

Title V - Property and Land Use

Chapter 43 Zoning - Enforcement and Administration

- 43.01 Zoning Administrator
- 43.02 Zoning Commission
- 43.03 Board of Adjustment
- 43.04 Board of Supervisors
- 43.05 Land Use Application, Review, and Approval Processes
- 43.06 Fee Schedule
- 43.07 Planned Community Development
- 43.08 Rezoning (Official Zoning Map Amendment)
- 43.09 Zoning Text Amendment
- 43.10 Comprehensive Land Use Plan Amendment
- 43.11 Conditional Use Permit
- 43.12 Interim Use Permit
- 43.13 Building Permit
- 43.14 Sign Permit
- 43.15 Home-Based Business Permit
- 43.16 Variance
- 43.17 Special Exception
- 43.18 Enforcement Procedures and Remedies

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, all of whom 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.
 - d. To recommend to the Board of Supervisors amendments, supplements, changes, or modifications to this chapter.
 - e. To perform all other duties assigned to the Zoning Commission in this chapter.
3. *Notice and Meeting Requirements.*
- a. For any land use application requiring review and recommendation by the Zoning Commission, the request shall be forwarded to the Zoning Commission following review from County Zoning Staff. A staff report setting forth Staff's findings of fact concerning the application's conformance to the Ordinance and any recommendations by Staff for requirements or conditions to be imposed shall be prepared and presented by the County Zoning Staff at the Zoning Commission public hearing. Any person may submit comments or testify at the public hearing. At the public hearing, the Zoning Commission may make a recommendation to the Board of Supervisors whether it concurs in whole or in part with the staff's proposed findings and recommendations. To the extent the Commission does not concur, the Commission shall propose its own findings of fact concerning the application's conformance to the Standards for Approval for the respective land use application recommendations and provide supporting reasons.
 - b. For any land use application requiring a notice of a public hearing before the Zoning Commission:
 - i. Notice of location, time and date of the meeting held by the Zoning Commission 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 a notice via United States 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 Zoning Commission. For purposes of this Ordinance, "mailing" means the act of

depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. 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).

- iii. At the public hearing, the applicant must appear in person or by representative. However, failure of the applicant 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.
- iv. 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. Compliance with the publication and mailing requirements of this subsection shall be deemed to constitute adequate and proper notice for purposes of these proceedings, irrespective of actual receipt by individual property owners. The omission of the name of any property owner who may, in the opinion of the Zoning Commission, be affected by such amendment or change shall likewise not invalidate any recommendation adopted hereunder. It is the intention of this subsection to provide, to the fullest extent possible, reasonable and sufficient 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, all 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 Use Permits.
 - b. To review and decide upon applications for Interim Use Permits.
 - c. 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 unnecessary hardships or practical difficulties, and so that the spirit of the Zoning Ordinance shall be observed, and substantial justice done.

- d. To review and act upon requests for the creation of flag lots and to impose such conditions as necessary to ensure compliance with applicable standards and the public interest.
 - e. 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.
 - f. 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, if applicable. 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 a notice via United States 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. For purposes of this Ordinance, “mailing” means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. 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).
- iii. At the public reading/hearing, the applicant may appear in person or by representative. However, failure of the applicant or representative to attend the public reading/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.
- iv. 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. Compliance with the publication and mailing requirements of this subsection shall be deemed to constitute adequate and proper notice for purposes of these proceedings, irrespective of actual receipt by individual property owners. The omission of the name of any property owner who may, in the opinion of the Board of Adjustment, be affected by such amendment or change shall likewise not invalidate any recommendation adopted hereunder. It is the intention of this subsection to provide, to the fullest extent possible, reasonable and sufficient notice that an application is pending before the Board of Adjustment.

4. *Decision and Records.*

- a. The Board may approve or deny any land use application before it, and as submitted or, before approval, may require that the applicant modify, alter, or amend the proposal, including imposing any conditions or safeguards as the Board deems necessary to preserve the intent and purpose of the Zoning Ordinance and 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 applicant 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, the applicant must 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, Interim Use Permit, Variance, or Flag Lot Request 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, Interim Use Permit, Variance, Flag Lot Request, 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 Official Zoning Map. Such power and authority rest solely with the Board of Supervisors.

43.04 Board of Supervisors

1. *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.
 - c. To appoint the Zoning Administrator and oversee enforcement of the Zoning Ordinance through the Zoning Administrator.
 - d. To appoint members to the Zoning Commission and Board of Adjustment, and to remove members for cause upon written charges and after public hearing.
 - e. To authorize legal or administrative actions to ensure compliance with the Ordinance.
2. *Rules, Notice, and Meeting Requirements.*
 - a. The Board of Supervisors shall organize and adopt rules in accordance with provisions of the Zoning Ordinance and the Iowa Code § 331, as amended, including:
 - i. All meetings of the Board of Supervisors shall be held at the call of the Chairperson and at such time and place within the County as the Board of Supervisors may determine.
 - ii. At its first meeting each calendar year, the Board shall select one (1) of its members to serve as Chairperson, who shall preside at all meetings during the year. The Board may also select a Vice Chairperson to serve in the absence of the Chairperson.
 - iii. A majority of the full Board membership shall constitute a quorum for the transaction of official business.
 - iv. All meetings of the Board of Supervisors shall be open to the public.
 - v. The Board of Supervisors 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

