

Draft  
**Warren County**  
**Zoning Ordinance Revisions**  
2023

## Chapter 40

### Zoning – General Provisions and Regulations

#### **Recommended Revisions**

#### **40.04 Definitions**

| <b>SECTION/TERM</b>  | <b>EXISTING DEFINITION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>PROPOSED REVISION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>23. DISTRICT</b>  | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Means a section or sections of the County within which structural density is regulated and the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.                                                                                                                                                                                                                                                                                                   |
| <b>24. DWELLINGS</b> | any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Means a structure or portion thereof that is used exclusively for human habitation.                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>41. LOT</b>       | <p>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 spaces as are herein required. Such lot shall have frontage on a public road or approved private street and may consist of:</p> <ul style="list-style-type: none"><li>a. A single lot of record;</li><li>b. A portion of a lot of record.</li><li>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</li><li>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</li></ul> | <p>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 spaces as are herein required. Such lot shall have frontage on a public road or approved private street and may consist of:</p> <ul style="list-style-type: none"><li>a. A single lot of record;</li><li>b. A portion of a lot of record.</li><li>c. A combination of complete lots of record, of complete lots of record and portions of lots</li></ul> |

|                               |                                                                                     |                                                                                                                                                                                                                                                                                                      |
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|                               | does not meet the requirements of this Ordinance.                                   | of, or of portions of lots of record; and<br>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 this Ordinance.                                              |
| <b>48. LOT WIDTH</b>          | the width of the lot measured at the building line and at right angles to its depth | Means the mean horizontal distance between the front and rear lot lines.                                                                                                                                                                                                                             |
| <b>76. SUBDIVISION</b>        | NOT APPLICABLE                                                                      | Mean the division of a lot, tract, or parcel of land into three (3) or more lots, plots, parcels, site, or other division for the purpose, whether immediate or future, of sale, transfer of ownership, or building development.                                                                     |
| <b>77. SUBDIVISION, MAJOR</b> | NOT APPLICABLE                                                                      | Means a subdivision of land that creates five (5) or more lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development.                                                                                                                        |
| <b>78. SUBDIVISION, MINOR</b> | NOT APPLICABLE                                                                      | Means a subdivision of land that creates four (4) or fewer lots of land for the purpose, whether immediate or future, of sale, transfer of ownership, or building development with no private or public roads and no public improvements within the subdivision.                                     |
| <b>82. VISITOR HOME</b>       | NOT APPLICABLE                                                                      | Means a residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests (including online accommodation marketplaces), who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. |

|                                    |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>30. ACCESSORY DWELLING UNIT</b> | NOT APPLICABLE | Means a separate dwelling unit, located on the same lot as a single-family dwelling that is either attached to the primary dwelling or integrated within a detached accessory structure. Accessory dwelling units have a separate kitchen and bathroom from the primary dwelling.                                                                                                                                                                                             |
| <b>EVENT CENTER</b>                | NOT APPLICABLE | Means a venue intended primarily to house, shelter, transport, facilitate the congregation, and/or accommodate members of the general public for events that include weddings, family reunions, class reunions, company retreats, and picnics, or other similar events or celebrations.                                                                                                                                                                                       |
| <b>TINY HOME</b>                   | NOT APPLICABLE | Means a detached residential structure on a permanent foundation up to four hundred (400) square feet in size. A tiny house on wheels must be licensed as a recreational vehicle under the laws and regulations of the state and then can be placed wherever a recreational vehicle can be placed, however, a tiny house on wheels cannot be lived in year around. To be lived in year around, the tiny house must be taken off wheels and affixed to a permanent foundation. |
| <b>SHOUSE</b>                      | NOT APPLICABLE | Means a structure with a pole foundation that contains a dwelling unit within or attached to an oversized garage, storage space, personal workshop, or machine shed under a common or connecting roofing system. For purposes of a shouse, these structures, when on a farm, agricultural operation, or acreage, shall not be classified as a farm building.                                                                                                                  |

