

Title V- Property and Land Use

Chapter 43 Zoning Enforcement and Administration

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43.01 Zoning Administrator

1. Appointment. The Zoning Administrator, appointed by the Board of Supervisors, shall administer and enforce the Zoning Ordinance, and for the purposes of this section, be deemed to include the Zoning Administrator or a designee from the Warren County Zoning Department.
2. Powers and Duties. The Zoning Administrator shall have the power and duty to enforce this ordinance, including but not limited to:
 - a. Conduct inspections of use of land to determine compliance with the terms of this chapter.
 - b. Maintain permanent and current records of this chapter and applications therefor.
 - c. Provide and maintain a public information service relative to all matters arising under this chapter.
 - d. Accept and review land use applications required under this chapter.
 - e. Make reports and recommendations to the Zoning Commission, the Board of Adjustment, and the Board of Supervisors on applications and actions reviewed by each body.
 - f. Forward to the Zoning Commission copies of all applications on which the Zoning Commission is required to review and keep all records of the Zoning Commission.
 - g. Forward to the Board of Adjustment copies of all applications on which the Board of Adjustment is required to pass under this chapter and keep all records of the Board of Adjustment.
 - h. Forward recommendations from the Zoning Commission to the Board of Adjustment or Board of Supervisors on land use matters in which the respective

Boards are required to review and consider under this chapter and keep all records of such actions.

- i. Such other reasonable and appropriate actions necessary to effectively administer and enforce this chapter when not prohibited nor assigned to other agents by the terms of this chapter.
 - j. Charge and receive such reasonable fees, as set by the Board of Supervisors from time to time, to help defray administrative costs related to reviewing applications, publishing, and other staff functions required under this chapter.
3. Appeals of Decisions. Any person affected by a decision of the Zoning Administrator in the enforcement of this chapter may appeal said decision to the Board of Adjustment. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Administrator and with the Board of Adjustment, a notice of appeal specifying the grounds thereof, and by paying a filing fee as established. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
4. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with the Administrator that by reason of facts stated in the certificate, a stay would, in the opinion of the Administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

43.02 Zoning Commission

1. Appointment. In accordance with Iowa Code §335, as amended, the Zoning Commission shall be appointed by the Board of Supervisors, a majority of whose members shall reside in the County, but outside the corporate limits of any city. The Board of Supervisors shall have the power to remove any member of the Zoning Commission for cause upon written charges and after public hearing.
2. Powers and Duties. The Zoning Commission shall have the following powers and it shall be its duty:
 - a. To review and recommend proposed amendments to the Comprehensive Land Use Plan and Future Land Use Map, or amendments to the Official Zoning Map (rezoning) and forward its recommendations to the Board of Supervisors.
 - b. To recommend the boundaries of the various zoning districts and appropriate regulations and restrictions to be enforced therein.
 - c. To prepare preliminary reports and hold public hearings thereon, before submitting a final report to the Board of Supervisors. The Board of Supervisors shall not hold its public hearing or take action until it has received the final report of the Zoning Commission.

- 76 d. To recommend to the Board of Supervisors amendments, supplements, changes,
77 or modifications to this chapter.
- 78 e. To perform all other duties assigned to the Zoning Commission in this chapter.
- 79 3. Notice and Meeting Requirements.
- 80 a. For any land use application requiring review and recommendation by the Zoning
81 Commission, the request shall be forwarded to the Zoning Commission following
82 review from Planning and Zoning Staff. A staff report setting forth Staff's
83 findings of fact concerning the application's conformance to the Ordinance and
84 any recommendations by Staff for requirements or conditions to be imposed shall
85 be prepared and presented by the Planning and Zoning Staff at the Zoning
86 Commission public hearing. Any person may submit comments or testify at the
87 public hearing. At the public hearing, the Zoning Commission may make a
88 recommendation to the Board of Supervisors whether it concurs in whole or in
89 part with the staff's proposed findings and recommendations. To the extent the
90 Commission does not concur, the Commission shall propose its own findings of
91 fact concerning the application's conformance to the Standards for Approval for
92 the respective land use application recommendations and provide supporting
93 reasons.
- 94 b. For any land use application requiring a notice of a public hearing before the
95 Zoning Commission:
- 96 i. Notice of location, time and date of the meeting held by the Zoning
97 Commission shall be published at least once in the official newspapers of
98 Warren County no less than four (4) days nor more than twenty (20) days
99 before the date of hearing.
- 100 ii. The Zoning Department shall also send notice to any city within two (2)
101 miles of the property outlining the location, time and date of the public
102 hearing before the Zoning Commission.
- 103 iii. The Zoning Department shall also send a notice via mail to all surrounding
104 property owners within five hundred (500) feet of the property included in
105 the respective land use application request outlining the location, time and
106 date of the public hearing before the Zoning Commission.
- 107 iv. At the public hearing, any party may appear in person or by representative.
108 However, failure of the party or representative to attend the public hearing
109 will result in dismissal of the respective land use application and no new
110 respective land use application can be submitted for one (1) year from the
111 date of dismissal.
- 112 v. The failure to notify as provided in this section shall not invalidate any
113 recommendation made under the terms of the Ordinance, provided such
114 failure was not intentional, and the omission of the name of any owner of
115 property who may, in the opinion of the Zoning Commission be affected

by such amendment or change shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Zoning Commission.

43.03 Board of Adjustment

1. Appointment. In accordance with the Iowa Code §335, as amended, the Board of Adjustment shall consist of five (5) members, a majority of whom shall reside within the County but outside the corporate limits of any city, each appointed for a term of five (5) years, expecting that when the board shall first be created one member shall be appointed for a term of two (2) years, and one for a term of one (1) year. Memberships shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
2. Powers and Duties. The Board of Adjustment shall have the following powers and it shall be its duty:
 - a. To review and decide upon applications for conditional uses.
 - b. To review and decide upon applications for interim uses.
 - c. To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
 - d. To review and authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the Zoning Ordinance will result in practical difficulties, and so that the spirit of the Zoning Ordinance shall be observed, and substantial justice done.
 - e. Any other action specifically requested by the Board of Supervisors.
3. Rules, Notice, and Meeting Requirements.
 - a. The Board of Adjustment shall organize and adopt rules in accordance with provisions of the Zoning Ordinance and Iowa Code §335, as amended, including:
 - i. All meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such time and place within the County as the Board of Adjustment may determine.
 - ii. The presence of three (3) members shall be necessary to constitute a quorum.
 - iii. The Chairperson, or in the Chairpersons' absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses.
 - iv. All meetings of the Board of Adjustment shall be open to the public.
 - v. The Board of Adjustment shall keep complete records of its hearings and other official actions. Every rule, regulation, every amendment, or repeal

thereof and every order, requirement or decision of the Board of Adjustment shall immediately be filed in the office of the Zoning Administrator and shall be a public record.

- b. For any land use application requiring a final decision by the Board of Adjustment, the request shall be forwarded to the Board of Adjustment following a recommendation by the Zoning Commission. A staff report setting forth the Zoning Commission's findings of fact concerning the application's conformance to the Ordinance and any recommendations by the Zoning Commission for requirements or conditions to be imposed shall be prepared and presented by the Zoning Staff at the Board of Adjustment public hearing. Any person may submit comments or testify at the public hearing. At the public hearing, the Board of Adjustment shall determine whether it concurs in whole or in part with the Zoning Commission's proposed findings and recommendations.
- c. For any land use application requiring a notice of a public hearing before the Board of Adjustment:
- i. Notice of location, time and date of the meeting held by the Board of Adjustment shall be published at least once in the official newspapers of Warren County not less than four (4) days nor more than twenty (20) days before the date of hearing.
 - ii. The Zoning Department shall also send notice to any city within two (2) miles of the property outlining the location, time and date of the public hearing before the Board of Adjustment.
 - iii. The Zoning Department shall also send a notice via mail to all surrounding property owners within five hundred (500) feet of the property included in the respective land use application request not less than ten (10) days prior to the date of the public hearing outlining the location, time and date of the public hearing before the Board of Adjustment. If the applicant is the only adjacent landowner within five hundred (500) feet of the property for which the respective land use application request is being sought, notice must be sent to the next adjacent landowner(s).
 - iv. At the public hearing, any party may appear in person or by representative. However, failure of the party or representative to attend the public hearing will result in dismissal of the respective land use application and no new respective land use application can be submitted for one (1) year from the date of dismissal.
 - v. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Adjustment, be affected by such amendment or change shall not invalidate any recommendation

adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Adjustment.

4. Decision and Records.

- a. The Board may approve or disapprove the respective land use application 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.
- b. To the extent the Board does not concur, the Board shall propose its own findings of fact concerning the application's conformance to the Standards for Approval for the respective land use application type and provide supporting reasons. The Board of Adjustment shall make a motion regarding compliance or noncompliance of the request to the Standards for Approval for the respective land use application type and such motion becomes the official decision of the Board of Adjustment.

5. Hearing of Appeals.

- a. An application, in cases in which the Board of Adjustment has original jurisdiction under the provisions of the Zoning Ordinance, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator who shall transmit it to the Board of Adjustment along with all the papers constituting the record upon which the action appealed from was taken.
- b. The Board of Adjustment shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one (1) publication of a notice in a publication of general circulation within the County, said publication to be made not less than four (4) days nor more than twenty (20) days before the date of hearing. At the hearing, any party may appear in person or by representative.
- c. The Board of Adjustment shall reach its decision within forty-five (45) days of the date of the public hearing unless such time is extended by mutual consent of the petitioner and the Board of Adjustment. The Board of Adjustment may, in conformity with the provisions of this chapter, affirm or reverse, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.
- d. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the

Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by this chapter to render a decision.

- e. The Zoning Administrator shall maintain records of all actions of the Board of Adjustment relative to appeals.

6. Appeals of Decisions. Any taxpayer, or any officer, department, board or bureau of Warren County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment under the provisions of Iowa Code §331, as amended, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board.

7. Supplemental Standards.

- a. Every conditional use permit or variance granted or denied by the Board shall be supported by a written testimony or evidence submitted in connection therewith.
- b. Whenever any application for a conditional use permit, variance, or appeal of any order, requirement, decision, or determination made by the Zoning Administrator shall have been denied by the Board of Adjustment, then no new application covering the same matter shall be filed with or considered by the Board of Adjustment unless new evidence has been introduced until one (1) year shall have elapsed from the date of filing of the first application.
- c. It is not the intention to grant to the Board of Adjustment the power or authority to alter or change the Zoning Ordinance or the district maps. Such power and authority rest solely with the Board of Supervisors.

