoning Map.

5. No structure shall be erected in the unincorporated area of Warren County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum En Route Altitude to be increased on any Federal Airway in the unincorporated area of Warren County.

44.04 USE RESTRICTIONS. Notwithstanding any other provisions of Section 44.03, no new use may be made of land or water within the unincorporated area of Warren County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use.

1. All manmade structures, objects of natural growth and uses of land that were in existence prior to the effective date of the Zoning Ordinance shall be exempt from any and all restrictions established by the Zoning Ordinance, with the exception of marking and lighting of any existing manmade structure that exceeds the

limitations set herein.

2. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the airport or in the vicinity thereof.

3. No operations from any use shall produce smoke, glare, or other visual hazards which are sufficient to endanger aircraft operating from the airport or in the vicinity thereof. When the Aviation Director of the Des Moines International Airport believes such a hazard may exist, a determination shall be obtained from the FAA as to the existence of such a hazard.

4. No operations from any use in the unincorporated area of the County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

44.05 LIGHTING.

1. Notwithstanding the provisions of Section 44.03, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with FAA Advisory Circular 70-7460-1D and amendments. Additionally, the owner of any structure constructed after the effective date of the Zoning Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 70-7460-1D and amendments.

2. Any variance granted under the provisions of Section 44.06 of this chapter may be so conditioned as to require the owner of the structure or growth in question to permit the City of Des Moines at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airport hazard.

44.06 VARIANCES. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use said person's property in violation of any section of this chapter, may apply to the Board of Adjustment for a variance from such regulations. No application for a variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Aviation Director of the Des Moines International Airport for an opinion as to the aeronautical effects of such a variance. If the Aviation Director responds to the Board of Adjustment in favor of the variance, or if the Aviation Director does not respond within fifteen (15) days from receipt of the application, then the Board shall make its decision to grant or deny the variance based upon a preponderance of the evidence. If the Aviation Director responds in opposition to the variance within fifteen (15) days from receipt of the copy of the application, then the Board shall grant the variance only if clear and convincing evidence outweighs the opinion of the Aviation Director.

44.07 BOARD OF ADJUSTMENT. Except as provided in Section 44.06 of this chapter, the Board of Adjustment, as provided in Section 43.07, 43.08, and 43.09 of the Zoning Ordinance, shall have the same powers and duties and its procedures and appeals regarding this chapter, in all respects, shall be governed by and be subject to the same provisions established in Sections 43.06 through 43.09, inclusive.

44.08 ADMINISTRATION AND ENFORCEMENT. The Zoning Administrator appointed pursuant to Section 43.02 shall have the duty to administer the regulations prescribed in this chapter. Enforcement of this chapter shall be in accordance with the procedures set forth in Sections 43.02 through 43.05, inclusive.

44.09 CONFLICTION REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

TITLE V-PROPERTY AND LAND USE

CHAPTER 45

FLOOD PLAIN MANAGEMENT ORDINANCE

45.01 Statutory Authority, Findings of Fact and
45.02 General Provisions.
45.03 Establishment of Zoning (Overlay) Districts.
45.04 Floodway (Overlay) District (FW).
45.05 Floodway Fringe (Overlay) District (FF).
45.06 General Floodplain (Overlay) District (FP).
45.07 Administration.
45.08 Nonconforming Uses.
45.09 Penalties for Violation.
45.10 Amendments.
45.11 Definitions.

45.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

Section A. Statutory Authority.

The Legislature of the State of Iowa has in **Chapter 335, Code of Iowa**, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

Section B. Findings of Fact.

1. The flood hazard areas of Warren County are subject to periodic Inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

2. These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

Section C. Statement of Purpose.

It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Warren County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Chapter 45.01, Section B1 of this Ordinance with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

45.02 GENERAL PROVISIONS.

Section A. Lands to which Ordinance Applies.

The provisions of this Ordinance shall apply to all lands within the jurisdiction of Warren County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, and General Floodplain and (Overlay) Districts, as established in Section 45.03.

Section B. Establishment of Official Floodplain Zoning Map.

The Flood Insurance Rate Maps (FIRM) prepared as part of the Flood Insurance Study for Warren County and Incorporated Areas, dated November 16, 2018, are hereby adopted by reference and declared to be the Official Floodplain Zoning Maps. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

Section C. Rules for Interpretation of District Boundaries.

The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

Section D. Compliance.

No structure or land shall hereafter be used, and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

Section E. Abrogation and Greater Restrictions.

It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Section F. Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

Section G. Warning and Disclaimer of Liability.

The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Warren County or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

Section H. Severability.

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

45.03 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS.

The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

1. Floodway (Overlay) Districts (FW), 45.04 – those areas identified as Floodway on the Official Floodplain Zoning Map;

2. Floodway (Overlay) Districts (FF), 45.05 – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway, and;

3. General Floodplain (Overlay) District (FP), 45.06 – those areas identified as Zone A on the Official Floodplain Zoning Map.

4. The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses or permissible as Special Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

45.04 FLOODWAY (OVERLAY) DISTRICT (FW).

Section A. Permitted Uses.