Supervisors 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 Supervisors, the request shall be forwarded to the Board of Supervisors 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 County Zoning Staff at the Board of Supervisors public hearing. Any person may submit comments or testify at the public hearing. At the public hearing, the Board of Supervisors 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 Supervisors:
 - i. Notice of location, time and date of the meeting held by the Board of 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 a notice via United States 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 Supervisors. For purposes of this Ordinance, "mailing" means the act of depositing the notice in the U.S. mail by the Zoning Department; receipt by the addressee is not required. 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).
 - iii. At the public hearing, any applicant may appear in person or by representative. However, failure of the applicant 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.
 - iv. 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. Compliance with the publication and mailing requirements of this subsection shall be deemed to constitute adequate and proper notice for purposes of these proceedings, irrespective of actual receipt by individual property owners. The omission of the name of any

property owner who may, in the opinion of the Board of Supervisors, be affected by such amendment or change shall likewise not invalidate any recommendation adopted hereunder. It is the intention of this subsection to provide, to the fullest extent possible, reasonable and sufficient notice that an application is pending before the Board of Supervisors.

43.05 Land Use Application, Review, and Approval Processes

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

Authority. The Zoning Administrator is responsible for the administration and enforcement of the regulations of the Zoning and Subdivision Ordinance, which applies to the following land uses and land divisions: Planned Community Developments (PCD), Rezoning, Zoning Text Amendments, Comprehensive Land Use Plan Amendments, Permits (Conditional Use, Interim Use, Building, Home-Based Business, Sign), Variances, Special Exceptions, Minor Subdivisions, Major Subdivisions, Lot Line Adjustments, Lot Ties/Combinations, Simple Divisions, Simple Agricultural Divisions, Preliminary Plats, Final Plats, and Auditor's Plats.

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.

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.

General Submittal Requirements. All applications shall include:

1. A completed Warren County land use application form;

2. Verification of authority to file applications per the requirements of the subsection above;
3. A legal description of the property(s);
4. Supporting title information establishing ownership interests in the property (i.e., a title commitment and/or signature of fee title property owner);
5. All submittal requirements outlined in the article for the specific application type; and
6. 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/R, D	
Rezoning (Official Zoning Map Amendment)	R	H, R	H/R, D	
Zoning Text Amendment	R	H, R	H/R, D	
Comprehensive Land Use Plan Amendment	R	H, R	H/R, D	
Conditional Use Permit	R			H, D
Interim Use Permit	R			H, D
Building Permit	R, D			
Sign Permit	R, D			
Home-Based Business Permit	R, D			
Variance	R			H, D
Special Exception	R, D			

1. H = Public Hearing required
2. H/R = Public Hearing and Reading(s) required
3. D = Decision (responsible for final decision)
4. R = Review and/or Recommendation (responsible for review and/or recommendation)
5. Appellate Procedure. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to Iowa Code § 335.10, as amended. Decisions of the Zoning Commission are advisory and not appealable (except as specifically provided, i.e., shooting ranges). Decisions of the Board of Supervisors or Board of Adjustment may be appealed to the District Court pursuant to Iowa Code § 335.18, as amended.

43.06 Fee Schedule

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

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

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

43.07 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 Planned Community Development Master 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 Planned Community Development Master Plan that establishes the specific uses, restrictions, and development standards applicable to the zoning district. Following approval of the Planned Community Development Master Plan, the proposed planned community development shall go through the approval process for a Preliminary Plat and Final Plat.

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 and shall comply with the Iowa State Building and Fire Codes.
2. *Planned Community Development Master Plan Requirements.* The applicant shall submit a detailed Planned Community Development Master 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.
 - c. *Access and Circulation.* Vehicular and pedestrian circulation, access drives, turning radii, intersections, sidewalks, and walkways.
 - d. *Parking and Loading.* Location and number of parking spaces and loading areas, including safe circulation for service, emergency, and fire vehicles.
 - e. *Streets and Infrastructure.* Existing and proposed roads, rights-of-way, grading, drainage, stormwater management, water supply, wastewater, and utility lines (all utilities shall be underground unless otherwise approved).
 - f. *Peripheral Yards and Buffers.* Required peripheral yards around the development and any transitional buffers to protect adjacent uses.
 - g. *Common Areas and Open Space.* Location and acreage of common land, parks, recreational areas, or natural areas; ownership and maintenance provisions (i.e., homeowner's association).
 - h. *Landscaping Plan.* Location of lawns, trees, shrubs, and screening, consistent with site design and buffering needs.
 - i. *Fencing and Screening.* Location and type of fences, walls, or screens adjacent to the AG (Agricultural) or residential zoning districts.