43.04 Board of Supervisors

1. Membership and Governing Authority. The Board of Supervisors is the elected legislative body responsible for adopting and amending zoning regulations for Warren County, as authorized by the Iowa Code §335, as amended. The Board shall consist of three (3) members by default, unless increased to five (5) members through a petition and election pursuant to Iowa Code §331, as amended. Supervisors are elected by the residents of the County, either at-large or by district, depending on the plan adopted by the County pursuant to Iowa Code §331, as amended. Each member shall serve a four (4)-year term as established by law.
2. Powers and Duties. The Board of Supervisors shall have the following powers and it shall be its duty:
 - a. To adopt, amend, and repeal the Zoning Ordinance and the Official Zoning Map.
 - b. To consider and act upon recommendations from the Zoning Commission regarding applications for preliminary plat, final plat, major subdivision, rezoning, zoning text amendments, and comprehensive land use plan amendments.

- 273 c. To appoint the Zoning Administrator and oversee enforcement of the Zoning
274 Ordinance through the Zoning Administrator.
- 275 d. To appoint members to the Zoning Commission and Board of Adjustment, and to
276 remove members for cause upon written charges and after public hearing.
- 277 e. To authorize legal or administrative actions to ensure compliance with the
278 Ordinance.
- 279 3. Rules, Notice, and Meeting Requirements.
- 280 a. The Board of Supervisors shall organize and adopt rules in accordance with
281 provisions of the Zoning Ordinance and the Iowa Code §331, as amended,
282 including:
- 283 i. All meetings of the Board of Supervisors shall be held at the call of the
284 Chairperson and at such time and place within the County as the Board of
285 Supervisors may determine.
- 286 ii. At its first meeting each calendar year, the Board shall select one of its
287 members to serve as Chairperson, who shall preside at all meetings during
288 the year. The Board may also select a Vice Chairperson to serve in the
289 absence of the Chairperson.
- 290 iii. A majority of the full Board membership shall constitute a quorum for the
291 transaction of official business.
- 292 iv. All meetings of the Board of Supervisors shall be open to the public.
- 293 v. The Board of Supervisors shall keep complete records of its hearings and
294 other official actions. Every rule, regulation, every amendment, or repeal
295 thereof and every order, requirement or decision of the Board of
296 Supervisors shall immediately be filed in the office of the Zoning
297 Administrator and shall be a public record.
- 298 b. For any land use application requiring a final decision by the Board of
299 Supervisors the request shall be forwarded to the Board of Supervisors following
300 a recommendation by the Zoning Commission. A staff report setting forth the
301 Zoning Commission's findings of fact concerning the application's conformance
302 to the Ordinance and any recommendations by the Zoning Commission for
303 requirements or conditions to be imposed shall be prepared and presented by the
304 Planning and Zoning Staff at the Board of Supervisors public hearing. Any person
305 may submit comments or testify at the public hearing. At the public hearing, the
306 Board of Supervisors shall determine whether it concurs in whole or in part with
307 the Zoning Commission's proposed findings and recommendations.
- 308 c. For any land use application requiring a notice of a public hearing before the
309 Board of Supervisors:
- 310 i. Notice of location, time and date of the meeting held by the Board of
311 Supervisors shall be published at least once in the official newspapers of

Warren County not less than four (4) days nor more than twenty (20) days before the date of hearing.

- ii. The Zoning Department shall also send notice to any city within two (2) miles of the property outlining the location, time and date of the public hearing before the Board of Supervisors.
- iii. The Zoning Department shall also send a notice via mail to all surrounding property owners within five hundred (500) feet of the property included in the respective land use application request not less than ten (10) days prior to the date of the public hearing outlining the location, time and date of the public hearing before the Board of Adjustment. If the applicant is the only adjacent landowner within five hundred (500) feet of the property for which the respective land use application request is being sought, notice must be sent to the next adjacent landowner(s).
- iv. At the public hearing, any party may appear in person or by representative. However, failure of the party or representative to attend the public hearing will result in dismissal of the respective land use application and no new respective land use application can be submitted for one (1) year from the date of dismissal.
- v. The failure to notify as provided in this section shall not invalidate any recommendation made under the terms of the Ordinance, provided such failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Board of Supervisors, be affected by such land use application shall not invalidate any recommendation adopted hereunder, it being the intention of this subsection to provide, to the fullest extent possible, due notice that an application is pending before the Board of Supervisors.

4. Decision and Records.

- a. The Board may approve or disapprove the respective land use application 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.
- b. To the extent the Board does not concur, the Board shall propose its own findings of fact concerning the application's conformance to the Standards for Approval for the respective land use application type and provide supporting reasons. The Board of Adjustment shall make a motion regarding compliance or noncompliance of the request to the Standards for Approval for the respective land use application type and such motion becomes the official decision of the Board of Adjustment.

5. Supplemental Standards.

- 352 a. Every conditional use permit or variance granted or denied by the Board shall be
353 supported by a written testimony or evidence submitted in connection therewith.
354 b. Whenever any application for a conditional use permit, variance, or appeal of any
355 order, requirement, decision, or determination made by the Zoning Administrator
356 shall have been denied by the Board of Adjustment, then no new application
357 covering the same matter shall be filed with or considered by the Board of
358 Adjustment unless new evidence has been introduced until one (1) year shall have
359 elapsed from the date of filing of the first application.
360 c. It is not the intention to grant to the Board of Adjustment the power or authority
361 to alter or change the Zoning Ordinance or the district maps. Such power and
362 authority rest solely with the Board of Supervisors.

363 **43.05 Fee Schedule**

364 Reasonable land use application fees shall be established by resolution of the Board of
365 Supervisors from time to time to help defray the administrative costs associated with the review
366 and processing of land use applications and other administrative duties required under this
367 chapter.

368 Each land use application submitted pursuant to this Ordinance shall be accompanied by the
369 applicable fee as set forth in the current fee schedule, available on the Warren County website.
370 Payment shall be made by check payable to the Warren County Treasurer by cash payment.
371 These fees are intended to cover administrative expenses, including but not limited to staff
372 review time, public meeting preparation, and the costs of publishing, mailing, or posting public
373 notices, where applicable.

374 All fees are non-refundable, regardless of whether the application is approved, denied,
375 withdrawn, or otherwise not enacted. No application shall be deemed complete or processed until
376 the required fee has been received.

377 **43.06 Application, Review, and Approval Processes**

378 **Applicability**

379 The requirements of this subsection apply to all land use applications subject to review under the
380 Warren County Zoning Ordinance.

381 **Authority**

382 The Zoning Administrator is responsible for the administration and enforcement of the
383 regulations of the Zoning and Subdivision Ordinance, which applies to the following land use:
384 Site Plan, Preliminary Plat, Final Plat, Minor Subdivision, Major Subdivision, Simple
385 (Agricultural) Division, Rezoning, Zoning Text Amendments, Comprehensive Land Use Plan
386 Amendments, Permits (Conditional Use, Interim, Building), Variances, and Special Exceptions.

Authority to File Land Use Applications

Unless otherwise specified in this section, land use applications may be initiated by:

1. The owner of the property that is the subject of the land use application;
 - a. For all applications involving multiple owners, contract purchasers, etc. all such persons shall sign the application.
2. The owner's authorized agent; or
 - a. When an authorized agent files an application under this section on behalf of a property owner, the agent shall provide a signed authorization from the fee title property owner stating that the property owner agrees to be bound by all decisions, agreements, and related conditions agreed to by such agent.
3. The County, including the Zoning Administrator, as authorized by this section.

Application Submission Schedule

The schedule for the submission of applications shall be maintained by the Zoning Administrator and made available to the public.

Application Contents

1. Organization and Copies. The organization of applications and the number of copies of required information to be submitted shall be determined by the Zoning Administrator.
2. General Submittal Requirements. All applications shall include:
 - a. A completed Warren County land use application form;
 - b. Verification of authority to file applications per the requirements of the subsection above;
 - c. A legal description of the property(s);
 - d. Supporting title information establishing ownership interests in the property (i.e., a title commitment and/or signature of fee title property owner);
 - e. All submittal requirements outlined in the article for the specific application type; and
 - f. Electronic copies of all written narratives and plan sets required by the Zoning Administrator as part of the specific application.

Amendments

The Board of Supervisors may amend, supplement, or repeal the regulations of this Chapter after a public hearing has been held at a Zoning Commission meeting. An amendment may be initiated by the Board of Supervisors, Zoning Commission, or by petition. A notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the County not less than four (4) days nor more than twenty (20) days before the date of hearing.

General Application Procedures

Table 1: Summary of the Roles of Decision-Making Bodies

Procedure	Zoning Administrator	Zoning Commission	Board of Supervisors	Board of Adjustment
Planned Community Development	R	H, R	H, D	
Rezoning (Official Zoning Map Amendment)	R	H, R	H, D	
Zoning Text Amendment	R	H, R	H, D	
Comprehensive Land Use Plan Amendment	R	H, R	H, D	
Conditional Use Permit	R			H, D
Interim Use Permit	R			H, D
Building Permit	R, D			
Variance	R			H, D
Special Exception	R, D			

H=Hearing (public hearing required)

D=Decision (responsible for final decision)

R=Recommendation (responsible for review and a recommendation)

Preliminary Plat

Refer to Chapter 46, Subdivision Regulations, for the complete preliminary plat review process, application requirements, approval criteria, and applicable supplemental standards.

Final Plat

Refer to Chapter 46, Subdivision Regulations, for the complete final plat review process, application requirements, approval criteria, and applicable supplemental standards.

Minor Subdivision

Refer to Chapter 46, Subdivision Regulations, for the complete minor subdivision review process, application requirements, approval criteria, and applicable supplemental standards.

Major Subdivision

Refer to Chapter 46, Subdivision Regulations, for the complete major subdivision review process, application requirements, approval criteria, and applicable supplemental standards.

Planned Community Development

A Planned Community Development (PCD) may only be established through rezoning to the Planned Community Development (PCD) Zoning District, in accordance with an approved Master Planned Community Development Plan. The PCD process is intended to provide flexibility for coordinated, large-scale or mixed-use developments while ensuring consistency with the Warren County Comprehensive Land Use Plan and protection of public health, safety, and welfare. Applications for a PCD shall be filed with the Zoning Administrator by the property owner(s) or a duly authorized developer with the written consent of the property owner(s), and shall include the required filing fee as established by the Board of Supervisors. Approval of a PCD requires both a Zoning Map Amendment (Rezoning) and adoption of a Master Planned Community Development Plan that establishes the specific uses, restrictions, and development standards applicable to the district.

The following provisions establish the application procedures, site plan requirements, and review standards for Planned Community Developments.