The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation, or alteration of a watercourse.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap, and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Residential uses such as lawns, gardens, parking areas and play areas.

5. Such other open-space uses similar in nature to the above uses.

Section B. Special Use Permits.

The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Section 45.04 C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.

1. Uses or structures accessory to open-space uses.

2. Circuses, carnivals, and similar transient amusement enterprises.

3. Drive-in theaters, new and used car lots, roadside stands, signs and billboards.

4. Extraction of sands, gravel, and other materials.

5. Marinas, boat rentals, docks, piers, and wharves.

6. Utility transmission lines and underground pipelines.

7. Other uses similar in nature to uses described in Section 45.04 A or B which are consistent with the provisions of Section 45.04 C and the general spirit and purpose of this ordinance.

Section C. Performance Standards.

All Floodway District uses allowed as a Permitted or Special Use shall meet the following Standards:

1. No development shall be permitted in the Floodway District that would result in any increase in the Base Flood Elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

2. All development within the Floodway District shall:

   A. Be consistent with the need to minimize flood damage.

   B. Use construction methods and practices that will minimize flood damage.

   C. Use construction materials and utility equipment that are resistant to flood damage.

3. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

4. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Structures if permitted, shall have low flood damage potential and shall not be for human habitation.

6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

45.05 FLOODWAY FRINGE (OVERLAY) DISTRICT FF

Section A. Permitted Uses.

All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

Section B. Performance Standards.

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All structures shall:

   A. Be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure.

   B. Use construction methods and practices that will minimize flood damage.

   C. Use construction materials and utility equipment that are resistant to flood damage.

2. Residential structures: All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the Base Flood Elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

   All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the base flood.

3. Non-residential structures: All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

   A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

      (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

      (2) The bottom of all openings shall be no higher than one foot Above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

D. New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters, and other similarly service utilities either elevated (or in the case of non-residential structures, optionally floodproofed) to a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

5. Factory-built homes:

A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the base flood elevation.

B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems:

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters.

C. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.

D. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.

E. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood level. Other material and equipment must either be similarly elevated or: (1) not be subject to major flood damage and be anchored to prevent movement due to flood waters; or (2) be readily removable from the area within the time available after flood warning.

8. Flood control structural works such as levees, flood walls, etc., shall provide, at a minimum, protection from a base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater

than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

11. Accessory Structures to Residential Uses.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:

(1) The structure shall be used solely for low damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(2) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. Those portions of the structure located less than one (1) foot above the base flood elevation must be constructed of flood-resistant materials.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure’s walls shall include openings that satisfy the provisions of Section 45.05 B.4.A of this Ordinance.

B. Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 45.04 B.5. of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

(1) The recreational vehicle shall be located on the site for less

than 180 consecutive days; and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 45.04 B.5. of this Ordinance regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Maximum Damage Potential Uses. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

45.06 GENERAL FLOODPLAIN (OVERLAY) DISTRICT FP.

Section A. Permitted Uses.

The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation, or alteration of a watercourse.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap, and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

4. Residential uses such as lawns, gardens, parking areas and play areas.

Section B. Conditional Uses.

Any development which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Special Use Permit by the Board of Adjustment as provided for in Section 45.08(C). All such development shall be reviewed by the Department of Natural Resources to determine (1) whether the land involved is either wholly or partly within the floodway or floodway fringe and (2) the Base Flood Elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

Section C. Performance Standards.

1. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 45.04).

2. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 45.05).

45.07 ADMINISTRATION

Section A. Appointment, Duties and Responsibilities of Floodplain Administrator.

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.

2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

A. Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.

B. Review floodplain development applications to assure that all necessary permits have been obtained from federal, state, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

C. Record and maintain a record of (1) the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (2) the elevation to which new or substantially improved structures have been floodproofed.

D. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

E. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.

F. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

G. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

H. Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

I. Maintain the accuracy of the community's Flood Insurance Rate Maps when:

1. Development placed within the Floodway (Overlay) District results in any of the following:

a) An increase in the Base Flood Elevations; or

b) Alteration to the floodway boundary.

2. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

3. Development relocates or alters the channel. Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

J. Perform site inspections to ensure compliance with the standards of this Ordinance.

K. Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

Section B. Floodplain Development Permit.

1. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation, or drilling (operations), including the placement of factory-built homes).

2. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

A. Description of the work to be covered by the permit for which Application is to be made.

B. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

C. Indication of the use or occupancy for which the proposed work is intended.

D. Elevation of the Base Flood.

E. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

F. For structures being improved or rebuilt, the estimated cost of

improvements and market value of the structure prior to the improvements.

G. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.

H. Location and dimension of all structures and building additions.

3. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons, therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.

4. Construction and Use to be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

Section C. Special Uses, Appeals and Variances.

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decide (1) applications for Special Uses upon which the Board is authorized to pass under this ordinance, (2) appeals, and (3) requests for variances to the provisions of this ordinance and shall take any other action which is required of the Board.