- j. *Lighting Plan*. Location, height, and design of proposed lighting fixtures to ensure compatibility and prevent glare, light trespass, and adverse impacts onto adjacent properties and public rights-of-way.
 - k. *Signs*. Location, size, and type of all proposed signage.
 - l. *Refuse Storage*. Location and screening of refuse areas.
 - m. *Topography and Grading*. Existing and proposed contours at two (2)-foot intervals.
 - n. *Environmental Hazards*. A geotechnical report identifying potential flooding, soil conditions, slopes, or other hazards.
 - o. *Addressing and Mail Delivery*. Each dwelling unit shall be assigned a unique 911 address and mailboxes shall be located in an approved centralized location meeting County and United States Postal Service (USPS) requirements.
3. *Supplemental Standards*.
- a. *Use of Land*. Only uses, structures, and improvements identified in the approved PCD master plan shall be permitted.
 - b. *Covenants and Restrictions*. The developer may prepare covenants, deed restrictions, bylaws, and architectural controls, which shall be recorded with the Final Plat. Covenants shall include conditions of PCD approval and ensure maintenance of common areas and facilities.
 - c. *Sale and Transfer of Property*. No lot or parcel may be sold, conveyed, or transferred until the buyer has been informed in writing of the property's status and the conditions of approval of the PCD.
 - d. *Plan Modifications*. Any modification to the approved PCD Master Plan must be submitted to the Zoning Department. Significant modifications, as determined by the Zoning Administrator, shall be reviewed by the Zoning Commission and 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.

43.08 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 VR (Village

Residential) zoning district is prohibited; existing VR classifications may only be removed through an amendment to the Zoning Ordinance. Rezoning any property zoned FPC (Floodplain and Conservation) 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 County 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:
 - a. Application form and filing fee.
 - b. Written statement of justification addressing Standards for Approval from subsection (4) of this section.
 - c. A site plan outlining:
 - i. Existing land use, zoning, and Future Land Use Map designation for the subject property and adjacent properties.
 - ii. Proposed land use and zoning for the subject property.
 - iii. Location and use of existing structures and proposed structures.
 - iv. Current zoning district and its requirements
 - v. Land use, zoning district, and Future Land Use Map designations for adjacent properties.
 - vi. Proposed zoning district to rezone to and its requirements.
 - vii. Location of existing and proposed roads, access, and other public improvements.
 - viii. General location of topographic features and other site conditions.
 - ix. Corn Suitability Rating (CSR2) for the subject property, with supporting documentation as reviewed and verified by the County and subject to approval by the Board of Supervisors.
 - x. 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 Zoning Department shall review the request for compliance with the Zoning Ordinance 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 hearing. 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. In case the Commission does not recommend approval of the change, either of the area included in such proposed change, or the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof. Such amendment shall not become effective except by the favorable vote of at least sixty percent (60%) of all the members of the Board of Supervisors.
 - c. The Board of Supervisors shall hold at least one (1) public reading/hearing for the request. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the reading/hearing. Written notice of the reading/hearing shall be mailed at least ten (10) days prior to all owners of 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. All rezonings shall be adopted by Ordinance after three readings, unless the Board votes by majority to suspend the rules and waive the second and/or third readings.
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 Environmental Health Department and Iowa Department of Natural Resources (IDNR), if applicable.
 - 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:
 - i. Ensure full compliance with this Ordinance, appropriate specifications of the County Environmental Health Department, the Iowa Department of Natural Resources (IDNR), and the County Engineer, and applicable state and federal requirements.
 - ii. Mitigate or eliminate potential negative impacts on adjacent properties, public infrastructure, or the general welfare.
 - iii. Coordinate the amendment with infrastructure improvements, a future rezoning(s), or Comprehensive Land Use Plan Amendment.
 - iv. Ensure that the designated zoning district remains compatible with the surrounding area.
 - b. Violation of such conditions and restrictions, when made a part of the terms under which the rezoning is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.
- 6. *Decisions and Records.*
 - a. The Board of Supervisors shall render a written decision on an application for a Rezoning 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 rezoning 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 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 Rezoning.
 - c. If denied, applicants may not reapply for the same Rezoning to the Board of Supervisors before one (1) year has passed from the date of the final reading/hearing.
7. *Supplemental Standards.*
- a. An approved Rezoning shall not, by itself, constitute approval of any zoning text amendment, Comprehensive Land Use Plan Amendment (including amendments to the Future Land Use Map), subdivision, site plan, or permit application. All subsequent development proposals shall be reviewed independently for consistency with applicable zoning regulations and ordinances. If the proposed rezoning is not in conformity with the County Comprehensive Land Use Plan, an amendment to the County Comprehensive Land Use Plan shall also be proposed.
 - 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 rezoning. When applicable, fringe area agreements, annexation plans, or Iowa Code 28E agreements shall be considered in the review of the rezoning.
 - c. The granting of a Rezoning shall not be construed to establish precedent for future rezonings and any substantial change to a proposed or approved rezoning shall require resubmittal and reprocessing under this section as a new application.

43.09 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 County 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 strike-outs 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.
 - c. The Board of Supervisors shall hold at least one (1) public reading/hearing for the request. Notice of the reading/hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the reading/hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of 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 applications for a Zoning Text Amendment shall satisfy the following development criteria to be approved:
- a. The proposed amendment shall conform to the general goals, objectives, and policies of the Warren County Comprehensive Land Use Plan.
 - b. The proposed amendment shall conform to the general purpose and intent of the Zoning Ordinance.
 - c. The proposed amendment is needed to further advance the public health, safety, and general welfare of Warren County and does not create a conflict with other County Ordinances.
 - d. The proposed amendment cannot be overcome by any feasible alternative means other than an amendment.