1. Application Materials. A complete application for a Planned Community Development shall include the following:
 - a. Application Form and Fees. Completed form signed by the property owner(s), including filing fee.
 - b. Written Statement. A narrative describing:
 - i. The purpose and intent of the development.
 - ii. Consistency with the Comprehensive Land Use Plan and zoning district standards.
 - iii. Planning objectives and anticipated benefits to the County.
 - c. Phasing Plan. If the development will occur in stages, a phasing schedule identifying the sequence of development, infrastructure improvements, and timing.
2. Site Plan Requirements. The applicant shall submit a detailed site plan drawn to scale that illustrates the following (as applicable):
 - a. Land Use and Density: Percentage of land devoted to building coverage, parking, open space, landscaping, and common areas; proposed density in dwelling units per gross acre.
 - b. Buildings and Structures: Location, footprint, use, height, exterior design, elevations, and perspective drawings of typical dwellings and non-residential buildings.

- 472 c. Access and Circulation: Vehicular and pedestrian circulation, access drives,
473 turning radii, intersections, sidewalks, and walkways.
- 474 d. Parking and Loading: Location and number of parking spaces and loading areas,
475 including safe circulation for service, emergency, and fire vehicles.
- 476 e. Streets and Infrastructure: Existing and proposed roads, rights-of-way, grading,
477 drainage, stormwater management, water supply, sanitary sewer, and utility lines
478 (all utilities shall be underground unless otherwise approved).
- 479 f. Peripheral Yards and Buffers: Required peripheral yards around the development
480 and any transitional buffers to protect adjacent uses.
- 481 g. Common Areas and Open Space: Location and acreage of common land, parks,
482 recreational areas, or natural areas; ownership and maintenance provisions (e.g.,
483 HOA).
- 484 h. Landscaping Plan: Location of lawns, trees, shrubs, and screening, consistent
485 with site design and buffering needs.
- 486 i. Fencing and Screening: Location and type of fences, walls, or screens adjacent to
487 residential or agricultural districts.
- 488 j. Lighting Plan: Location, height, and design of proposed lighting fixtures to ensure
489 compatibility and minimize glare.
- 490 k. Signs: Location, size, and type of all proposed signage.
- 491 l. Refuse Storage: Location and screening of refuse areas.
- 492 m. Topography and Grading: Existing and proposed contours at two-foot (2')
493 intervals.
- 494 n. Environmental Hazards: A geotechnical report identifying potential flooding, soil
495 conditions, slopes, or other hazards.
- 496 3. Supplemental Standards.
- 497 a. Use of Land: Only uses, structures, and improvements identified in the approved
498 PCD plan shall be permitted.
- 499 b. Covenants and Restrictions: The developer may prepare covenants, deed
500 restrictions, bylaws, and architectural controls, which shall be recorded with the
501 final plat. Covenants shall include conditions of PCD approval and ensure
502 maintenance of common areas and facilities.
- 503 c. Sale and Transfer of Property: No lot or parcel may be sold, conveyed, or
504 transferred until the buyer has been informed in writing of the property's status
505 and the conditions of approval of the PCD.
- 506 d. Plan Modifications: Any modification to the approved PCD plan must be
507 submitted to the Zoning Department. Significant modifications, as determined by
508 the Zoning Administrator, shall be reviewed by the Zoning Commission and
509 Board of Supervisors at a public meeting.

- e. Compatibility and Transition: The development shall be designed to ensure compatibility with surrounding land uses and provide adequate buffering and transition where required.

Lot Line Adjustment

Refer to Chapter 46, Subdivision Regulations, for the complete lot line adjustment review process, application requirements, approval criteria, and applicable supplemental standards.

Lot Tie

Refer to Chapter 46, Subdivision Regulations, for the complete lot tie review process, application requirements, approval criteria, and applicable supplemental standards.

Simple Division

Refer to Chapter 46, Subdivision Regulations, for the complete simple division review process, application requirements, approval criteria, and applicable supplemental standards.

Rezoning (Official Zoning Map Amendment)

A Rezoning (Official Zoning Map Amendment) process is established to prescribe uniform procedures for amendments to the Warren County Official Zoning Map. The Board of Supervisors, Zoning Commission, the Zoning Administrator, a property owner of land lying in the unincorporated areas of the County, or the owner of any business located in the unincorporated area of the County may initiate a request to change the zoning district classification for a property on the Warren County Official Zoning Map, by filing an application with the Zoning Administrator and paying the application filing fee as established by the Board of Supervisors. All rezoning actions must be consistent with the Warren County Comprehensive Land Use Plan, including the Future Land Use Map. Rezoning any property to the Village Residential (VR) district is prohibited; existing VR classifications may only be removed through an amendment to the Zoning Ordinance. Rezoning any property zoned Floodplain and Conservation (FPC) district must first be reviewed by the Warren County Conservation Board for their recommendation before the public hearing with the Zoning Commission. The following provisions establish a review process and review standards for rezonings.

1. Pre-Application Meeting. Before an applicant can submit a Rezoning (Official Zoning Map Amendment) application, the applicant must attend a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Rezoning. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting. The requirement for a pre-application meeting may be waived upon written request to the Zoning Administrator, provided that all involved departments and agencies agree the meeting is not necessary.
2. Application. An application to rezone property shall be signed by the property owners and all additional application requirements shall be submitted to the Zoning Department, including:

- 547 a. Application form and filing fee.
- 548 b. Written statement of justification addressing Standards for Approval from
- 549 subsection 4 of this section.
- 550 c. A site plan outlining:
- 551 i. Existing land use, zoning, and Future Land Use Map designation for the
- 552 subject property and adjacent properties.
- 553 ii. Proposed land use and zoning for the subject property.
- 554 iii. Location and use of existing structures and proposed structures.
- 555 iv. Current zoning district and its requirements
- 556 v. Land use, zoning district, and Future Land Use Map designations for
- 557 adjacent properties.
- 558 vi. Proposed zoning district to rezone to and its requirements.
- 559 vii. Location of existing and proposed roads, access, and other public
- 560 improvements.
- 561 viii. General location of topographic features and other site conditions.
- 562 ix. Corn Suitability Rating (CSR or CSR2) for the subject property, with
- 563 supporting documentation as reviewed and verified by the County and
- 564 subject to approval by the Board of Supervisors.
- 565 x. Any other information the Zoning Administrator determines necessary to
- 566 review the application.
- 567 3. Review, Notice, and Meeting Requirements.
- 568 a. Upon receipt in proper form of the application, fee, and statement, the Zoning
- 569 Department shall review the request for compliance with the Zoning Ordinance
- 570 and applicable Standards for Approval in subsection 4 of this section.
- 571 b. Following completion of staff review, the application and staff report shall be
- 572 placed on the agenda of the Zoning Commission for consideration at a public
- 573 hearing. The Commission shall evaluate the application based on the criteria in
- 574 Standards for Approval in subsection 4 of this section and make a
- 575 recommendation to the Board of Supervisors to approve, approve with conditions,
- 576 or deny the request. In case the Commission does not recommend approval of the
- 577 change, either of the area included in such proposed change, or the area
- 578 immediately adjacent thereto and within five hundred (500) feet of the boundaries
- 579 thereof. Such amendment shall not become effective except by the favorable vote
- 580 of at least sixty percent (60%) of all the members of the Board of Supervisors.
- 581 c. The Board of Supervisors shall hold at least one (1) public hearing for the request.
- 582 Notice of the hearing will be published in an official newspaper of the County at
- 583 least four (4) days but no more than twenty (20) days prior to the hearing. Written
- 584 notice of the hearing shall be mailed at least ten (10) days prior to all owners of
- 585 land within five hundred (500) feet of the subject property. Supplemental or

additional notices may be published or distributed as the Board of Supervisors may prescribe.

4. Standards for Approval. All petitions to rezone shall satisfy the following standards for such requested action to be approved:

- a. The proposed rezoning shall conform to the general goals, objectives, policies, and Future Land Use Map of the Warren County Comprehensive Land Use Plan.
- b. The proposed rezoning shall conform to the specific purpose and intent of the proposed zoning district to be rezoned to, the applicable use, development, and dimensional requirements of that district, and other requirements set forth in the Zoning Ordinance.
- c. The proposed rezoning is compatible with the land uses, development patterns, and zoning district designations of adjacent properties and does not significantly alter the character of the surrounding area.
- d. The proposed rezoning is needed to further advance the public health, safety, and general welfare of Warren County and does not create a conflict with other regulations in the County Ordinances.
- e. The proposed rezoning is needed to allow reasonable development of the site and cannot be overcome by any feasible alternative means other than a rezoning.
- f. The proposed rezoning is not solely for the benefit of the applicant, and serves a broader public or community interest.
- g. The proposed rezoning will not impose additional unreasonable costs on the public for infrastructure, services, or enforcement.
- h. The rezoning will not result in uncoordinated development or place unreasonable demands on public services, infrastructure, or transportation systems.
- i. The proposed source of water supply and method of wastewater treatment for the proposed rezoning will meet the requirements of the Warren County Board of Health.
- j. The existing roads and bridges providing access to the proposed rezoning are adequate to serve any proposed development.
- k. Any comments or recommendations from local school district officials regarding classroom capacity and bus service to the rezoning are addressed and incorporated into the plan.
- l. The proposed rezoning does not conflict with adopted intergovernmental agreements, comprehensive plans, fringe area plans, or coordinated growth strategies with incorporated cities.