2. Special Uses. Requests for Special Uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

3. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the

enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

4. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that 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 unnecessary hardship. Variances granted must meet the following applicable standards.

   A. Variances shall only be granted upon: (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, cause fraud on or victimization of the public, or conflict with existing local codes or ordinances.

   B. Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

   C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

   D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (2) such construction increases risks to life and property.

   E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

5. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Special Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an Appeal, Special Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Special Use or Variance, the board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Section 45.07(C)(5)(B)(2).

(1) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:

(a) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(b) The danger that materials may be swept on to other land or downstream to the injury of others.

(c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) The importance of the services provided by the proposed facility to the County.

(f) The requirements of the facility for a floodplain location.

(g) The availability of alternative locations not subject to flooding for the proposed use.

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(i) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(l) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets, and bridges.

(m) Such other factors which are relevant to the purpose of this Ordinance.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the further purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:

(a) Modification of waste disposal and water supply facilities.

(b) Limitation of periods of use and operation.

(c) Imposition of operational controls, sureties, and deed restrictions.

(d) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this Ordinance.

(e) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

6. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

45.08 NONCONFORMING USES.

Section A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

1. If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.

Section B. Except as provided in Section 45.08(A)(2), any use which has been permitted as a Special Use or Variance shall be considered a conforming use.

45.09 PENALTIES FOR VIOLATION

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Special Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevents Warren County from taking such other lawful action as is necessary to prevent or remedy any violation.

45.10 AMENDMENTS.

The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Warren County Board of Supervisors.

45.11 DEFINITIONS.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

“Appurtenant Structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

“Base Flood” means the flood having one percent (1%) chance of being equaled or exceeded in any given year. See “One Hundred Year Flood.”

“Base Flood Elevation (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

“Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "Lowest Floor."

“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

“Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

“Enclosed Area Below Lowest Floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:

a. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 45.05(B)(4)(A) of this Ordinance; and

b. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage; and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and

d. The enclosed area is not a "basement" as defined in this section.

“Existing Construction” means any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.

“Existing Factory-Built Home Park or Subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

“Expansion of Existing Factory-Built Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Factory-Built home” means any structure, designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

“Factory-built Home Park or Subdivision” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

“Five hundred (500) Year Flood” means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.

“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

“Floodplain” means any land area susceptible to being inundated by water as a result of a flood.

“Floodplain Management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

“Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

“Floodway Fringe” means those portions of the Special Flood Hazard Area outside the floodway.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

“Historic Structure” means any structure that is:

a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the

Interior as meeting the requirements for individual listing in the National Register; or

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either (1) an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

"Maximum Damage Potential Uses" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

"Minor Projects" means small development activities (except for filling, grading, and excavating) valued at less than $500.

"New Construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

"New Factory-Built Home Park or Subdivision means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

"Recreational Vehicle" means a vehicle which is:

a. Built on a single chassis;

b. Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"Routine Maintenance of Existing Buildings and Facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure of repair of a damaged structure. Such repairs include:

a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work;

c. Basement sealing;

d. Repairing or replacing damaged or broken window panes;

e. Repairing plumbing systems, electrical systems, heating or air-conditioning systems and repairing wells or septic systems.

"Special Flood Hazard Area" means the land within a community subject to the "base flood." This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR and/or A99.

"Start of Construction," which includes "substantial improvement," and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

"Permanent construction" does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a "Substantial Improvement," the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. See "Substantial Improvement" below.

“Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and other similar uses.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial Improvement” means any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the "start of construction" of the improvement, or (2) if the structure has been "substantially damaged" and is being restored before the damage occurred.

   The term does not, however, include any project for improvement of a structure to existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".

b. Any addition which increases the original floor area of a building by twenty-five Percent (25%) or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent (25%).

“Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Effective Date: September 6, 2022.

TITLE V- PROPERTY AND LAND USE

CHAPTER 46

SUBDIVISION REGULATIONS

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46.01 TITLE AND JURISDICTION. This chapter may be known and cited as the "Subdivision Ordinance" of Warren County, Iowa. This chapter shall apply to all subdivisions hereafter made of land in the unincorporated area of Warren County, except lands within two (2) miles of a city which has enacted subdivision regulations in accordance with the provisions of Section 354.9, Code of Iowa. In cases where a subdivision lies within two (2) miles of such a city, the City Council of such city and the Warren County Board of Supervisors may cooperate and agree that the approval of a plat by the City Council and City Planning Commission shall be conditioned upon receiving advice from, or approval by, the Warren County Zoning Commission and Board of Supervisors as provided by Section 46.08 of this chapter.

46.02 DEFINITIONS. For the purpose of this chapter, certain words and terms are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular, the word shall is mandatory, the word may is permissive.

1. "Auditor's Plat" means a plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation.

2. "Block" means an area of land within a subdivision that is entirely bounded by streets or highways; or by streets or highways and the exterior boundary or boundaries of the subdivision.

3. "Board" means the Board of Supervisors of Warren County.

4. "Building Line" means a line on a plat between which line and public or private right-of-way line where no buildings or structures may be erected.