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| <b>DWELLING, TEMPORARY</b>      | NOT APPLICABLE | means any structure that is placed upon a piece of property in a residential zone and that is intended to be occupied while the principal residence of the temporary dwelling occupant is being constructed upon said property.                                                                    |
| <b>CABIN</b>                    | NOT APPLICABLE | means a building with walls, a roof, and an entrance used for temporary overnight lodging at a commercial campground. A cabin shall not be considered a dwelling.                                                                                                                                  |
| <b>CAMPGROUND</b>               | NOT APPLICABLE | means any lot, parcel, or tract of land on which accommodations for temporary lodging are located or may be placed, including occupied recreational vehicles, pickup campers, converted buses, motor homes, cabins, tent trailers, tents, or similar devices primarily used for temporary lodging. |
| <b>LIVESTOCK</b>                | NOT APPLICABLE | Means animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, and emus.                                                                                                                                                                                      |
| <b>COMMERCIAL LIVESTOCK</b>     | NOT APPLICABLE | Means cattle, sheep, swine, goats, rabbits, poultry, or any other animal which is produced or kept primarily for food or other commodity production, or for weed management. Horses shall be considered livestock for the purpose of this regulation.                                              |
| <b>NON-COMMERCIAL LIVESTOCK</b> | NOT APPLICABLE | Means cattle, sheep, horses, swine, goats, rabbits, poultry, or any other animal belonging to the owner of the property only for non-commercial, hobby purposes.                                                                                                                                   |
| <b>SHIPPING CONTAINER</b>       | NOT APPLICABLE | Means a unit originally used for the transport, shipping, or hauling of materials or goods by land, sea, or air; capable of being moved or mounted by                                                                                                                                              |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | rail, truck, or boat. This definition includes steel sea or oceangoing containers marked with the American Bureau of Shipping's emblem or meeting the International Standard Organization's standards which can be detached from a trailer, chassis or frame, and which were formerly used for transporting sea or oceangoing cargo. This definition includes the terms "portable moving/storage unit/container/pod" and "cargo/oceangoing/transport container". In addition, this definition applies to any structure designed to imitate the look of a shipping container. |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### **40.10.1 Nonconforming Lots of Record**

*Current:* 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.

*Proposed:* 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 August 1, 2023. 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.

#### **40.12 Street Frontage Required**

*Current:* Lots containing any building used in whole or in part for residence purposes shall abut for at least forty (40) feet on at least one (1) street, or have an exclusive unobstructed private easement of access or right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement

*Proposed:* Lots containing any building used in whole or in part for residential purposes shall abut for at least forty (40) feet on at least one (1) street; One dwelling structure, either a single-family, cluster single-family, or planned single-family development option are permitted per lot; Each

dwelling structure is to take access from the portion of property abutting a public street; Access shall not be made off the end of a dead-end street.

#### **40.14 Corner Lots**

*Current:* 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 169 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.

*Proposed:* For corner lots, platted or of record after the effective date of this ordinance, the front yard regulations shall apply to each street side of the corner lot. Side and rear yard requirements are determined by direction of front of principal building. The 'front' of a building shall be considered that portion of the building fronting on the street from which the building's address is derived.

#### **40.17.1 Home Occupations**

*Current:* 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.

*Proposed:* 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.

L. No home occupation shall create traffic or delivery concerns in the immediate area. In combination, all home business activities shall not generate traffic (client, employee, and delivery) substantially in excess of ten (10) visits (20 trips) a day. In addition, it shall not receive more than one (1) freight delivery or send more than one (1) freight shipment a day.

## **Chapter 41**

### **Zoning – Districts and Boundaries**

#### **Recommended Revisions**

##### **41.01 Districts Established**

*Current:* 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

*Proposed:* In order to carry out the purpose and intent of the Zoning Ordinance, the unincorporated area of the County is hereby divided into thirteen (11) zoning district classifications as follows:

- A-1 Agricultural District
- C-A Commercial-Agriculture District
- RR-1 Rural Residential Agricultural Flex District
- RR-2 Rural Residential District
- R-1 Planned Residential Development District
- R-2 Planned Suburban Residential Development 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**

###### **41.02.1 – Principal Permitted Uses**

*Current:* 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.

*Proposed:* 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 and shouses.

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.

#### **41.02.6 A-1 District Regulations**

*Current:* 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 quarterquarter. 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.

*Proposed:* The following minimum requirements shall be observed, subject to the modifications contained in Chapter 42 of the Zoning Ordinance.

|                          |                                  |
|--------------------------|----------------------------------|
| Minimum Lot Area         | Ten (10) acres                   |
| Street Frontage Required | One hundred and fifty (150) feet |
| Minimum Lot Width        | One hundred and fifty (150) feet |
| Minimum Front Yard Depth | Fifty (50) feet                  |
| Minimum Side Yard Width  | Fifteen (15) feet                |
| Minimum Rear Yard Depth  | Fifty (50) feet                  |

|                                  |                                                                                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Maximum Height                   | No Limitation                                                                                                  |
| Maximum Number of Stories        | No Limitation                                                                                                  |
| Off-Street Parking and Loading   | As required by sections 40.22 and 40.23 of the Zoning Ordinance                                                |
| Minimum Width Regulation         | The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet. |
| Perimeter Foundation Requirement | A permanent perimeter foundation shall be required for all principal buildings.                                |

#### **41.04 RR-1 District Regulations**

##### **41.04.1 – Principal Permitted Uses**

*Current:* 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.