5. Conditions and Restrictions.

- a. In granting any Rezoning, the Board of Supervisors may prescribe appropriate conditions or restrictions as it deems necessary to:

- 624 i. Ensure full compliance with this Ordinance, appropriate specifications of
625 the County Board of Health, the Iowa Department of Natural Resources,
626 and the County Engineer, and applicable state and federal requirements.
627 ii. Mitigate or eliminate potential negative impacts on adjacent properties,
628 public infrastructure, or the general welfare.
629 iii. Coordinate the amendment with infrastructure improvements, a future
630 rezoning(s), or Comprehensive Land Use Plan Amendment.
631 iv. Ensure that the designated zoning district remains compatible with the
632 surrounding area.
- 633 b. Violation of such conditions and restrictions, when made a part of the terms under
634 which the rezoning is granted, shall be deemed a violation of this Ordinance and
635 punishable under Section 43.07 of this Ordinance.
- 636 6. Decisions and Records.
- 637 a. The Board of Supervisors shall render a written decision on an application for a
638 Rezoning after the close of the public meeting. The final decision of the Board
639 shall contain specific findings of fact supporting the granting or denial of the
640 rezoning and shall clearly set forth any conditions or restrictions imposed
641 pursuant to this Ordinance. These findings should be related to the specific
642 standards stating the Ordinance which the applicant must satisfy. If the items in
643 this Ordinance are not followed by the Board of Supervisors, their decision shall
644 become null and void.
- 645 b. The Zoning Department shall maintain complete records of all action with respect
646 to applications for a Rezoning.
- 647 c. If denied, applicants may not reapply for the same Rezoning to the Board before
648 one (1) year has passed from the date of the hearing on the first petition.
- 649 7. Supplemental Standards.
- 650 a. An approved Rezoning shall not, by itself, constitute approval of any zoning text
651 amendment, Comprehensive Land Use Plan Amendment (including amendments
652 to the Future Land Use Map), subdivision, site plan, or permit application. All
653 subsequent development proposals shall be reviewed independently for
654 consistency with applicable zoning regulations and ordinances. If the proposed
655 rezoning is not in conformity with the County Comprehensive Land Use Plan, an
656 amendment to the County Comprehensive Land Use Plan shall also be proposed.
- 657 b. For properties located within two (2) miles of an incorporated city, the County
658 may consult with the relevant city during review of a proposed rezoning. When
659 applicable, fringe area agreements, annexation plans, or Iowa Code 28E
660 agreements shall be considered in the review of the rezoning.
- 661 c. The granting of a Rezoning shall not be construed to establish precedent for future
662 rezonings and any substantial change to a proposed or approved rezoning shall
663 require resubmittal and reprocessing under this section as a new application.

Zoning Text Amendment

A Zoning Text Amendment process is established to prescribe uniform procedures for amendments to the text of the Warren County Zoning Ordinance. Any person, including the Board of Supervisors, Zoning Commission, and the Zoning Administrator, may initiate a request for an amendment to the text of the Warren County Zoning Ordinance, by filing an application with the Zoning Administrator and paying the application filing fee as established by the Board of Supervisors. The following provisions establish a review process and review standards for Zoning Text amendments.

1. *Pre-Application Meeting*. Before an applicant can submit a Zoning Text Amendment application, the applicant must attend a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Zoning Text Amendment. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting. The requirement for a pre-application meeting may be waived upon written request to the Zoning Administrator, provided that all involved departments and agencies agree the meeting is not necessary.
2. *Application*. All applications for a Zoning Text Amendment shall satisfy the following development criteria to be approved:
 - a. Application form and filing fee.
 - b. Written statement of justification addressing the following:
 - i. Identification of the specific section(s) of the ordinance to be amended.
 - ii. Amended versions of proposed text language showing redlines and strikeouts of the proposed changes.
 - iii. A narrative justification explaining the need for the Zoning Text Amendment and its benefits.
 - iv. Any supporting materials (i.e., legal analysis, model ordinance excerpts, community impact assessment).
 - c. Any other information the Zoning Administrator determines necessary to review the application.
3. *Review, Notice, and Meeting Requirements*.
 - a. Upon receipt in proper form of the application, fee, and statement, the Planning and Zoning Department shall review the request for compliance with the general purpose and intent of the Zoning Ordinance, other County Ordinances, and applicable Standards for Approval in subsection 4 of this section.
 - b. Following completion of staff review, the application and staff report shall be placed on the agenda of the Zoning Commission for consideration at a public meeting. The Commission shall evaluate the application based on the criteria in Standards for Approval in subsection 4 of this section and make a recommendation to the Board of Supervisors to approve, approve with conditions, or deny the request.

- 703 c. The Board of Supervisors shall hold at least one (1) public hearing for the request.
704 Notice of the hearing will be published in an official newspaper of the County at
705 least four (4) days but no more than twenty (20) days prior to the hearing. Written
706 notice of the hearing shall be mailed at least ten (10) days prior to all owners of
707 land within five hundred (500) feet of the subject property. Supplemental or
708 additional notices may be published or distributed as the Board of Supervisors
709 may prescribe.
- 710 4. Standards for Approval. All applications for a Zoning Text Amendment shall satisfy the
711 following development criteria to be approved:
- 712 a. The proposed amendment shall conform to the general goals, objectives, and
713 policies of the Warren County Comprehensive Land Use Plan.
- 714 b. The proposed amendment shall conform to the general purpose and intent of the
715 Zoning Ordinance.
- 716 c. The proposed amendment is needed to further advance the public health, safety,
717 and general welfare of Warren County and does not create a conflict with other
718 County Ordinances.
- 719 d. The proposed amendment cannot be overcome by any feasible alternative means
720 other than an amendment.
- 721 e. The proposed amendment is not solely for the benefit of the applicant, and serves
722 a broader public or community interest.
- 723 5. Conditions and Restrictions.
- 724 a. In granting any Zoning Text Amendment, the Board of Supervisors may prescribe
725 appropriate conditions or restriction as it deems necessary to:
- 726 i. Ensure full compliance with this Ordinance and applicable state
727 requirements.
- 728 ii. Mitigate or eliminate potential negative impacts on adjacent properties,
729 public infrastructure, or the general welfare.
- 730 iii. Coordinate the amendment with infrastructure improvements, additional
731 studies, a future rezoning(s), or Zoning Ordinance Text amendment.
- 732 b. Violation of such conditions and restrictions, when made a part of the terms under
733 which the Zoning Text Amendment is granted, shall be deemed a violation of this
734 Ordinance and punishable under Section 43.07 of this Ordinance.
- 735 6. Decisions and Records.
- 736 a. The Board of Supervisors shall render a written decision on an application for a
737 Zoning Text Amendment after the close of the public meeting. The final decision
738 of the Board shall contain specific findings of fact supporting the granting or
739 denial of the amendment and shall clearly set forth any conditions or restrictions
740 imposed pursuant to this Ordinance. These findings should be related to the
741 specific standards stating the Ordinance which the applicant must satisfy. If the

items in this Ordinance are not followed by the Board of Supervisors, their decision shall become null and void.

b. The Zoning Department shall maintain complete records of all action with respect to applications for a Zoning Text Amendment.

c. If denied, applicants may not reapply for the same Zoning Text Amendment to the Board before one (1) year have passed from the date of the hearing on the first petition.

7. Supplemental Standards.

a. An approved amendment to the Zoning Text Amendment shall not, by itself, constitute approval of any zoning map amendment (rezoning), Comprehensive Land Use Plan Amendment, subdivision, site development, or permit application. All subsequent development proposals shall be reviewed independently for consistency with applicable zoning regulations and ordinances.

b. The granting of a Zoning Text Amendment shall not be construed to establish precedent for future amendments and any substantial change to a proposed or approved Zoning Text Amendment shall require resubmittal and reprocessing under this section as a new application.

Comprehensive Land Use Plan Amendment

A Comprehensive Land Use Plan Amendment process is established to prescribe uniform procedures for amendments to the Warren County Comprehensive Land Use Plan. The Board of Supervisors, Zoning Commission, the Zoning Administrator, a property owner of land lying in the unincorporated areas of the County, or the owner of any business located in the unincorporated area of the County may initiate a request for an amendment to the County Comprehensive Land Use Plan, including any amendment to the Future Land Use Map, by filing an application with the Zoning Administrator and paying the application filing fee as established by the Board of Supervisors. The following provisions establish a review process and review standards for County Comprehensive Land Use Plan amendments.

1. Pre-Application Meeting. Before an applicant can submit a Comprehensive Land Use Plan application, the applicant must attend a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Comprehensive Land Use Plan Amendment. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting. The requirement for a pre-application meeting may be waived upon written request to the Zoning Administrator, provided that all involved departments and agencies agree the meeting is not necessary.

2. Application. An application for a Comprehensive Land Use Plan Amendment shall be signed by the property owners and all additional application requirements shall be submitted to the Zoning Department, including:

a. Application form and filing fee.

b. Written statement of justification addressing the following:

- 781 i. The extent to which the change would be consistent with the
782 Comprehensive Land Use Plan goals and policies.
- 783 ii. Evidence demonstrating the reasons why the plan should be changed,
784 including (but not limited to) whether new information has become
785 available since the Comprehensive Land Use Plan was adopted that
786 supports reexamination of the plan, or that existing or proposed
787 development offers new opportunities or constraints that were not
788 previously considered.
- 789 iii. Whether or not the change is needed to allow reasonable development of
790 the site.
- 791 iv. The relationship of the proposed amendment to the supply and demand for
792 the particular land uses within the County and immediate vicinity of the
793 site.
- 794 v. A demonstration that the proposed amendment has merit beyond the
795 interests of the applicant.
- 796 vi. The possible impacts of the amendment on all specific elements of the
797 Comprehensive Land Use Plan as may be applicable, including, but not
798 limited to, goals, objectives and strategies from Comprehensive Land Use
799 Plan.
- 800 vii. Consideration of the fiscal impact of the proposed amendment to the
801 County.
- 802 c. For a proposed amendment to the text of the Comprehensive Land Use Plan, a
803 document with the tracked changes version of the text, showing proposed edits.
- 804 d. For a proposed amendment to the Future Land Use Map, a site plan outlining:
- 805 i. Existing and proposed land use, zoning, and Future Land Use Map
806 designation for the subject property and adjacent properties.
- 807 ii. Location and use of existing structures and proposed structures.
- 808 iii. Location of existing and proposed roads, access, and other public
809 improvements.
- 810 iv. General location of topographic features and other site conditions.
- 811 e. Any other information the Zoning Administrator determines necessary to review
812 the application.
- 813 3. Review, Notice, and Meeting Requirements.
- 814 a. Upon receipt in proper form of the application, fee, and statement, the Planning
815 and Zoning Department shall review the request for compliance with the Zoning
816 Ordinance and applicable Standards for Approval in subsection 4 of this section.
- 817 b. Following completion of staff review, the application and staff report shall be
818 placed on the agenda of the Zoning Commission for consideration at a public
819 meeting. The Commission shall evaluate the application based on the criteria in
820 Standards for Approval in subsection 4 of this section and make a

821 recommendation to the Board of Supervisors to approve, approve with conditions,
822 or deny the request.

- 823 c. The Board of Supervisors shall hold at least one (1) public hearing for the request.
824 Notice of the hearing will be published in an official newspaper of the County at
825 least four (4) days but no more than twenty (20) days prior to the hearing. Written
826 notice of the hearing shall be mailed at least ten (10) days prior to all owners of
827 land within five hundred (500) feet of the subject property. Supplemental or
828 additional notices may be published or distributed as the Board of Supervisors
829 may prescribe.