5. "Commission" means the Warren County Zoning Commission.

6. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.

7. “Easement” means the right of a person or corporation to use land of another for a definite purpose.

8. “Engineer” means a registered engineer authorized to practice civil engineering, as defined by the registration act of the State of Iowa.

9. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

10. “Plat” means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.

11. “Private Road” means a road or street in a subdivision not dedicated and/or accepted by Warren County as a public street but built in accordance with standard specifications of Warren County. Maintenance of said private road shall <u>not</u> be the responsibility of Warren County.

12. “Proprietor’s Plat” means a plat as defined herein submitted by the owner of the land being platted, or an agent or other private entity, acting with the consent of the owner.

13. “Public Road” means a road or street in a subdivision which meets all requirements and has been constructed in accordance with the standard specifications of Warren County and for which an easement has been granted and accepted by Warren County.

14. “Subdivision” means the division of a lot, tract, or parcel of land into three or more lots, parcels, or other divisions of land for the purpose of immediate or future sale or transfer or building development. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdividing or to the land subdivided. The division of land for agricultural purposes into parcels of more than forty (40) acres, not involving any new road, street, easement, or other dedication, shall not be considered a subdivision, as defined above, and shall be exempt from the requirements of this chapter. Such division into parcels of more than 40 acres shall not be further divided without meeting all of the requirements of this chapter.

15. “Surveyor” means a registered land surveyor authorized to practice surveying as defined by the registration act of the State of Iowa.

46.03 FILING PROCESS. Whenever the owner of any tract or parcel of land within the unincorporated area of Warren County wishes to subdivide or plat the same, said owner shall cause to be prepared a preliminary plat of said subdivision and shall submit ten (10) copies of said preliminary plat and other information to the Warren County Zoning Commission for its preliminary study and approval. The preliminary plat shall contain such information and data as outlined in Section 46.10 hereof. The Zoning Commission shall study such preliminary plat to see if it conforms with the minimum requirements as outlined in this chapter and shall forward a copy of such plat to the County Engineer for review and recommendations. The Commission shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Commission. If the Commission does not act within sixty (60) days, the preliminary plat shall be deemed to be approved; provided, however, that the subdivider may agree to an extension of the time for a period not to exceed ninety (90) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat for at least a portion of the preliminary plat is presented to the Commission within one hundred eighty (180) days after date of preliminary approval. The preliminary and final plats shall not be submitted for consideration at the same meeting.

A. Minor Platting Process. Warren County allows four (4) dwellings in any quarter (¼ ¼) (Chapter 41.02 [6] [A3]). Whenever the owner of any tract or parcel of land within the unincorporated area of Warren County wishes to divide an aliquot forty (40) acres or remaining parts of an aliquot forty (40) acres it must be reviewed and approved by the Warren County Zoning Office for conformance with the current Warren County Zoning Ordinance. The review process requires five (5) copies of plat of survey stamped and signed by licensed land surveyor be presented to the Warren County Zoning Office. The filing fee of one hundred dollars ($100.00) per parcel must accompany each parcel or application. The appeal process is covered by Section 43.07 of the Warren County Zoning Ordinance.

46.04 PUBLIC HEARING. Before reviewing a preliminary plat, the Commission may in its discretion hold a public hearing, notice of which shall be given by publication in a local newspaper, and by posting notices on the tract, both seven (7) days prior to such public hearing. Notice of public hearing shall also be given to all property owners within five hundred (500) feet (two hundred (200) feet for property zoned R-2 or R-3) of the plat boundaries by placing said notice in the United States Mail at least seven (7) days before date of such hearing. If the subdivider is the only adjacent land owner within five hundred (500) feet or two hundred (200) feet of the plat boundary, notice shall be sent to the next adjacent land owner(s). The notice shall state the time and place at which the preliminary plat may be examined.

46.05 FINAL PLAT. The subdivider shall also submit to the Commission for its approval or rejection, ten (10) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 46.11 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the Board of Supervisors within one year after date of approval by the Commission.

46.06 FINAL APPROVAL. After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the Board of Supervisors by the Commission for final approval and for the acceptance of all roads, streets, alleys, easements, parks, or other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 46.12 herein shall be installed. The final plat, as approved by the Board, shall be filed with the County Auditor and Recorder in accordance with the provisions of existing statutes and following procedures as required by said Auditor and Recorder. Approval of the final plat by the Board of Supervisors shall be null and void if the plat is not recorded within thirty (30) days after date of approval unless application for an extension of time is made in writing during said thirty (30) day period to the Board and granted. The provisions of this Section shall also be applicable to all plats approved prior to the effective date of the ordinance codified in this chapter.