*Proposed:* 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 and shouses.
- 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. The following agricultural uses, provided that no offensive odors or dust are created, and under the condition that no retail sales shall be permitted on the premises:

- i. Nurseries and truck gardens,
- ii. The feeding or raising of non-commercial livestock provided a premise shall follow the following total maximum animal densities by type:

| Size and Type of Animals                                                    | Maximum Animal Density                                                                       |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Large animals: horses, cattle, and similar animals                          | 1 large animal/1 net acre, with a maximum of <u>5</u> such animals in this category.         |
| Intermediate animals: sheep, swine, goats, llamas, emu, and similar animals | 2 intermediate animals/1 net acre, with a maximum of <u>5</u> such animals in this category. |
| Small animals: poultry, fowl, rabbits, and similar animals*                 | A maximum of <u>16</u> such animals in this category.                                        |

*\* The keeping of roosters shall be prohibited.*

H. Family homes as permitted by and as limited by Section 335, Code of Iowa, 2023.

I. Elder family homes as permitted by and as limited by Section 335.31 and Section 231 A.2, Code of Iowa, 2023.

#### **41.04.7 – Bulk Regulations**

*Current:* 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.

*Proposed:* The following minimum requirements shall be observed, subject to modifications contained in Chapter 42 of this Zoning Ordinance.

|                          |                        |
|--------------------------|------------------------|
| Minimum Lot Area         | Five (5) acres         |
| Street Frontage Required | Two hundred (200) feet |

|                                  |                                                                                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Minimum Lot Width                | One hundred and fifty (150) feet                                                                               |
| Minimum Front Yard Depth         | Fifty (50) feet                                                                                                |
| Minimum Side Yard Width          | Fifteen (15) feet                                                                                              |
| Minimum Rear Yard Depth          | Fifty (50) feet                                                                                                |
| Maximum Height                   | Principal building: thirty-five (35) feet Accessory building: twenty (20) feet                                 |
| Maximum Number of Stories        | Principal building: three (3) stories Accessory building: one (1) story                                        |
| Off-Street Parking and Loading   | As required by sections 40.22 and 40.23 of the Zoning Ordinance                                                |
| Minimum Width Regulation         | The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet. |
| Perimeter Foundation Requirement | A permanent perimeter foundation shall be required for all principal buildings.                                |

### **ADDITION RR-2 District Regulations**

#### **RR-2 (addition) – Principal Permitted Uses**

*Current:* NA

*Proposed:* 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. The following agricultural uses, provided that no offensive odors or dust are created, and under the condition that no retail sales shall be permitted on the premises:
  - i. Nurseries and truck gardens,
  - ii. The feeding or raising of non-commercial livestock provided a premise shall follow the following total maximum animal densities by type:

| Size and Type of Animals                                                    | Maximum Animal Density                                                                |
|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Intermediate animals: sheep, swine, goats, llamas, emu, and similar animals | 2 intermediate animals/1 net acre, with a maximum of 5 such animals in this category. |
| Small animals: poultry, fowl, rabbits, and similar animals*                 | A maximum of 10 such animals in this category.                                        |

*\* The keeping of roosters shall be prohibited.*

- H. Family homes as permitted by and as limited by Section 335, Code of Iowa, 2023.

I. Elder family homes as permitted by and as limited by Section 335.31 and Section 231 A.2, Code of Iowa, 2023.

## **RR-2 (addition) – Bulk Regulations**

*Current:* NA

*Proposed:* The following minimum requirements shall be observed, subject to modifications contained in Chapter 42 of this Zoning Ordinance.