- e. The proposed amendment is not solely for the benefit of the applicant, and serves a broader public or community interest.

5. *Conditions and Restrictions.*

- a. In granting any Zoning Text Amendment, the Board of Supervisors may prescribe appropriate conditions or restrictions as it deems necessary to:
 - i. Ensure full compliance with this Ordinance and applicable state requirements.
 - ii. Mitigate or eliminate potential negative impacts on adjacent properties, public infrastructure, or the general welfare.
 - iii. Coordinate the amendment with infrastructure improvements, additional studies, a future rezoning(s), or Zoning Ordinance Text amendment.
- b. Violation of such conditions and restrictions, when made a part of the terms under which the Zoning Text Amendment is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.

6. *Decisions and Records.*

- a. The Board of Supervisors shall render a written decision on an application for a Zoning Text Amendment 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 amendment 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 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 of Supervisors before one (1) year has passed from the date of the final reading/hearing.

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.

43.10 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 County 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:
 - i. The extent to which the change would be consistent with the Comprehensive Land Use Plan goals and policies.
 - ii. Evidence demonstrating the reasons why the plan should be changed, including (but not limited to) whether new information has become available since the Comprehensive Land Use Plan was adopted that supports reexamination of the plan, or that existing or proposed development offers new opportunities or constraints that were not previously considered.
 - iii. Whether or not the change is needed to allow reasonable development of the site.
 - iv. The relationship of the proposed amendment to the supply and demand for the particular land uses within the County and immediate vicinity of the site.
 - v. A demonstration that the proposed amendment has merit beyond the interests of the applicant.
 - vi. The possible impacts of the amendment on all specific elements of the Comprehensive Land Use Plan as may be applicable, including, but not

limited to, goals, objectives and strategies from Comprehensive Land Use Plan.

- vii. Consideration of the fiscal impact of the proposed amendment to the County.
 - c. For a proposed amendment to the text of the Comprehensive Land Use Plan, a document with the tracked changes version of the text, showing proposed edits.
 - d. For a proposed amendment to the Future Land Use Map, a site plan outlining:
 - i. Existing and proposed land use, zoning, and Future Land Use Map designation for the subject property and adjacent properties.
 - ii. Location and use of existing structures and proposed structures.
 - iii. Location of existing and proposed roads, access, and other public improvements.
 - iv. General location of topographic features and other site conditions.
 - e. 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 County Zoning Department shall review the request for compliance with the Zoning Ordinance 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.
 - c. The Board of Supervisors shall hold at least one (1) public hearing for the request. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of 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 applications for a Comprehensive Land Use Plan Amendment shall satisfy the following development criteria to be approved:
- a. The proposed amendment supports or advances the general goals, objectives, and policies of the Warren County Comprehensive Land Use Plan, or demonstrates that the existing plan no longer adequately reflects current conditions, development patterns, or community needs.

- b. The proposed amendment is needed to allow reasonable development of the site and cannot be overcome by any feasible alternative means other than an amendment.
 - c. The proposed amendment promotes the public health, safety, and general welfare of Warren County and does not create a conflict with other County Ordinances.
 - d. The proposed amendment is compatible with existing and future land use designations in the vicinity of the site and does not significantly alter the character of the surrounding area.
 - e. The applicant demonstrates that the amendment is justified by one or more of the following:
 - i. A change in County conditions, development trends, or infrastructure availability.
 - ii. Identification of an error or inconsistency in the current plan.
 - iii. New information has become available since the Comprehensive Land Use Plan was adopted.
 - iv. The change is necessary to allow reasonable development of the site.
 - f. The proposed amendment is not solely for the benefit of the property owner(s), business(es), or applicant, and serves a broader public or community interest.
 - g. The proposed amendment will not impose additional unreasonable costs on the public for infrastructure, services, or enforcement.
 - h. The amendment will not result in uncoordinated development or place unreasonable demands on public services, infrastructure, or transportation systems.
 - i. The proposed amendment 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 Comprehensive Land Use Plan Amendment, the Board of Supervisors may prescribe appropriate conditions or restriction as it deems necessary to:
 - i. Ensure full compliance with this Ordinance and applicable state requirements.
 - ii. Mitigate or eliminate potential negative impacts on adjacent properties, public infrastructure, or the general welfare.
 - iii. Coordinate the amendment with infrastructure improvements, a future rezoning(s), or Zoning Ordinance Text amendment.
 - iv. If applicable, ensure that the designated comprehensive land use remains compatible with the surrounding area.
 - b. Violation of such conditions and restrictions, when made a part of the terms under which the Comprehensive Land Use Plan Amendment is granted, shall be deemed

a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.

6. *Decisions and Records.*

- a. The Board of Supervisors shall render a written decision on an application for a Comprehensive Land Use Plan Amendment 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 amendment 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 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 Comprehensive Land Use Plan Amendment
- c. If denied, applicants may not reapply for the same Comprehensive Land Use Plan Amendment to the Board of Supervisors before one (1) year has passed from the date of the reading/hearing on the application before the Board of Supervisors.