830 4. Standards for Approval. All applications for a Comprehensive Land Use Plan
831 Amendment shall satisfy the following development criteria to be approved:

- 832 a. The proposed amendment supports or advances the general goals, objectives, and
833 policies of the Warren County Comprehensive Land Use Plan, or demonstrates
834 that the existing plan no longer adequately reflects current conditions,
835 development patterns, or community needs.
- 836 b. The proposed amendment is needed to allow reasonable development of the site
837 and cannot be overcome by any feasible alternative means other than an
838 amendment.
- 839 c. The proposed amendment promotes the public health, safety, and general welfare
840 of Warren County and does not create a conflict with other County Ordinances.
- 841 d. The proposed amendment is compatible with existing and future land use
842 designations in the vicinity of the site and does not significantly alter the character
843 of the surrounding area.
- 844 e. The applicant demonstrates that the amendment is justified by one or more of the
845 following:
- 846 i. A change in County conditions, development trends, or infrastructure
847 availability.
- 848 ii. Identification of an error or inconsistency in the current plan.
- 849 iii. New information has become available since the Comprehensive Land
850 Use Plan was adopted.
- 851 iv. The change is necessary to allow reasonable development of the site.
- 852 f. The proposed amendment is not solely for the benefit of the property owner(s),
853 business(es), or applicant, and serves a broader public or community interest.
- 854 g. The proposed amendment will not impose additional unreasonable costs on the
855 public for infrastructure, services, or enforcement.
- 856 h. The amendment will not result in uncoordinated development or place
857 unreasonable demands on public services, infrastructure, or transportation
858 systems.

- 859 i. The proposed amendment does not conflict with adopted intergovernmental
860 agreements, comprehensive plans, fringe area plans, or coordinated growth
861 strategies with incorporated cities.
- 862 5. Conditions and Restrictions.
- 863 a. In granting any Comprehensive Land Use Plan Amendment, the Board of
864 Supervisors may prescribe appropriate conditions or restriction as it deems
865 necessary to:
- 866 i. Ensure full compliance with this Ordinance and applicable state
867 requirements.
- 868 ii. Mitigate or eliminate potential negative impacts on adjacent properties,
869 public infrastructure, or the general welfare.
- 870 iii. Coordinate the amendment with infrastructure improvements, a future
871 rezoning(s), or Zoning Ordinance Text amendment.
- 872 iv. If applicable, ensure that the designated comprehensive land use remains
873 compatible with the surrounding area.
- 874 b. Violation of such conditions and restrictions, when made a part of the terms under
875 which the Comprehensive Land Use Plan Amendment is granted, shall be deemed
876 a violation of this Ordinance and punishable under Section 43.07 of this
877 Ordinance.
- 878 6. Decisions and Records.
- 879 a. The Board of Supervisors shall render a written decision on an application for a
880 Comprehensive Land Use Plan Amendment after the close of the public meeting.
881 The final decision of the Board shall contain specific findings of fact supporting
882 the granting or denial of the amendment and shall clearly set forth any conditions
883 or restrictions imposed pursuant to this Ordinance. These findings should be
884 related to the specific standards stating the Ordinance which the applicant must
885 satisfy. If the items in this Ordinance are not followed by the Board of
886 Supervisors, their decision shall become null and void.
- 887 b. The Zoning Department shall maintain complete records of all action with respect
888 to applications for a Comprehensive Land Use Plan Amendment
- 889 c. If denied, applicants may not reapply for the same Comprehensive Land Use Plan
890 Amendment to the Board before one (1) year has passed from the date of the
891 hearing on the first petition.
- 892 7. Supplemental Standards.
- 893 a. An approved amendment to the Comprehensive Land Use Plan shall not, by itself,
894 constitute approval of any zoning map amendment (rezoning), subdivision, site
895 development, or permit application. All subsequent development proposals shall
896 be reviewed independently for consistency with applicable zoning regulations and
897 ordinances.

- b. For properties located within two (2) miles of an incorporated city, the County may consult with the relevant city during review of a proposed amendment. When applicable, fringe area agreements, annexation plans, or Iowa Code 28E agreements shall be considered in the review of the amendment.
- c. The granting of a Comprehensive Plan Amendment shall not be construed to establish precedent for future amendments and any substantial change to a proposed or approved Comprehensive Plan Amendment shall require resubmittal and reprocessing under this section as a new application.

Conditional Use Permit

A Conditional Use Permit (CUP) process is established to allow applicants to request land uses that are specifically identified as permitted by Conditional Use Permit within the applicable zoning district, as set forth in the Table of Uses, where such use is compatible with surrounding development, does not pose adverse impacts to public health, safety, or welfare, and where the request satisfies the following review process and standards. Unless otherwise specified as a condition of approval, an approved conditional use shall remain valid indefinitely, provided the use is initiated and maintained in compliance with all applicable conditions and provisions of this Ordinance.

1. Pre-Application Meeting. Before an applicant can submit a Conditional Use Permit application, the applicant shall attend a pre-application meeting with Planning and Zoning Staff to review the procedures and requirements for a Conditional Use Permit and including a proposed site plan and a narrative of the proposed development. Representatives from other relevant County departments, and when applicable, affected cities, may also attend the meeting. The requirement for a pre-application meeting may be waived upon written request to the Zoning Administrator, provided that all involved departments and agencies agree the meeting is not necessary.
2. Application. An application for a Conditional Use Permit shall be submitted to the Planning and Zoning Department and must include:
 - a. Application form and filing fee.
 - b. A written narrative by the applicant describing the specific conditional use requested and its purpose, the measures proposed to minimize potential impacts on surrounding properties, and adequate evidence showing that the requested Conditional Use Permit will conform to the Standards for Approval in subsection 4 of this section.
 - c. A site plan outlining:
 - i. Property boundaries and dimensions, including labeling applicable zoning district regulations.
 - ii. Location and dimensions of existing and proposed structures, including elevations.
 - iii. Adjacent land uses and zoning.

- 937 iv. Access points, circulation, and parking.
- 938 v. Signage, screening, landscaping, fencing, utilities, or infrastructure
- 939 improvements.
- 940 vi. Any easements, utilities, or natural features affecting the property.
- 941 vii. Manner of providing water supply and sewage treatment facilities.
- 942 d. Any other information the Zoning Administrator determines necessary to review
- 943 the application.
- 944 3. Review, Notice, and Meeting Requirements.
- 945 a. Upon receipt in proper form of the application, fee, and statement, the Zoning
- 946 Department shall review the request for compliance with the Zoning Ordinance
- 947 and applicable Standards for Approval in subsection 4 of this section.
- 948 b. The County Engineer shall also review the application for compliance with the
- 949 Zoning Ordinance, Standards for Approval, and other applicable regulations and
- 950 submit a report on the impact of the proposed use on roads and other
- 951 infrastructure matters prior to the public hearing before the Board of Adjustment
- 952 on the application. The Board may require reasonable measures to be taken by the
- 953 applicant to address the impact on roads and other infrastructure matters. The
- 954 terms of the Conditional Use Permit shall specify any such required measures.
- 955 c. Following completion of staff review, the Board of Adjustment shall hold at least
- 956 one (1) public hearing for the request. Notice of the hearing will be published in
- 957 an official newspaper of the County at least four (4) days but no more than twenty
- 958 (20) days prior to the hearing. Written notice of the hearing shall be mailed at
- 959 least ten (10) days prior to all owners of land within five hundred (500) feet of the
- 960 subject property. Supplemental or additional notices may be published or
- 961 distributed as the Board of Adjustment may prescribe. Failure of both the
- 962 applicant and owner to attend the public hearing will result in dismissal of the
- 963 application and no new application can be submitted for one (1) year from the
- 964 date of dismissal.
- 965 4. Standards for Approval. All applications for a Conditional Use Permit shall satisfy the
- 966 following development criteria to be approved:
- 967 a. The requested conditional use will uphold the spirit and intent of the Zoning
- 968 Ordinance, Warren County Comprehensive Land Use Plan, and other applicable
- 969 County codes and regulations.
- 970 b. The conditional use will not be detrimental to or endanger public health, safety, or
- 971 general welfare.
- 972 c. The conditional use will not be injurious to the use and enjoyment of other
- 973 property in the immediate vicinity and will not substantially diminish or impair
- 974 property values within the neighborhood or significantly alter the essential
- 975 character of the surrounding neighborhood.

- d. The value and qualities of the area (or neighborhood) surrounding the conditional use are not substantially injured, and the establishment of a conditional use will not impede the normal and orderly development and improvement of surrounding undeveloped property for uses predominant in the area. In reviewing and acting upon each application for a Conditional Use Permit, the Board shall each give due consideration to the proximity of the proposed use to public parks, schools, licensed day care facilities, dwellings and residential districts, and commercial and industrial areas targeted for development by the Warren County Comprehensive Land Use Plan.
- e. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
- f. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
- g. Permitted signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity and shall comply with the requirements of the sign regulations in this Ordinance.
- h. The development shall provide all off-street parking and loading areas as required by the Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
- i. Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- j. The Board shall determine whether or not the conditional use shall be limited in duration and/or hours of operation. The terms of the Conditional Use Permit shall specify any such limitation.
- k. The Board shall require reasonable measures to control noise, odor, and dust adequately and to prevent the operation from posing an environmental risk for neighboring properties or waterways. The terms of the Conditional Use Permit shall specify any such required measures. If an environmental review by the Conservation Department is required under any ordinances or regulations, the Board shall consider all recommendations included in the review before determining the appropriate environmental protections.
- l. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.

