

# Warren County Zoning and Subdivision Ordinance Revisions

## Revision Summary and Explanation of Changes

Warren County is in the process of updating the Warren County Comprehensive Plan and the Warren County Zoning and Subdivision Ordinances. Based on Iowa Code section 335.5, county zoning regulations, "...shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements."

Traditionally, comprehensive plan and zoning and subdivision ordinance updates occur in the stated order. However, Warren County was in a unique position in which the zoning ordinance revision recommendations following the existing comprehensive plan were not adopted. The County chose to begin the process by revising the zoning and subdivision ordinances to sufficiently comply with the existing comprehensive plan for the safety and wellbeing of citizens throughout the land use planning process. The initial changes, outlined below, are fairly minor and reflect the character of the previous ordinances, while promoting more succinct development practices, and upholding the standards outlined in Iowa Code section 335.5 (above).

The primary changes include amended definitions and additional definitions in chapters 40 and 46, and revisions to the agricultural and residential districts including relocating street frontages required to the bulk regulations of each district. The entirety of the ordinance revisions are outlined below.

### **40.04 Definitions**

Definition revisions intend to bring clarity to the ordinances. Additional definitions have been incorporated to address unsafe development patterns.

<b>SECTION/TERM</b>	<b>REVISION</b>
<b>23. DISTRICT</b>	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>	Means a structure or portion thereof that is used exclusively for human habitation.
<b>41. LOT</b>	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: a. A single lot of record;

	<p>b. A portion of a lot of record.</p> <p>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</p> <p>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.</p>
<b>48. LOT WIDTH</b>	Means the mean horizontal distance between the front and rear lot lines.
<b>76. SUBDIVISION</b>	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>	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>	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>	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.
<b>30. ACCESSORY DWELLING UNIT</b>	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>	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>	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 home 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>	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.
<b>DWELLING, TEMPORARY</b>	means any structure that is placed upon a piece of property in an agricultural or 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>	means a building with walls, a roof, and an entrance used for temporary overnight lodging at a campground. A cabin shall not be considered a dwelling.
<b>CAMPGROUND</b>	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>	Means animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, and emus.
<b>COMMERCIAL LIVESTOCK</b>	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>	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>	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.
<b>STREET FRONTAGE REQUIRED</b>	Linear feet of abutting road frontage to any Level A county or state road.

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

The street frontage required ordinance has been removed as a separate ordinance. The street frontage required for each district is outlined in chapter 41.

#### **40.14 Corner Lots**

For corner lots, platted or of record after August 4<sup>th</sup>, 2023, 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.

*Change:* The ordinance has been changed to utilize front yard regulations for each street side of the lot. This change is intended to increase safety of inhabitants, clarity for citizens and developers, and necessary right of way for potential road or utility improvements.

#### **40.17.1 Home Occupations**

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.

*Change:* The ordinance has been changed to regulate the number of freight shipments allowed for home occupations. This change addresses potential nuisance and access issues that large-scale home occupations can inflict on an area.

#### **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 (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

*Change:* The ordinance has been changed to reduce the number of residential districts and protect agricultural land. These changes are reflected throughout the updated district regulations which are outlined below.

**41.02 A-1 District**

**41.02.1 – Principal Permitted Uses**

*Change:* The ordinance has been changed to include “shouses” as a permitted use.

**41.02.6 A-1 District Regulations**

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.

*Change:* The bulk regulations for the A-1 district have been revised to preserve agricultural land, and provide separation of agricultural and residential uses. The primary change in this regulation is the increase of minimum lot area from two to ten acres.

**41.04 RR-1 District Regulations**

**41.04.1 – Principal Permitted Uses**

*Change:* Principal permitted uses were revised in the RR-1 district to allow “shouses” and to allow non-commercial agricultural practices.

**41.04.7 – Bulk Regulations**

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.

*Change:* The bulk regulations for the RR-1 district have been revised to preserve agricultural land, and provide separation of agricultural and residential uses. The primary change in this regulation is the increase of minimum lot area from two to five acres.

**ADDITION RR-2 District Regulations**

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

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 <u>5</u> 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**

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 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.

*Change:* The intent of incorporating an additional rural residential district is to provide opportunities for smaller lot rural residential living. This includes existing RR-1 lots that do not comply with the revised RR-1 district regulations. Synonymous to the previous RR-1 district, the RR-2 district has a minimum lot area of two acres. This district also allows non-commercial agricultural uses at a lower density than the RR-1 district.

**Residential Districts:**

Two residential “planned unit development” districts have been designed based on the previous R-4 district, intended to provide opportunities for rural community living developments.

**41.05 R-1 District Regulations**

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 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.

**41.06 R-2 District Regulations**

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 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.

**46.02 – Definitions**

*Changes:* The revisions to this section involve adoption of additional definitions to help clarify ordinances.

**PLAT OF SURVEY:** Means a survey performed by a licensed surveyor within the past three years (prior to date of application) to define and mark the boundaries of an existing parcel of land.

**SUBDIVISION:** Means 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.

**SUBDIVISION, MAJOR:** 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.

**SUBDIVISION, MINOR:** 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.

#### **46.06 – Final Approval**

*Changes:* The revisions to this section increase the timeframe for recording plats of record from 30 days to 90 days.

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 ninety (90) days after date of approval unless application for an extension of time is made in writing during said ninety (90) 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.

#### **46.09 – Subdivision Design Standards**

*Changes:* The revisions to this section eliminate the paving waiver found in the existing ordinances.

**46.09.1 L:** Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission ~~may~~ will require topography and a sketch of a tentative future street system of the unsubdivided portion.

**46.09.3 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.~~

#### **46.11.3 A 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.~~

#### **46.12.3**

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.