7. *Supplemental Standards.*

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

43.11 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 County 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 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.
 - iv. Access points, circulation, and parking.
 - v. Signage, screening, landscaping, fencing, utilities, or infrastructure improvements.
 - vi. Any easements, utilities, or natural features affecting the property.
 - vii. Manner of providing water supply and wastewater treatment facilities.
 - d. 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 Zoning Department shall review the request for compliance with the Zoning Ordinance and applicable Standards for Approval in subsection (4) of this section.
 - b. The County Engineer shall also review the application for compliance with the Zoning Ordinance, Standards for Approval, and other applicable regulations and submit a report on the impact of the proposed use on roads and other infrastructure matters prior to the public hearing before the Board of Adjustment on the application. The Board may require reasonable measures to be taken by the applicant to address the impact on roads and other infrastructure matters. The terms of the Conditional Use Permit shall specify any such required measures.

- c. Following completion of staff review, the Board of Adjustment shall hold at least one (1) public hearing for the request. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the subject property. Supplemental or additional notices may be published or distributed as the Board of Adjustment may prescribe. Failure of both the applicant and owner to attend the public hearing will result in dismissal of the application and no new application can be submitted for one (1) year from the date of dismissal.
- 4. *Standards for Approval.* All applications for a Conditional Use Permit shall satisfy the following development criteria to be approved:
 - a. The requested conditional use will uphold the spirit and intent of the Zoning Ordinance, Warren County Comprehensive Land Use Plan, and other applicable County codes and regulations.
 - b. The conditional use will not be detrimental to or endanger public health, safety, or general welfare.
 - c. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood or significantly alter the essential 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 centers, 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.
 - 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. All outdoor lighting shall be fully shielded and directed downward to prevent glare, light trespass, and adverse impacts onto adjacent properties and public rights-of-way and in accordance with Section 40.23 of this Ordinance.
 - j. 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.
 - k. 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.
 - l. 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.
 - m. Appropriate landscaping berms and buffers are included if necessary to minimize the impact of the conditional use on adjacent property.
 - n. A plan for site restoration following the cessation of the conditional use is provided and determined to be acceptable by the County.
5. *Conditions and Restrictions.*
- a. In granting any Conditional Use Permit, the Board of Adjustment may prescribe appropriate conditions or restrictions as it deems necessary to 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 conditional 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 guarantees to ensure restoration of the site once the conditional use has terminated, 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 Conditional Use Permit is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.

- b. If the Board requires a financial guarantees plan, then the Conditional Use Permit may not be granted until such time as the plan has been submitted to the Board and approved.
6. *Decisions and Records.*
- a. The Board of Adjustment shall render a written decision on an application for a Conditional 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 Conditional 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 Board of Adjustment shall maintain complete records of all action with respect to applications for a Conditional Use Permit.
 - c. If denied, applicants may not reapply for the same Conditional Use Permit to the Board before one (1) year has passed from the date of the hearing on the first petition.
7. *Expiration of Permit.*
- a. A Conditional Use Permit shall expire automatically, becoming null and void, if:
 - i. Within twelve (12) consecutive months after issuance, the applicant does not secure a Building Permit or initiate the authorized work 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 conditional 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:
 - i. The permit has not expired; or
 - ii. The permit recipient has proceeded in good faith and with due diligence; or
 - iii. Conditions have not changed so substantially as to warrant a new application.
 - c. Successive extensions may be granted for periods up to one (1) year upon the same findings. The permit holder shall submit a written extension request and applicable fee to the Zoning Department. The extension request shall be

considered by the Board of Adjustment in accordance with the review process and standards.

8. *Supplemental Standards.*

- a. A Conditional Use Permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, the Conditional Use Permit shall run with the land and shall be binding upon the affected property until officially amended. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.
- b. The granting of a Conditional Use Permit is not grounds for granting other Conditional Use Permits for the same or differing properties.
- c. Any Conditional Use Permit may be terminated without extension or renewal upon the effective date of a change in the Zoning Ordinance that no longer allows the conditional use, regardless of whether the permitted time period has lapsed.
- d. The Zoning Administrator may approve minor amendments to a Conditional Use Permit in keeping with the intent of the original approval, or refer the amendment to the Board of Adjustment to be considered at its next regularly scheduled meeting. The process does not require a public hearing unless the Board of Adjustment finds the requested amendment to be a significant change to the intent of the original approval, in which case the Board of Adjustment shall require that a new application be submitted and processed in the same fashion as the original application for Conditional Use Permit.
- e. No Building Permit or other development authorization shall be issued for any use or structure requiring a Conditional Use Permit until such Conditional Use Permit has been reviewed, approved, and recorded in accordance with this Ordinance. All conditions of approval, including required site plan modifications or external agency permits, shall be satisfied prior to Building Permit issuance.

43.12 Interim Use Permit

An Interim Use Permit (IUP) process is established to allow applicants to request interim land uses that are specifically identified as permitted by Interim Use Permit within the applicable zoning district, as set forth in the Table of Uses, for a limited duration of up to three (3) years, 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 for Interim Use Permits.