- 1015 m. A plan for site restoration following the cessation of the conditional use is
1016 provided and determined to be acceptable by the County.
- 1017 5. Conditions and Restrictions.
- 1018 a. In granting any Conditional Use Permit, the Board of Adjustment may prescribe
1019 appropriate conditions or restrictions as it deems necessary to ensure full
1020 compliance with this Ordinance, to mitigate or eliminate potential negative
1021 impacts on adjacent properties, public infrastructure, or the general welfare, and
1022 to ensure that the conditional use remains compatible with the surrounding area.
1023 Appropriate conditions and restrictions include, but are not limited to, time limits
1024 for initiation, operation, and termination of the use; site restoration or cleanup
1025 requirements; screening, fencing, or buffering; operational controls; access, traffic
1026 control, or parking requirements; stormwater or dust mitigation; posting of
1027 financial guarantees to ensure restoration of the site once the conditional use has
1028 terminated, or any other requirement that the Board deems appropriate under the
1029 circumstances. Violation of such conditions and restrictions, when made a part of
1030 the terms under which the Conditional Use Permit is granted, shall be deemed a
1031 violation of this Ordinance and punishable under Section 43.07 of this Ordinance.
- 1032 b. If the Board requires a financial guarantee plan, then the Conditional Use Permit
1033 may not be granted until such time as the plan has been submitted to the Board
1034 and approved.
- 1035 6. Decisions and Records.
- 1036 a. The Board of Adjustment shall render a written decision on an application for a
1037 Conditional Use Permit after the close of the public meeting. The final decision of
1038 the Board shall contain specific findings of fact supporting the granting or denial
1039 of the Conditional Use Permit and shall clearly set forth any conditions or
1040 restrictions imposed pursuant to this Ordinance. These findings should be related
1041 to the specific standards stating the Ordinance which the applicant must satisfy. If
1042 the items in this Ordinance are not followed by the Board of Adjustment their
1043 decision shall become null and void.
- 1044 b. The Board of Adjustment shall maintain complete records of all action with
1045 respect to applications for a Conditional Use Permit.
- 1046 c. If denied, applicants may not reapply for the same Conditional Use Permit to the
1047 Board before one (1) year has passed from the date of the hearing on the first
1048 petition.
- 1049 7. Expiration of Permit.
- 1050 a. A Conditional Use Permit shall expire automatically, becoming null and void, if:
- 1051 i. Within twelve (12) consecutive months after issuance, substantial action
1052 has not been taken to accomplish the purpose of the permit, unless a
1053 longer initiation period is explicitly authorized as part of the permit
1054 conditions; or

- 1055 ii. After substantial action has been taken and subsequently such work is
1056 discontinued for a period of twelve (12) consecutive months, the permit
1057 shall immediately expire; or
1058 iii. The conditional use has been established and subsequently is discontinued
1059 or abandoned for a period of twelve (12) consecutive months, the permit
1060 shall immediately expire.
- 1061 b. The Board of Adjustment may extend for a period up to one (1) year the date
1062 when a permit would otherwise expire pursuant to subsection a above if it
1063 concludes that:
- 1064 i. The permit has not expired; or
1065 ii. The permit recipient has proceeded in good faith and with due diligence;
1066 or
1067 iii. Conditions have not changed so substantially as to warrant a new
1068 application.
- 1069 c. Successive extensions may be granted for periods up to one (1) year upon the
1070 same findings. The permit holder shall submit a written extension request and
1071 applicable fee to the Planning and Zoning Department. The extension request
1072 shall be considered by the Board of Adjustment in accordance with the review
1073 process and standards.
- 1074 8. Supplemental Standards.
- 1075 a. A Conditional Use Permit authorizes the permit holder the use of land or structures
1076 in a particular way and subject to certain conditions. As such, the Conditional Use
1077 Permit shall run with the land and shall be binding upon the affected property
1078 until officially amended. However, no person (including successors or assigns of
1079 the original permit holder) may make use of the land or structures covered under
1080 such permit except in accordance with all terms and requirements of the permit, so
1081 long as the permit remains in effect.
- 1082 b. The granting of a Conditional Use Permit is not grounds for granting other
1083 Conditional Use Permits for the same or differing properties.
- 1084 c. Any Conditional Use Permit may be terminated without extension or renewal
1085 upon the effective date of a change in the Zoning Ordinance that no longer allows
1086 the conditional use, regardless of whether the permitted time period has lapsed.
- 1087 d. The Zoning Administrator may approve minor amendments to a Conditional Use
1088 Permit in keeping with the intent of the original approval, or refer the amendment
1089 to the Board of Adjustment to be considered at its next regularly scheduled
1090 meeting. The process does not require a public hearing unless the Board of
1091 Adjustment finds the requested amendment to be a significant change to the intent
1092 of the original approval, in which case the Board of Adjustment shall require that
1093 a new application be submitted and processed in the same fashion as the original
1094 application for Conditional Use Permit OR In the event a Conditional Use Permit

1095 is granted under the terms of this section, any change thereafter in the approved
1096 use or site plan shall be resubmitted and considered in the same manner as the
1097 original proposal.

1098 **Interim Use Permit**

1099 An Interim Use Permit (IUP) process is established to allow applicants to request interim land
1100 uses that are specifically identified as permitted by Interim Use Permit within the applicable
1101 zoning district, as set forth in the Table of Uses, for a limited duration of up to three (3) years,
1102 where such use is compatible with surrounding development, does not pose adverse impacts to
1103 public health, safety, or welfare, and where the request satisfies the following review process and
1104 standards for Interim Use Permits.

- 1105 1. Pre-Application Meeting. Before an applicant can submit an Interim Use Permit
1106 application, the applicant shall attend a pre-application meeting with Planning and
1107 Zoning Staff to review the procedures and requirements for an Interim Use Permit and
1108 including a proposed site plan and a narrative of the proposed development.
1109 Representatives from other relevant County departments, and when applicable, affected
1110 cities, may also attend the meeting. The requirement for a pre-application meeting may
1111 be waived upon written request to the Zoning Administrator, provided that all involved
1112 departments and agencies agree the meeting is not necessary.
- 1113 2. Application. An application for an Interim Use Permit shall be submitted to the Planning
1114 and Zoning Department and must include:
- 1115 a. Application form and filing fee.
 - 1116 b. A written narrative by the applicant describing the specific interim use requested
1117 and its purpose, the duration of the use (not to exceed three (3) years), the
1118 measures proposed to minimize potential impacts on surrounding properties, how
1119 the site will be restored following the conclusion of the use, and adequate
1120 evidence showing that the requested Interim Use Permit will conform to the
1121 Standards for Approval in subsection 4 of this section.
 - 1122 c. A site plan outlining:
 - 1123 i. Property boundaries and dimensions, including labeling applicable zoning
1124 district regulations.
 - 1125 ii. Location and dimensions of existing and proposed structures or activity
1126 areas.
 - 1127 iii. Adjacent land uses and zoning.
 - 1128 iv. Access points, circulation, and parking.
 - 1129 v. Signage, screening, landscaping, fencing, utilities, or infrastructure
1130 improvements.
 - 1131 vi. Any easements, utilities, or natural features affecting the property.
 - 1132 d. Any other information the Zoning Administrator determines necessary to review
1133 the application.

1134 3. Review, Notice, and Meeting Requirements.

- 1135 a. Upon receipt in proper form of the application, fee, and statement, the Planning
1136 and Zoning Department shall review the request for compliance with the Zoning
1137 Ordinance and applicable Standards for Approval in subsection 4 of this section.
- 1138 b. Following completion of staff review, the Board of Adjustment shall hold at least
1139 one (1) public hearing for the request. Notice of the hearing will be published in
1140 an official newspaper of the County at least four (4) days but no more than twenty
1141 (20) days prior to the hearing. Written notice of the hearing shall be mailed at
1142 least ten (10) days prior to all owners of land within five hundred (500) feet of the
1143 subject property. Supplemental or additional notices may be published or
1144 distributed as the Board of Adjustment may prescribe.

1145 4. Standards for Approval. All applications for an Interim Use Permit shall satisfy the
1146 following standards for such request to be approved:

- 1147 a. The requested interim use is temporary in nature and shall be terminated upon the
1148 three (3) year time period, as identified in the application and approval.
- 1149 b. The date or event that will terminate the interim use can be clearly identified with
1150 certainty at the time of approval.
- 1151 c. The requested interim use will not delay or interfere with the anticipated
1152 development or redevelopment of the site.
- 1153 d. The requested interim use will uphold the spirit and intent of the Zoning
1154 Ordinance, Warren County Comprehensive Land Use Plan, and other applicable
1155 County codes and regulations.
- 1156 e. The requested interim use will not be detrimental to or endanger public health,
1157 safety, or general welfare.
- 1158 f. The requested interim use will not be injurious to the use and enjoyment of other
1159 property in the immediate vicinity and will not substantially diminish or impair
1160 property values within the neighborhood or significantly alter the essential
1161 character of the surrounding neighborhood.
- 1162 g. The requested interim use will not impose additional unreasonable costs on the
1163 public for infrastructure, services, or enforcement if it is necessary for the public
1164 to take the property in the future and will not create a nuisance or public hazard.
- 1165 h. The property is suitable for the requested interim use, including that adequate
1166 utilities, access roads, parking, traffic circulation, public services, drainage, and
1167 any other required facilities and utility or stormwater infrastructure are being
1168 provided.
- 1169 i. A plan for site restoration following the cessation of the interim use is provided
1170 and determined to be acceptable by the County.

1171 5. Conditions and Restrictions. In granting any Interim Use Permit, the Board of
1172 Adjustment may prescribe appropriate conditions or restrictions as it deems necessary to
1173 ensure full compliance with this Ordinance, to mitigate or eliminate potential negative

impacts on adjacent properties, public infrastructure, or the general welfare, and to ensure that the interim use remains compatible with the surrounding area. Appropriate conditions and restrictions include, but are not limited to, time limits for initiation, operation, and termination of the use; site restoration or cleanup requirements; screening, fencing, or buffering; operational controls; access, traffic control, or parking requirements; stormwater or dust mitigation; posting of financial security or guarantees to ensure removal of temporary structures and restoration of the site, or any other requirement that the Board deems appropriate under the circumstances. Violation of such conditions and restrictions, when made a part of the terms under which the Interim Use Permit is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.07 of this Ordinance.

6. Decisions and Records.

- a. The Board of Adjustment shall render a written decision on an application for a Interim Use Permit after the close of the public meeting. The final decision of the Board shall contain specific findings of fact supporting the granting or denial of the Interim Use Permit and shall clearly set forth any conditions or restrictions imposed pursuant to this Ordinance. These findings should be related to the specific standards stating the Ordinance which the applicant must satisfy. If the items in this Ordinance are not followed by the Board of Adjustment, their decision shall become null and void.
- b. The Zoning Department shall maintain complete records of all action with respect to applications for an Interim Use Permit.
- c. If denied, applicants may not reapply for the same Interim Use Permit to the Board before six (6) months have passed from the date of the hearing on the first petition.