46.07 AUDITOR'S PLAT. With regard to Auditor's plats as distinguished from proprietor's plats the Commission and Board of Supervisors shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 46.09, 46.10 and 46.11 providing there is on file with the Commission a copy of the request of the Warren County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

46.08 PLATS IN UN-INCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS OF CITIES. With regard to subdivisions located in the unincorporated area of Warren County, within two (2) miles of the corporate limits of cities that have enacted subdivision regulations in accordance with the provisions of Section 354.9, Code of Iowa, the provisions of this chapter shall apply. However, the City Planning Commission and the City Council may agree to waive such requirements as are contained in their local ordinances to the end that the Commission and Council are satisfied that equally suitable regulations shall be placed on these subdivisions by the Warren County Zoning Commission under the provisions of this chapter. In such instance, the Warren County Zoning Commission shall furnish the City Planning Commission with a copy of the said subdivision, as approved, certifying that all requirements of the Warren County Subdivision Ordinance have been met. The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the corporate limits of cities and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the County and its cities.

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

1. Streets. The general requirements for streets are as follows:

A. Comprehensive Plan. All proposed plats and subdivisions shall conform

to the Comprehensive Plan of Warren County.

B. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but no street right-of-way shall be less than fifty (50) feet in width, and in similar alignment, unless variations are recommended by the Commission.

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

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

E. Cul-de-sacs. Whenever a cul-de-sac is permitted, such street shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred fifty (150) feet in the case of the residential subdivision. The right-of-way width of the street leading to the turnaround shall be a minimum of fifty (50) feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than seventy-five (75) feet.

F. Street Names. All newly platted streets shall be addressed in a manner consistent with the present street addressing system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

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

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

I. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys

will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead-end thereof.

J. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Fee owner or equitable owner shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at said owner's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to Warren County an easement, along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than twenty (20) feet and the total width of the easement shall be adequate to provide for any necessary channel relocation or straightenings.

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

L. Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

M. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a traffic way, limited access way, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:

(1) A parallel street supplying frontage for lots backing onto the traffic way.

(2) A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway.

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

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

(5) An easement to Warren County shall be given for all streets before same will be accepted for County maintenance.

(6) Any new subdivision fronting on a traffic way shall have no more than three (3) accesses onto such traffic way in each one thousand three hundred twenty (1320) feet. All accesses to be placed at the direction of the Warren County Engineer. No access drive shall be permitted to a County public road in a subdivision where access is available to a private road within a subdivision.

(7) No subdivision shall be approved unless access to all lots is available from an improved public or private road. The determination of an improved public or private road shall be made by the County Engineer in accordance with records on file in the Engineer's Office.

N. Railroads. If a railroad is involved, the subdivision plan should:

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

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

(3) Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereon to.

O. Street Width. Major thoroughfares shall have a minimum right-of-way as specified in the Comprehensive plan of Warren County. The width of minor or residential streets shall not be less than fifty (50) feet.

P. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the County Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. The maximum grade for major thoroughfares shall be as specified in the Comprehensive Plan of Warren County and shall not exceed six percent (6%) for main and secondary thoroughfares and ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference between the rates of grade, expressed in feet per hundred, or greater, if deemed necessary by the County Engineer; for secondary and minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the County Engineer.

Q. Erosion Control. No subdivision shall be approved unless it includes soil erosion control measures approved by the County Engineer.

R. Street Trees. Trees or bushes shall not be planted within the street or road right-of-way in subdivisions located in R-2 or R-3 districts.

2. Blocks. The general requirements for Blocks shall be as follows:

A. No block shall be longer than one thousand three hundred twenty (1,320) feet, except in areas zoned RR-1 (Rural Residential Districts) by the Zoning Ordinance.

B. At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet; where, at any one intersection a curve radius has been previously established, such radius shall be used as a standard.

3. Lots. The general requirements for Lots shall be as follows:

A. Corner lots shall be of such width as to permit the maintenance of all yard requirements as may be required by the Zoning Ordinance.

B. Double frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.

C. Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large size lots and except when indicated by topography, lot lines shall be straight.

D. Subdivisions shall be located on Paved County and State Highways. If the proposed subdivision is on a Grade A or Grade B County road, that road shall be paved to the interconnecting paved road by the developer to the Warren County Engineer's standards prior to platting. The Board of Supervisors, following a report of the Zoning Commission, may waive the requirement for paving the Grade A or Grade B road. A request for a waiver of the required paving set out in this subsection should be made at the time of consideration of the preliminary plat by the Commission. However, an application may be made with the Warren County Zoning Administrator accompanied by a $500.00 application fee to request a waiver for the paving requirement to be considered prior to the preliminary plat process. The recommendation of the Commission shall then be forwarded to the Board of Supervisors for approval or disapproval of the waiver. The waiver would be considered for the current landowner and the waiver would sunset once the property is conveyed to another person or entity.

46.10 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a record plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider, owner, or representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the plat. The preliminary plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.

1. Number of Copies. Twenty (20) copies of the preliminary plat shall be submitted to the Zoning Commission for its review.

2. Contents.

   A. Name of subdivision, date, point of compass, scale (1" = 100' maximum unless permission is obtained from the Board of Supervisors) and the legal description of the property being platted.

   B. Name and address of recorded owner and developer.

   C. Name and address of land surveyor and engineer.

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

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

   F. Location and names of adjoining subdivisions, and the names and addresses of the owners of adjoining acreage parcels.

   G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.