1. *Pre-Application Meeting.* Before an applicant can submit an Interim Use Permit application, the applicant shall attend a pre-application meeting with County Zoning Staff to review the procedures and requirements for an Interim 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 an Interim Use Permit shall be submitted to the Zoning Department and must include:
 - a. Application form and filing fee.
 - b. A written narrative by the applicant describing the specific interim use requested and its purpose, the duration of the use (not to exceed three (3) years), the measures proposed to minimize potential impacts on surrounding properties, how the site will be restored following the conclusion of the use, and adequate evidence showing that the requested Interim 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 or activity areas.
 - iii. Adjacent land uses and zoning.
 - iv. Access points, circulation, and parking.
 - v. Signage, screening, landscaping, fencing, utilities, or infrastructure improvements.
 - vi. Any easements, utilities, or natural features affecting the property.
 - d. 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 Zoning Department shall review the request for compliance with the Zoning Ordinance and applicable Standards for Approval in subsection (4) of this section.
 - b. Following completion of staff review, the Board of Adjustment shall hold at least one (1) public hearing for the request. Notice of the hearing will be published in an official newspaper of the County at least four (4) days but no more than twenty (20) days prior to the hearing. Written notice of the hearing shall be mailed at least ten (10) days prior to all owners of land within five hundred (500) feet of the subject property. Supplemental or additional notices may be published or distributed as the Board of Adjustment may prescribe.
4. *Standards for Approval.* All applications for an Interim Use Permit shall satisfy the following standards for such request to be approved:

- a. The requested interim use is temporary in nature and shall be terminated upon the three (3) year time period, as identified in the application and approval.
 - b. The date or event that will terminate the interim use can be clearly identified with certainty at the time of approval.
 - c. The requested interim use will not delay or interfere with the anticipated development or redevelopment of the site.
 - d. The requested interim use will uphold the spirit and intent of the Zoning Ordinance, Warren County Comprehensive Land Use Plan, and other applicable County codes and regulations.
 - e. The requested interim use will not be detrimental to or endanger public health, safety, or general welfare.
 - f. The requested interim use will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood or significantly alter the essential character of the surrounding neighborhood.
 - g. The requested interim use will not impose additional unreasonable costs on the public for infrastructure, services, or enforcement if it is necessary for the public to take the property in the future and will not create a nuisance or public hazard.
 - h. The property is suitable for the requested interim use, including that adequate utilities, access roads, parking, traffic circulation, public services, drainage, and any other required facilities and utility or stormwater infrastructure are being provided.
 - i. A plan for site restoration following the cessation of the interim use is provided and determined to be acceptable by the County.
5. *Conditions and Restrictions.* In granting any Interim Use Permit, the Board of Adjustment may prescribe appropriate conditions or restrictions as it deems necessary to 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 43.18 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, the applicant does not secure a Building Permit or initiate the authorized work 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:
 - i. The permit has not expired; or
 - ii. The permit recipient has proceeded in good faith and with due diligence; or
 - iii. Conditions have not changed so substantially as to warrant a new application.
 - c. The Zoning Administrator may review and approve requests for renewal or extensions of an Interim Use Permit (IUP) for a period not to exceed one (1) year upon the same findings, provided the request is consistent with the intent of the original approval and the applicant remains in compliance with all conditions of the permit. If the Zoning Administrator determines that the request constitutes a substantial change or requires further review, the renewal or extension shall be referred to the Board of Adjustment for consideration at its next regularly

scheduled meeting. A public hearing shall not be required unless the Board determines that the requested renewal or extension constitutes a significant change to the intent of the original approval, in which case a new application shall be submitted and processed in the same manner as the original Interim Use Permit.

8. *Supplemental Standards.*

- a. An Interim Use Permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, the Interim Use Permit shall run with the land and shall be binding upon the affected property until officially amended. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.
- b. The granting of an Interim Use Permit is not grounds for granting other Interim Use Permits for the same or differing properties and shall not be considered justification for permanent use entitlement.
- c. Any Interim Use Permit may be terminated without extension or renewal upon the effective date of a change in the Zoning Ordinance that no longer allows the interim use, regardless of whether the permitted time period has lapsed.
- d. No Building Permit or other development authorization shall be issued for any use or structure requiring an Interim Use Permit until such Interim Use Permit has been reviewed, approved, and recorded in accordance with this Ordinance. All conditions of approval, including required site plan modifications or external agency permits, shall be satisfied prior to Building Permit issuance.

43.13 Building Permit

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

1. *Application.* An application for a Building Permit shall be submitted to the Zoning Department and must include:
 - a. Application form and filing fee.
 - b. A written narrative by the applicant describing the specific work or land use requested and its purpose, the existing and proposed use of each building or structure or part thereof of the use, and adequate evidence showing that the

requested Building Permit will conform to the Standards for Approval in subsection (3) of this section.