7. Expiration of Permit.

- a. An Interim Use Permit shall expire automatically, becoming null and void, if:
 - i. Within twelve (12) consecutive months after issuance, substantial action has not been taken to accomplish the purpose of the permit, unless a longer initiation period is explicitly authorized as part of the permit conditions; or
 - ii. After substantial action has been taken and subsequently such work is discontinued for a period of twelve (12) consecutive months, the permit shall immediately expire; or
 - iii. The interim use has been established and subsequently is discontinued or abandoned for a period of twelve (12) consecutive months, the permit shall immediately expire.
- b. The Board of Adjustment may extend for a period up to one (1) year the date when a permit would otherwise expire pursuant to subsection a above if it concludes that:

- 1214 i. The permit has not expired; or
1215 ii. The permit recipient has proceeded in good faith and with due diligence;
1216 or
1217 iii. Conditions have not changed so substantially as to warrant a new
1218 application.
- 1219 c. Successive extensions may be granted for periods up to one (1) year upon the
1220 same findings. The permit holder shall submit a written extension request and
1221 applicable fee to the Planning and Zoning Department. The extension request
1222 shall be considered by the Board of Adjustment in accordance with the review
1223 process and standards.
- 1224 8. Supplemental Standards.
- 1225 a. An Interim Use Permit authorizes the permit holder the use of land or structures in
1226 a particular way and subject to certain conditions. As such, the Interim Use Permit
1227 shall run with the land and shall be binding upon the affected property until
1228 officially amended. However, no person (including successors or assigns of the
1229 original permit holder) may make use of the land or structures covered under
1230 such permit except in accordance with all terms and requirements of the permit, so
1231 long as the permit remains in effect.
- 1232 b. The granting of an Interim Use Permit is not grounds for granting other Interim
1233 Use Permits for the same or differing properties and shall not be considered
1234 justification for permanent use entitlement.
- 1235 c. Any Interim Use Permit may be terminated without extension or renewal upon the
1236 effective date of a change in the Zoning Ordinance that no longer allows the
1237 interim use, regardless of whether the permitted time period has lapsed.

1238 **Building Permit**

1239 A Building Permit process is established to allow applicants to obtain authorization for the
1240 excavation, erection, construction, reconstruction, enlargement, alteration, or relocation of any
1241 building or structure, for any change in use or occupancy of a building or structure, or land from
1242 one classification to another; or for the modification of a legally nonconforming use. No such
1243 activity shall occur until a Building Permit has been issued by the Zoning Administrator in
1244 accordance with this Ordinance and the following review process and standards.

- 1245 1. Application. An application for a Building Permit shall be submitted to the Zoning
1246 Department and must include:
- 1247 a. Application form and filing fee.
- 1248 b. A written narrative by the applicant describing the specific work or land use
1249 requested and its purpose, the existing and proposed use of each building or
1250 structure or part thereof of the use, and adequate evidence showing that the
1251 requested Zoning Certificate/Building Permit will conform to the Standards for
1252 Approval in subsection 3 of this section.

- 1253 c. A site plan outlining the following and noting that all dimensions shown on the
1254 site plan shall be based on an actual boundary survey prepared by a professional
1255 licensed in the State of Iowa:
- 1256 i. Property boundaries and dimensions of the lot to be built upon or to be
1257 changed in its use, in whole or in part, if applicable.
 - 1258 ii. The location of the existing and proposed use to be made of the lot.
 - 1259 iii. The existing and proposed use of each building or structure or part thereof.
 - 1260 iv. Label applicable zoning district and zoning district regulations and future
1261 land use designation.
 - 1262 v. Location and dimensions of building or structure to be erected or altered.
 - 1263 vi. Location and dimensions of existing building or structures.
 - 1264 vii. The number of families or housekeeping units the building is designed to
1265 accommodate and when no buildings are involved.
 - 1266 viii. Adjacent land uses and zoning.
 - 1267 ix. Access points, circulation, and parking.
 - 1268 x. Signage, screening, landscaping, fencing, utilities, or infrastructure
1269 improvements.
 - 1270 xi. Any easements, utilities, or natural features affecting the property.
- 1271 d. Any other information the Zoning Administrator determines necessary to review
1272 the application.
- 1273 2. Review, Notice, and Meeting Requirements.
- 1274 a. The Zoning Administrator shall review the proposed Zoning Certificate/Building
1275 Permit application for compliance with the Standards for Approval outlined below
1276 and the Zoning and Subdivision Ordinance, and may approve, approve with
1277 conditions, or deny the Zoning Certificate/Building Permit application. The
1278 application will also be reviewed by the County Board of Health, County
1279 Engineer, utilities, and other County staff as needed.
- 1280 3. Standards for Approval. All Building Permit applications shall satisfy the following
1281 standards for the application to be approved:
- 1282 a. Complies with the minimum lot and development standards under the Zoning
1283 Ordinance, including the bulk regulations of the respective zoning district.
 - 1284 b. The Board of Health signs off in terms of Evidence shall be submitted that any
1285 new proposed dwelling unit has met the minimum requirements of the Warren
1286 County Board of Health with regard to sewage disposal systems and approval for
1287 the sewage disposal permit has been granted. This shall include any existing
1288 dwellings for which any additions to the number of bedrooms are proposed.
 - 1289 c. Appropriate state of Iowa utilities reviews and approved.
- 1290 4. Decision and Records.
- 1291 a. If approved, the lot and the location for the building thereon shall be staked out on
1292 the ground before construction is started. The Zoning Certificate or Building

Permit shall be obtained from the Zoning Administrator in writing before starting or proceeding with any of the work described herein

5. Expiration of Certificate or Permit.

a. A Zoning Certificate or Building Permit issued in accordance with the provisions of this section shall expire automatically, becoming null and void, if:

i. Within six (6) consecutive months after the date of issuance, the construction, alteration, or change of use is not commenced during the six (6) month period.

ii. Proposed construction or alteration must be completed within eighteen (18) consecutive months.

b. All Building Permits and Certificates of Occupancy shall be revocable, subject to the continued compliance with all requirements and conditions of this and other applicable laws and regulations.

c. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

6. Supplemental Standards.

a. Building permits shall not be issued for structures which will obstruct or encroach on an easement shown on any recorded plat unless allowed by said easement.

b. File somewhere?

c. Exceptions;

i. Agricultural buildings

ii. Distinguished fees for principal use or structure versus an accessory use or an addition to an existing primary or accessory structure. Accessory use is a detached garage or pole building, shipping containers, signs, wind generator for private use, etc. Exception: Less than two hundred (200) square foot building is not considered an accessory structure for fee.

Variance

A variance process is established to allow applicants to seek relief from the terms of the zoning ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, and where the request satisfies the following review process and standards for granting variances in accordance with Iowa Code §335.15, as amended.

1. Application. An application for a variance shall be submitted to the Zoning Department and must include:

a. Application form and filing fee.

b. A written narrative by the applicant and adequate evidence showing that the requested variance will conform to the Standards for Approval from subsection 3 of this section.

- 1332 c. A site plan outlining:
- 1333 i. Location and dimensions of existing and proposed structures.
- 1334 ii. Lot dimensions, including area and setbacks.
- 1335 iii. The specific variance requested with dimensions clearly labeled.
- 1336 iv. Adjacent land uses.
- 1337 v. Any easements, utilities, or natural features affecting the property.
- 1338 d. Any other information the Zoning Administrator determines necessary to review
- 1339 the application.
- 1340 2. Notice and Meeting Requirements. Upon receipt in proper form of the application, fee,
- 1341 and statement, the Board of Adjustment shall hold at least one (1) public hearing on the
- 1342 requested variance. Notice of the hearing will be published in accordance with the
- 1343 provisions of this chapter.
- 1344 3. Standards for Approval. All applications for a variance shall satisfy the following
- 1345 development criteria to be granted by the Board of Adjustment.
- 1346 a. Literal enforcement of the Zoning Ordinance would result in unnecessary
- 1347 hardship upon the owner of such property.
- 1348 b. The variance relates entirely to a permitted use (principal, conditional, or
- 1349 accessory) classified by applicable zoning district regulations, or to a permitted
- 1350 sign or off-street parking or loading area accessory to such a permitted use.
- 1351 c. The practical difficulties are due to special conditions unique to the property that
- 1352 prohibit the property owner in making a beneficial use of the property allowed by
- 1353 the Zoning Ordinance and are not self-created. Special conditions may include,
- 1354 but are not limited to, exceptional topographical conditions, surroundings, size
- 1355 and shape of the property, location of public utilities or improvements on or
- 1356 adjacent to the subject property, or other extraordinary or exceptional situation(s)
- 1357 of a specific parcel or property.
- 1358 d. Except for the specific numerical variance being proposed, the structure subject to
- 1359 the variance shall in all other respects conform to the requirements of the zoning
- 1360 district in which it is located.
- 1361 e. Such practical difficulties cannot be overcome by any feasible alternative means
- 1362 other than a variance.
- 1363 f. The requested variance will not be detrimental to or endanger public health,
- 1364 safety, or general welfare.
- 1365 g. The requested variance will not be injurious to the use and enjoyment of other
- 1366 property in the immediate vicinity and will not substantially diminish or impair
- 1367 property values within the neighborhood or significantly alter the essential
- 1368 character of the surrounding neighborhood.
- 1369 h. Adequate utilities, access roads, drainage and other necessary facilities are being
- 1370 provided.

- 1371 i. Approval of the variance will uphold the spirit and intent of the Zoning Ordinance
1372 and result in substantial justice being done.
1373 j. Approval of the variance will not substantially impair the general purpose and
1374 intent of the Warren County Comprehensive Land Use Plan.

1375 4. Conditions and Restrictions.

- 1376 a. In granting any variance, the Board of Adjustment may prescribe appropriate
1377 conditions or restrictions it reasonably considers necessary to ensure full
1378 compliance with the standards of this Ordinance, to reduce or eliminate any
1379 detrimental effect of the requested variance on the neighborhood or the public
1380 welfare, or to carry out the general purpose and intent of this Ordinance.
1381 Appropriate conditions and restrictions include, but are not limited to, planting
1382 screens, fencing, construction commencement and completion deadlines, lighting,
1383 operations controls, improved traffic circulation requirements, highway access
1384 restrictions, increased minimum yard requirements, parking requirements, or any
1385 other requirement that the Board deems appropriate under the circumstances.
1386 Violation of such conditions and restrictions, when made a part of the terms under
1387 which the variance is granted, shall be deemed a violation of this Ordinance and
1388 punishable under Section 43.07 of this Ordinance.

1389 5. Decisions and Records.

- 1390 a. The Board of Adjustment shall render a written decision on an application for a
1391 variance after the close of the public meeting. The final decision of the Board
1392 shall contain specific findings of fact supporting the granting or denial of the
1393 variance and shall clearly set forth any conditions or restrictions imposed pursuant
1394 to this Ordinance. These findings should be related to the specific standards
1395 stating the Ordinance which the applicant must satisfy. If the items in this
1396 Ordinance are not followed by the Board of Adjustment, their decisions shall
1397 become null and void. The Board of Adjustment shall maintain complete records
1398 of all action with respect to applications for a variance.
1399 b. The concurring vote of three (3) members of the Board of Adjustment shall be
1400 necessary to reverse any requirement, decision, order, or determination of the
1401 Zoning Administrator or to decide in favor of the applicant in regard to any matter
1402 upon which the Board is authorized by the Zoning Ordinance to render a decision.
1403 c. Any variance granted by the Board of Adjustment shall become null and void if
1404 the applicant does not secure a Building Permit or initiate the authorized work
1405 within one (1) year of approval.
1406 d. If denied, applicants may not reapply for the same variance to the Board before
1407 one (1) year has passed from the date of the hearing on the first petition.