   H. Areas dedicated for public use, such as schools, parks, and playgrounds.

   I. Contour lines at intervals of not more than five (5) feet.

   J. Building setback lines.

   K. Boundaries of the proposed subdivision shall be indicated by a heavy line.

   L. Zoning Classification of the area.

   M. Proposed utility service.

(1) Source of water supply.

(2) Provision for sewage disposal, drainage, and flood control.

N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.

O. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.

P. Easements for public utility purposes.

Q. Location and dimensions of sidewalks to be installed (only in cases where a city has jurisdiction within two miles).

3. Accompanying Material.

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

46.11 FINAL PLAT REQUIREMENTS.

1. Number of Copies. When the final plat of a proposed subdivision is to be submitted to the Board of Supervisors for consideration it must first have been submitted and reviewed by the Zoning Commission. Twenty-five (25) copies of the final plat shall be required. The final plat shall be submitted at least two (2) weeks before the next meeting of the Zoning Commission.

2. Contents of Final Plat.

A. Name of subdivision.

B. Scale, 1" = 100' maximum unless permission is obtained from the Board of Supervisors.

C. Compass point.

D. Curve data including delta angle, length of arc, degree of curve, tangent.

E. Complete legal description of property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat shall be 1 in 10,000. Latitude and departure computations on the traverse closure shall be submitted to the County Engineer.

F. Exact name, location, width, lot designation, and centerline of all streets within the subdivision.

G. Easements for public utilities showing width and use intended.

H. Building setback lines with dimensions.

I. Lot numbers and the gross area, area included in the road right-of-way, and net area shall be shown for each lot.

J. Certification of Registered Land Surveyor and Engineer.

K. Description and location of all permanent monuments set in the subdivision, including accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of Warren County. (Monumentation shall meet the requirements of Section 355.6, Code of Iowa.)

L. The name(s) and address(es) of the owner(s) and subdivider(s).

M. Areas dedicated for public use; such as schools, parks, and playgrounds.

N. Location and names of adjoining subdivisions.

3. Accompanying Material.

A. Plans and profiles of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size, and grade of all conduits, including drainage areas, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile shall be at the left side of the drawing. Profiles of the north and south streets shall be drawn so that the south end of the profile shall be at the left side of the drawing. Said plan must carry the certification and signature of a Registered Professional Engineer as defined by Chapter 355 of the Code of Iowa.

(1) Public roads shall meet the requirements of Section 46.12 of this chapter.

(2) Private roads shall meet the requirements of Section 46.12 of this chapter. Private roads shall be prohibited in all subdivisions except those platted as part of a Planned Unit Development.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for review.

C. An easement to the County properly executed, for all streets intended for public streets, and for any other property intended for public use.

D. The following certificates:

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

(2) Performance bond, if any.

4. Certificates. It shall be the responsibility of the owner to obtain and submit to the County Recorder the following certificates, prior to or at the time that the final plat is submitted for record.

A. From the County Treasurer that the subdivision land is free from taxes.

B. Other documents as required by Section 354.11 of the Code of Iowa.

46.12 IMPROVEMENTS REQUIRED.

1. Before the final plat of any area shall be approved by the Board of Supervisors and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond or a set-aside letter of credit from a bank, approved by the County Attorney and County Treasurer, with the Board of Supervisors, which bond or a set-aside letter of credit from a bank will insure to the County that the improvements will be completed by the subdivider within one (1) year after final approval of the plat. The amount of the bond or the set-aside letter of credit from a bank shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the County Engineer. If the improvements are not completed within the specified time, the County may use the bond or the set-aside letter of credit from a bank or any portion thereof to complete same. For plats located in unincorporated areas within two (2) miles of the corporate limits of cities that have adopted the provisions of Section 354.9 of the Code of Iowa, the Commission and Board may waive the requirements of this section provided they are satisfied that the subdivision regulations of the City governing the areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations.

2. Minimum Improvements Required. The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved shall be in accordance with the following subsections:

A. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area.

B. All streets shall be paved with six (6) inch reinforced or seven (7) inch non-reinforced concrete with integral curb and gutter. The width of said paving is to be as required by the County Engineer, but in no case less than twenty-eight (28) feet, back-to-back of curbs. In subdivisions where a majority of lots are not less than one hundred (100) feet in width for single-family use, and where conditions are such as to discourage street parking, the Board, with approval of the County Engineer, may waive the requirement for curb and gutter. The Board of Supervisors may also waive the concrete paving requirements of this subsection, in which case the County Engineer shall recommend the type and strength of street surfacing to be installed.

C. The Board of Supervisors, following report of the Zoning Commission, may waive the requirements of subsection B above, provided the subdivision has been approved with private roads meeting the standards and specifications of Warren County for such roads. A request for a waiver of the subsection B paving requirements should be made at the time of consideration of the preliminary plat by the Commission. The recommendation of the Commission shall then be forwarded to the Board of Supervisors for approval or disapproval of the waiver.

D. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.