- c. A site plan outlining the following and noting that all dimensions shown on the site plan shall be based on an actual boundary survey prepared by a professional licensed in the State of Iowa:
 - i. Property boundaries and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, if applicable.
 - ii. The location of the existing and proposed use to be made of the lot.
 - iii. The existing and proposed use of each building or structure or part thereof.
 - iv. Label applicable zoning district and zoning district regulations and future land use designation.
 - v. Location and dimensions of building or structure to be erected or altered.
 - vi. Location and dimensions of existing building or structures.
 - vii. The number of families or housekeeping units the building is designed to accommodate and when no buildings are involved.
 - viii. Adjacent land uses and zoning.
 - ix. Access points, circulation, and parking.
 - x. Signage, screening, landscaping, fencing, utilities, or infrastructure improvements.
 - xi. Any easements, utilities, or natural features affecting the property.
 - d. Any other information the Zoning Administrator determines necessary to review the application.
2. *Review, Notice, and Meeting Requirements.*
- a. The Zoning Administrator shall review the proposed Building Permit application for compliance with the Standards for Approval outlined below and the Zoning and Subdivision Ordinance, and may approve, approve with conditions, or deny the Building Permit application. The application will also be reviewed by the County Environmental Health Department, County Engineer, local fire district, Sheriff's Office, the State Fire Marshal, Iowa Department of Natural Resources (INDR), utility providers, and other County staff as needed.
3. *Standards for Approval.* All Building Permit applications shall satisfy the following standards for the application to be approved:
- a. Complies with the minimum lot and development standards under the Zoning Ordinance, including the bulk regulations of the respective zoning district.
 - b. Evidence of compliance with water supply and wastewater treatment system requirements shall be provided. The Warren County Environmental Health Department shall review and sign off on any application involving a new structure, expansion, or change in use that requires installation, modification, connection, or expansion to a public or private water or wastewater system.
 - c. The County Engineer has approved access, drainage, and roadway impacts.

- d. All required state or utility approvals (such as well permits, floodplain development permits, or utility connections) have been obtained.
 - e. Adequate access for emergency vehicles is provided.
 - f. The proposal does not create conditions adverse to public health, safety, or welfare.
- 4. *Decision.* If approved, the lot and the location for the building thereon shall be staked out on the ground before construction is started. The Building Permit shall be obtained from the Zoning Administrator in writing before starting or proceeding with any of the work described herein.
- 5. *Expiration and Revocation.*
 - a. A 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 shall be revocable, subject to the continued compliance with all requirements and conditions of this and other applicable laws and regulations.
 - c. Any Building Permit 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. A copy of the Building Permit shall be filed with the Warren County Recorder's Office.
 - c. The following shall be exempt from, or subject to modified, Building Permit requirements and fees:
 - i. Agricultural buildings exempt under Iowa Code § 335.2, as amended.
 - ii. Reduced fees may apply to accessory structures or additions to existing buildings (i.e., detached garages, pole buildings, shipping containers, signs, personal renewable energy systems, but not including accessory dwelling units).
 - iii. Buildings under two hundred (200) square feet are exempt from permit fees but must comply with setback and use requirements.

43.14 Sign Permit

A Sign Permit process is established to ensure that all signs within the County comply with the design, placement, and safety standards of this Ordinance.

1. *Application.* Applications shall be submitted on forms approved by the Zoning Administrator and shall include:
 - a. Completed application form and fee.
 - b. Site plan showing sign location, setbacks, and dimensions.
 - c. Scaled elevation or façade drawing showing all existing and proposed wall signs.
 - d. Description of materials, colors, height, area, and illumination details.
 - e. Owner and installer contact information.
 - f. Any other information required to demonstrate compliance with Section 40.22 of this Ordinance and any other applicable provisions.
2. *Review and Approval.* The Zoning Administrator shall review the application for compliance with this Ordinance and applicable standards. The Zoning Administrator may approve, approve with conditions, or deny the application. Any person aggrieved by a decision of the Zoning Administrator may appeal to the Board of Adjustment in accordance with Chapter 43.
3. *Expiration.* Sign permits expire if the sign is not installed within one hundred eighty (180) days of approval. Reapplication shall be required thereafter.

43.15 Home-Based Business Permit

A Home-Based Business Permit process is established to allow limited commercial or professional activities to operate from a dwelling unit while maintaining the residential character of the neighborhood.

1. *Application.* An application shall be submitted to the Zoning Department on forms approved by the Zoning Administrator and shall include:
 - a. Completed application form and fee.
 - b. A written description of the proposed business activities, number of employees, customer visits, signage, and equipment used.
 - c. A site plan showing areas of the dwelling or accessory structure devoted to the home-based business.
 - d. Any other information the Zoning Administrator determines necessary to review the application.
2. *Review and Approval.*
 - a. The application shall be reviewed by the Zoning Administrator for compliance with the home-based business standards of this Ordinance.
 - b. The application may also be subject to review and approval by other applicable authorities, including but not limited to the Warren County Environmental Health Department, County Engineer, local Fire Department or State Fire Marshal, and the Iowa Department of Natural Resources (IDNR).
 - c. Upon determination of compliance, the Zoning Administrator may issue the Home-Based Business Permit, which shall be issued to the person listed on the

application for the specific property address, be non-transferable to another person or property and be revocable at any time upon violation of this Ordinance or permit conditions.