|                                  |                                                                                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Minimum Lot Area                 | Two (2) acres                                                                                                  |
| Street Frontage Required         | Two hundred (200) feet                                                                                         |
| Minimum Lot Width                | One hundred and fifty (150) feet                                                                               |
| Minimum Front Yard Depth         | Fifty (50) feet                                                                                                |
| Minimum Side Yard Width          | Fifteen (15) feet                                                                                              |
| Minimum Rear Yard Depth          | Fifty (50) feet                                                                                                |
| Maximum Height                   | Principal building: thirty-five (35) feet<br>Accessory building: twenty (20) feet                              |
| Maximum Number of Stories        | Principal building: three (3) stories<br>Accessory building: one (1) story                                     |
| Off-Street Parking and Loading   | As required by sections 40.22 and 40.23 of the Zoning Ordinance                                                |
| Minimum Width Regulation         | The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet. |
| Perimeter Foundation Requirement | A permanent perimeter foundation shall be required for all principal buildings.                                |

## **41.05 R-1 District Regulations**

*Current:* 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.

*Proposed:* The R-1 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- 1 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 sewage facilities for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. Three (3) copies of a preliminary plan of the proposed development shall be submitted, showing in schematic form the location of all proposed (a) buildings and uses (including 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 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 general welfare. If the Board approves the preliminary plan and request for rezoning, the applicant shall submit within 180 days, or such longer period as may be approved by the Board after recommendation by the Commission, to the Commission three (3) copies of a final development plan of not less than one stage of the proposed development showing in detail the location of all proposed: (a) buildings and uses (including 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. 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.

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-1 developments.

G. 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-1 development shall be determined by dividing the net development area by the minimum lot area per dwelling unit. 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-1 development shall be 10% of the total number of dwelling units in the development.

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.

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

|                                  |                                                                                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Minimum Lot Area                 | One (1) acres                                                                                                  |
| Street Frontage Required         | Forty (40) feet                                                                                                |
| Minimum Lot Width                | One hundred and fifty (150) feet                                                                               |
| Minimum Front Yard Depth         | Thirty (30) feet                                                                                               |
| Minimum Side Yard Width          | Twelve (12) feet                                                                                               |
| Minimum Rear Yard Depth          | Fifty (50) feet                                                                                                |
| Maximum Height                   | Principal building: thirty-five (35) feet<br>Accessory building: twenty (20) feet                              |
| Maximum Number of Stories        | Principal building: three (3) stories<br>Accessory building: one (1) story                                     |
| Off-Street Parking and Loading   | As required by sections 40.22 and 40.23 of the Zoning Ordinance                                                |
| Minimum Width Regulation         | The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet. |
| Perimeter Foundation Requirement | A permanent perimeter foundation shall be required for all principal buildings.                                |

#### **41.06 R-2 District Regulations**

*Current:* 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. 200

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.

*Proposed:* The R-2 Districts (Planned Suburban 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- 2 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 sewage facilities for the proposed development, and evidence that the developer is capable of successfully completing the proposed development. Three (3) copies of a preliminary plan of the proposed development shall be submitted, showing in schematic form the location of all proposed (a) buildings and uses (including 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 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 general welfare. If the Board approves the preliminary plan and request for rezoning, the applicant shall submit within 180 days, or such longer period as may be approved by the Board after recommendation by the Commission, to the Commission three (3) copies of a final development plan of not less than one stage of the proposed development showing in detail the location of all proposed: (a) buildings and uses (including 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. 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.

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-2 developments.

G. 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-2 development shall be determined by dividing the net development area by the minimum lot area per dwelling unit. 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-2 development shall be equal or less than 20% of the total number of dwelling units in the development.

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.

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

|                                  |                                                                                                                |
|----------------------------------|----------------------------------------------------------------------------------------------------------------|
| Minimum Lot Area                 | One-half (.5) acres                                                                                            |
| Street Frontage Required         | Forty (40) feet                                                                                                |
| Minimum Lot Width                | One hundred and fifty (150) feet                                                                               |
| Minimum Front Yard Depth         | Thirty (30) feet                                                                                               |
| Minimum Side Yard Width          | Twelve (12) feet                                                                                               |
| Minimum Rear Yard Depth          | Fifty (50) feet                                                                                                |
| Maximum Height                   | Principal building: thirty-five (35) feet<br>Accessory building: twenty (20) feet                              |
| Maximum Number of Stories        | Principal building: three (3) stories Accessory building: one (1) story                                        |
| Off-Street Parking and Loading   | As required by sections 40.22 and 40.23 of the Zoning Ordinance                                                |
| Minimum Width Regulation         | The minimum dimension of the main body of the principal building shall not be less than twenty-four (24) feet. |
| Perimeter Foundation Requirement | A permanent perimeter foundation shall be required for all principal buildings.                                |