E. The subdivider shall construct sanitary sewers according to the standards and specifications of Warren County and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible. Where a private sewage treatment system is proposed, the subdivider shall furnish evidence that these facilities have been approved by the Iowa Department of Natural Resources.

F. The subdivider shall provide, where applicable, for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of Warren County. Where a private water supply system is proposed, the subdivider shall furnish evidence that such a system has been approved by the Iowa Department of Natural Resources. Private wells shall meet the requirements of the County Board of Health.

G. Storm drainage and storm sewer facilities shall be provided, including permanent culverts or bridges or a size and design approved by the County Engineer.

H. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least thirty (30) inches long and shall conform with standard specifications of Warren County. The requirements of Section 355.6 of the Code of Iowa regarding monumentation shall also apply.

I. Street signs shall be required at all intersections and shall be of the type approved by the County Engineer.

J. The Board and Commission may require that all utility lines except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley, or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of Warren County. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Board and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

3. Approval by Engineer. All plans, specifications, installation, and construction required by this chapter shall be subject to review, approval and inspection by the County Engineer or an authorized representative.

A. The County may require contracts for all public improvements to be executed on forms furnished and approved by the County Attorney and the Board of Supervisors.

B. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the County Engineer, not less than 48 hours in advance of readiness for required inspection. The subdivider shall reimburse the County for the

costs expended for all inspection services and tests furnished and conducted by or on behalf of the County.

4. Warranty. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation, and construction for a period of two (2) years from and after completion. Such warranty shall be by bond or a set-aside letter of credit from a bank; and shall be subject to review by the County Attorney; shall assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the County from all costs or losses resulting from or contributed to such defective improvements.

46.13 FEES

MINOR PLAT/PLAT OF SURVEY:
Before a **minor plat/plat of survey** may be considered by the Zoning Administrator, the subdivider or agent shall pay the Warren County Treasurer one hundred dollars ($100.00) per division or parcel.

PRELIMINARY PLAT:
Before a **preliminary plat** may be considered by the Commission, the subdivider or agent shall deposit with the Warren County Treasurer one thousand dollars **($1,000.00) up to 10 lots.** An **additional $100.00 per lot** is due **over 10 lots.**

FINAL PLAT:
Before a **final plat** may be considered by the Commission, the subdivider or agent shall pay to the Warren County Treasurer two thousand dollars **($2,000.00).**

AUDITOR'S PLAT:
The fee for an **auditor's plat** shall be the total cost of the surveying, platting, and recording of a plat prepared pursuant to Section 354.13, Iowa Code.

Fees required herein are not refundable.

46.14 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size, or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Board of Supervisors, following report of the Commission may vary or modify such requirements so that the subdivider is allowed to develop property in a reasonable manner, but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

46.15 ENFORCEMENT.

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

2. Public Improvements. The Board of Supervisors shall not permit any public improvements over which it has control to be made from the County Road Fund, or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the date of adoption of these regulations unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road System of Warren County. Streets within a subdivision not accepted by the Board as public highways shall remain private roads.

3. Zoning Certificates. The Zoning Administrator shall not issue zoning certificates or building permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of the ordinance codified in this chapter, but which has not been approved in accordance with the provisions contained herein.

46.16 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Board of Supervisors; provided, however, that such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the County not less than four (4) days nor more than twenty (20) days prior to such hearing.

TITLE V-PROPERTY AND LAND USE

CHAPTER 47

HISTORIC PRESERVATION

47.01	Purpose and Intent	47.05	Severability
47.02	Definitions	47.06	Amendatory Provisions
47.03	Historic Preservation Commission	47.07	Effective Date
47.04	Powers of the Commission		

An ordinance establishing a Historic Preservation Commission for Warren County, Iowa; providing for the recognition and promotion of historic sites and defining powers and duties of the Commission.

47.01 PURPOSE AND INTENT.

The purpose of this ordinance is to:

a. Promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;

b. Safeguard the County's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;

c. Stabilize and improve property values;

d. Foster pride in the legacy of beauty and achievements of the past;

e. Protect and enhance the County's attractions to tourists and visitors and the support and stimulus to business thereby provided;

f. Strengthen the economy of the County;

g. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the County.

47.02 DEFINITIONS.

a. Commission. The Warren County Historic Preservation Commission, as established by this ordinance.

b. Historic District. An area which contains a significant portion of sites including

archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and

1. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

2. is associated with events that have made significant contributions to the broad patterns of our local, state, or national history; or

3. possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.

4. is associated with the lives of persons significant in our past; or

5. has yielded, or may be likely to yield, information important in prehistory or history.

c. Historic Landmark. A site including archaeological sites, object, structure or building which,

1. is associated with events that have made a significant contribution to the broad patterns of our history; or

2. is associated with the lives of persons significant in our past; or

3. embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4. has yielded, or may be likely to yield, information important in prehistory or history.