1408 6. Supplemental Standards.

- 1409 a. This section applies only to area, dimensional, or other numerical variances and
1410 under no circumstance may the Board grant a variance that would allow a use,

- 1411 other than those specifically allowed in the zoning district, in which the subject
1412 property is located.
- 1413 b. The granting of a variance is not grounds for granting other variances for the same
1414 or differing properties.

1415 **Special Exception**

1416 A special exception process is established to allow applicants to seek relief from the required
1417 front, side, or rear yard setback requirements of any zoning district not exceeding thirty-five
1418 percent (35%) when literal enforcement would result in practical difficulties in making a
1419 beneficial use of the property allowed by the Zoning Ordinance and where the request satisfies
1420 the following review process and standards (i.e., on a lot with a required 50-foot front yard
1421 setback, a maximum 35% reduction may allow a setback of no less than thirty two and a half (32
1422 ½) feet).

1423 1. Application. An application for a special exception shall be submitted to the Planning and
1424 Zoning Department and must include:

- 1425 a) Application form and filing fee.
- 1426 b) A written narrative by the applicant and adequate evidence showing that the requested
1427 special exception will conform to the Standards for Approval in subsection 3 of this
1428 section.
- 1429 c) A site plan outlining:
- 1430 i) Location and dimensions of existing and proposed structures.
- 1431 ii) Lot dimensions, including area and setbacks.
- 1432 iii) The specific setback reduction requested with dimensions clearly labeled.
- 1433 iv) Adjacent land uses.
- 1434 v) Any easements, utilities, or natural features affecting the property.
- 1435 d) Any other information the Zoning Administrator determines necessary to review the
1436 application.

1437 2. Review and Approval Process. Upon receipt in proper form of the application, fee, and
1438 statement, the Zoning Administrator shall review the special exception application for
1439 compliance with the Standards for Approval outlined below and the Zoning and Subdivision
1440 Ordinance, and may approve, approve with conditions, or deny the application.

1441 3. Standards for Approval. All special exception applications shall satisfy the following
1442 standards for the application to be approved:

- 1443 a) The literal enforcement of the setback requirements of the applicable zoning district
1444 would result in practical difficulties upon the owner of such property and only where
1445 such exception does not exceed thirty-five percent 35% of the particular setback
1446 limitation or number in question.
- 1447 b) The exception relates entirely to a permitted use (principal, conditional, or accessory)
1448 classified by applicable zoning district regulations, or to a permitted sign or off-street
1449 parking or loading areas accessory to such a permitted use.

- 1450 c) The practical difficulties are due to special conditions unique to the property that prohibit
1451 the property owner in making a beneficial use of the property allowed by the Zoning
1452 Ordinance and are not self-created. Special conditions may include, but are not limited to,
1453 exceptional topographical conditions, surroundings, size and shape of the property,
1454 location of public utilities or improvements on or adjacent to the subject property, or
1455 other extraordinary or exceptional situation(s) of a specific parcel or property.
- 1456 d) Except for the specific setback reduction being proposed, the structure subject to the
1457 special exception shall in all other respects conform to the requirements of the zoning
1458 district in which it is located.
- 1459 e) Such practical difficulties cannot be overcome by any feasible alternative means other
1460 than an exception.
- 1461 f) The requested special exception will not be detrimental to or endanger public health,
1462 safety, or general welfare.
- 1463 g) The requested special exception will not be injurious to the use and enjoyment of other
1464 property in the immediate vicinity and will not substantially diminish or impair property
1465 values within the neighborhood or significantly alter the essential character of the
1466 surrounding neighborhood.
- 1467 h) Adequate utilities, access roads, drainage and other necessary facilities are being
1468 provided.
- 1469 i) Approval of the special exception will uphold the spirit and intent of the Zoning
1470 Ordinance and result in substantial justice being done.
- 1471 j) Approval of the special exception will not substantially impair the general purpose and
1472 intent of the Warren County Comprehensive Land Use Plan.

1473 4. Conditions and Restrictions.

- 1474 a) In granting any special exception, the Zoning Administrator may prescribe appropriate
1475 conditions or restrictions it reasonably considers necessary to ensure full compliance with
1476 the standards of this Ordinance, to reduce or eliminate any detrimental effect of the
1477 requested special exception on the neighborhood or the public welfare, or to carry out the
1478 general purpose and intent of this Ordinance. Violation of such conditions and
1479 restrictions, when made a part of the terms under which the special exception is granted,
1480 shall be deemed a violation of this Ordinance and punishable under Section 43.07 of this
1481 Ordinance.

1482 5. Decisions and Records.

- 1483 a) Where the Zoning Administrator finds that a request for special exception is not in
1484 accordance with this section, the request shall be placed on the agenda for the next
1485 available Board of Adjustment meeting for which direct notice has not been sent. The
1486 Zoning Administrator shall not place the application on the agenda until the difference in
1487 filing fees has been paid and all additional information required has been submitted.
- 1488 b) The Zoning Department shall maintain complete records of all action with respect to
1489 applications for a special exception.

c) Any special exception granted by the Zoning Administrator shall become null and void if the applicant does not secure a Building Permit or initiate the authorized work within one (1) year of approval.

d) If denied, applicants may not reapply for the same special exception to the Zoning Administrator before six (6) months have passed from the date of the hearing on the first petition.

6. Supplemental Standards.

a) This section applies only to special exceptions to setback reductions and under no circumstance may the Zoning Administrator grant a special exception that would allow a use, other than those specifically allowed in the zoning district in which the subject property is located.

b) The granting of a special exception is not grounds for granting other special exceptions for the same or differing properties.

43.07 Enforcement Procedures and Remedies

Enforcement

The provisions set forth in the Zoning Ordinance are enacted under the authority of Iowa Code §331, as amended, and shall be administered and enforced by the Zoning Administrator to ensure full compliance. No land, building, structure, or use shall be located, erected, moved, constructed, reconstructed, enlarged, altered, maintained, or used except in conformity with the provisions of the Ordinance, or any amendment or supplement thereto, adopted by the County Board of Supervisors, or fail to comply with any requirement or condition imposed by the County Board of Adjustment. Any violation of this Ordinance is unlawful and subject to the enforcement procedures, penalties, and remedies set forth in this Chapter.

Notice of Violation; Voluntary Compliance

Enforcement of this Ordinance against any person, firm, or corporation in violation shall first be attempted through inspection, notification, and the opportunity for voluntary compliance as follows:

1. Any person, firm or corporation found to be in violation of any provision of the Zoning Ordinance shall be served written notice by the Zoning Administrator stating the nature of the violation, providing a reasonable time limit for the satisfactory correction thereof, and ordering the action necessary to correct it.
2. Within the period of time stated in the notice, the violator shall take all necessary action to correct the violation and shall permanently cease such violation.
3. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by the Zoning Ordinance to ensure any other action

1527 authorized by the Zoning Ordinance to ensure compliance with or to prevent violation of
1528 its provisions.

1529 **Additional Administrative Remedies**

1530 In addition to the initial opportunity for voluntary compliance through inspection and
1531 notification, the County retains the authority to impose further administrative remedies to ensure
1532 enforcement of this Ordinance. These remedies are supplemental to, and not in limitation of,
1533 other enforcement mechanisms and penalties provided by the Zoning Ordinance or by state law.
1534 The County may exercise the following administrative remedies:

- 1535 1. Revocation of Permit. Any permit, certificate, or other form of authorization required
1536 under the Zoning Ordinance may be revoked by the Zoning Administrator upon
1537 determination that:
- 1538 a. There is a departure from the plans, specifications, or conditions as required under
1539 terms of the permit.
 - 1540 b. The permit was procured by false representation or was issued by mistake.
 - 1541 c. Any of the provisions of this Ordinance are being violated.
 - 1542 d. Written notice of such revocation shall be served upon the property owner, the
1543 owner's agent or contractor, or upon any person employed on the building or
1544 structure for which such permit was issued, or shall be posted in a prominent
1545 location; and, thereafter, no such construction shall proceed.
- 1546 2. Withholding of Permit. The County may deny or withhold any permit, certificate, or other
1547 form of authorization on any land or structure or improvements thereon upon which there
1548 is an uncorrected violation of a provision of this Ordinance or of a condition or
1549 qualification of a permit, certificate, approval or other authorization previously granted
1550 by the County unless said permits are expressly for remedying abatement of the
1551 violations. This administrative remedy shall apply regardless of whether the current
1552 owner or applicant is responsible for the violation in question.
- 1553 3. Revocation of Plan or Other Approval. Where a violation of this Ordinance involves
1554 failure to comply with an approved plan or with conditions of such plan's approval, the
1555 Board of Supervisors may, upon written notice to the applicant and other known parties
1556 in interest (including any holders of permits affected) and after a public hearing, revoke
1557 the plan or other approval or condition its continuance on strict compliance with the
1558 Zoning Ordinance, the provision of security to ensure that construction is completed in
1559 compliance with approved plans, or such other conditions as the Board of Supervisors
1560 may reasonably impose.

1561 **Violation and Penalties**

1562 When all reasonable efforts to achieve compliance have failed and administrative remedies are
1563 exhausted, and the person, firm, or corporation responsible for a violation does not correct or
1564 abate the violation, provide an acceptable schedule for correction, or comply with such a

1565 schedule, the Zoning Administrator, or any County employee authorized to enforce the
1566 regulations to which this Ordinance applies, may issue a civil citation for a County infraction. At
1567 this stage, any violation of a regulation, restriction, or boundary adopted under Iowa Code §331,
1568 as amended, or the occupancy or use of any structure erected, altered, or maintained in violation
1569 thereof, shall constitute a misdemeanor. Such occupancy or use shall be deemed a continuing
1570 violation and may be the subject of repeated prosecutions if so continued. Each day each
1571 violation continues after the compliance date established on the citation may be deemed a
1572 separate County infraction. Any person, firm, or corporation convicted of a County infraction, by
1573 the reason of violations hereinafter set forth, shall be punished by a fine of not more than seven
1574 hundred fifty dollars (\$750.00) for each violation or if the infraction is a repeat offense a civil
1575 penalty not to exceed one thousand dollars (\$1000.00) for each repeat offense, pursuant to Iowa
1576 Code §331.307, as amended.

Final Version will be available on 11/05/25