47.03 HISTORIC PRESERVATION COMMISSION

a. The Commission shall initially consist of not less than five (5) members who shall be residents of the County, with a quorum consisting of three (3) members.

b. Members of the Commission shall be appointed by the Board of Supervisors. Members shall demonstrate a positive interest in historic preservation, possessing

interest or expertise in architecture, architectural history, historic preservation, county planning, building rehabilitation, conservation in general or real estate.

c. The original appointment of the members of the Commission shall be, three for two years, and two for three years, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years.

d. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.

e. Members may serve for more than one term and each member shall serve until the appointment of a successor.

f. Vacancies shall be filled by the County according to the original selection as aforesaid.

g. Members shall serve without compensation.

h. A simple majority of the commission shall constitute a quorum for the transaction of business.

i. The Commission shall elect a select from its membership a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings.

j. The Commission shall meet at least eight (8) times a year.

47.04 POWERS OF THE COMMISSION

a. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.

b. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.

c. The Commission may investigate and recommend to the Board of Supervisors the adoption of ordinances designating historic districts following Iowa Code chapter 303 and historic landmarks, if they qualify as defined herein, and

d. Provide information for the purpose of historic preservation to the governing body.

e. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

f. Other Powers. In addition to those duties and powers specified above, the Commission may, with Board of Supervisors approval:

1. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

2. Acquire by purchase, bequest, or donation, fee, and lesser interests in historic properties, including properties adjacent to or associated with historic properties.

3. Preserve, restore, maintain, and operate historic properties, under the ownership or control of the Commission.

4. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

5. Contract, with the approval of the governing body, with the state or the federal government or other organizations.

6. Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.

47.05 SEVERABILITY. Should any section or provision of this ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

47.06 AMENDATORY PROVISIONS. The County may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

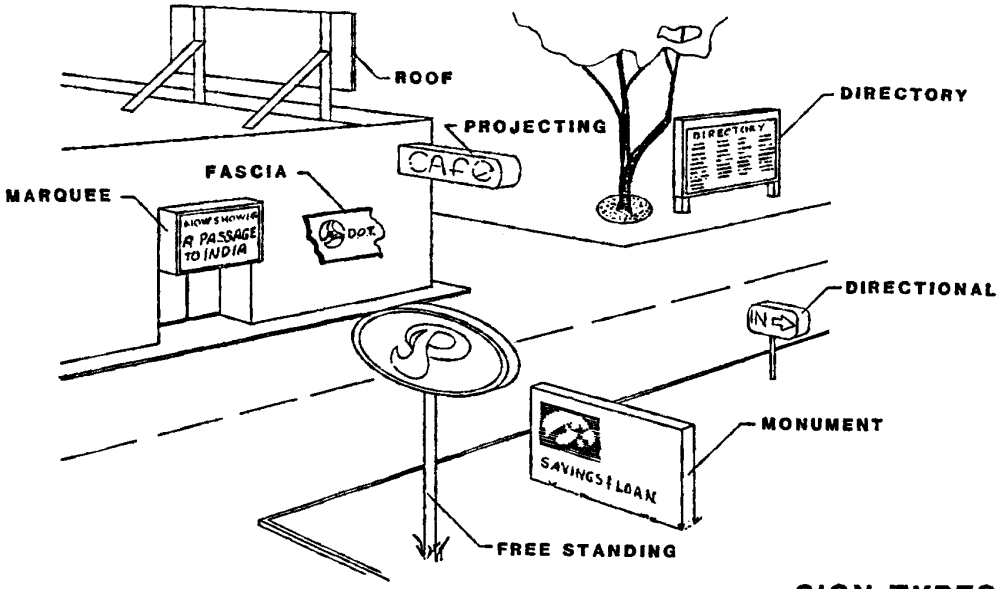
47.07 EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and publication as required by law.

PASSED, ADOPTED and APPROVED this 5th day of May 2020.

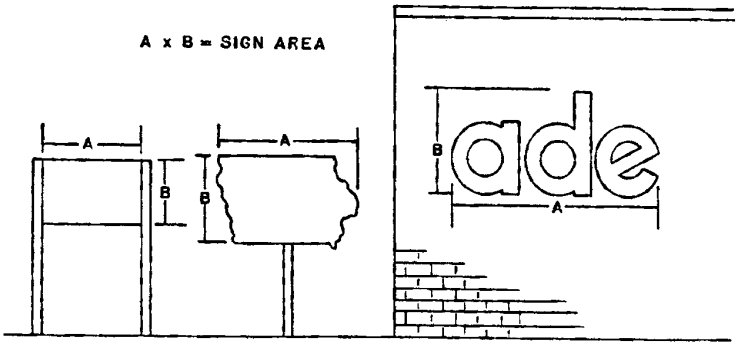
ATTEST:
/s/ Traci VanderLinden
TRACI VANDERLINDEN

WARREN COUNTY BOARD OF SUPERVISORS

/s/ Aaron DeKock	
AARON DEKOCK, Chair	AYE
/s/ Doug Shull	
DOUG SHULL, Vice-Chair	AYE
/s/ Crystal McIntyre	
CRYSTAL MCINTYRE, Member	AYE



SIGN TYPES



SIGN AREAS