3. *Standards for Approval.*

- a. The business shall be clearly incidental and subordinate to the residential use of the property.
- b. The business shall not change the residential character of the dwelling or neighborhood.
- c. No excessive traffic, noise, odor, glare, vibration, or storage of materials shall be generated beyond what is normally associated with residential use.
- d. All required licenses or state permits must be obtained prior to operation.
- e. Any signage must comply with the sign regulations of Section 40.22 this Ordinance.
- f. Any lighting must comply with the sign regulations of Section 40.23 this Ordinance.
- g. Adequate parking and access shall be provided on-site.

4. *Expiration and Reapplication.* The permit shall remain valid unless revoked or voluntarily terminated. If revoked or denied, a new application for the same or substantially similar business shall not be filed for six (6) months from the date of revocation or denial, unless substantial changes in the operation or site conditions are demonstrated.

43.16 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 or practical difficulties, 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.
 - c. A site plan outlining:
 - i. Location and dimensions of existing and proposed structures.
 - ii. Lot dimensions, including area and setbacks.
 - iii. The specific variance requested with dimensions clearly labeled.

- iv. Adjacent land uses.
 - v. Any easements, utilities, or natural features affecting the property.
 - d. Any other information the Zoning Administrator determines necessary to review the application.
- 2. *Notice and Meeting Requirements.* Upon receipt in proper form of the application, fee, and statement, the Board of Adjustment shall hold at least one (1) public hearing on the requested variance. Notice of the hearing will be published in accordance with the provisions of this chapter.
- 3. *Standards for Approval.* All applications for a variance shall satisfy the following development criteria based on the type of variance requested, and to be granted by the Board of Adjustment:
 - a. *Area, Dimensional, or Numerical Variances.* A variance related to area, dimensional, or numerical limitations, such as minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, or off-street parking, may be granted upon a showing of practical difficulties, demonstrated by all of the following findings:
 - i. The variance is not contrary to the public interest.
 - ii. Owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in practical difficulties to the property owner in making a beneficial use of the property.
 - iii. The spirit of the Ordinance is observed and substantial justice is done.
 - iv. The practical difficulties are unique to the property and not self-created.
 - v. Granting the variance will not significantly alter the essential character of the surrounding neighborhood.
 - b. *Other Variances.* A variance request that does not involve an area, dimensional, or numerical limitation may be granted only upon a showing of unnecessary hardship, demonstrated by all of the following findings:
 - i. The property in question cannot yield a reasonable return if used only for purposes permitted in the zoning district.
 - ii. The hardship is due to unique circumstances relating to the property and not created by the applicant.
 - iii. Granting the variance will not alter the essential character of the locality.
 - iv. The variance will observe the spirit of the Ordinance and result in substantial justice.
 - c. *Additional General Criteria.* The following general criteria shall be applicable to all variances:
 - i. The variance will not endanger public health, safety, or general welfare.
 - ii. The variance will not substantially diminish or impair property values in the vicinity.

- iii. Adequate utilities, access, drainage, and other necessary facilities exist or will be provided.
- iv. Except for the specific standard being varied, the structure or use shall conform to all other zoning requirements.
- v. The need for the variance cannot be eliminated by any feasible alternative other than granting the variance.
- vi. The variance will uphold the intent and purpose of the Zoning Ordinance and the County Comprehensive Land Use Plan.

4. *Conditions and Restrictions.*

- a. In granting any variance, the Board of Adjustment may prescribe appropriate conditions or restrictions they reasonably consider necessary to ensure full compliance with the standards of this Ordinance, to reduce or eliminate any detrimental effect of the requested variance on the neighborhood or the public welfare, or to carry out the general purpose and intent of this Ordinance. Appropriate conditions and restrictions include, but are not limited to, planting screens, fencing, construction commencement and completion deadlines, lighting, operations controls, improved traffic circulation requirements, highway access restrictions, increased minimum yard requirements, parking requirements, 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 variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.

5. *Decisions and Records.*

- a. The Board of Adjustment shall render a written decision on an application for a variance 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 variance 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 decisions shall become null and void. The Board of Adjustment shall maintain complete records of all action with respect to applications for a variance.
- b. The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any requirement, decision, order, or determination of the Zoning Administrator or to decide in favor of the applicant in regard to any matter upon which the Board is authorized by the Zoning Ordinance to render a decision.
- c. Any variance granted by the Board of Adjustment 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 variance to the Board before one (1) year has passed from the date of the hearing on the first petition.
6. *Supplemental Standards.* The granting of a variance is not grounds for granting other variances for the same or differing properties.

43.17 Special Exception

A special exception process is established to allow applicants to seek relief from the required front, side, or rear yard setback requirements of any zoning district not exceeding thirty-five percent (35%) when literal enforcement would result in practical difficulties in making a beneficial use of the property allowed by the Zoning Ordinance and where the request satisfies the following review process and standards (i.e., on a lot with a required fifty (50)-foot front yard setback, a maximum thirty-five percent (35%) reduction may allow a setback of no less than thirty-two and a half (32.5) feet).

1. *Application.* An application for a special exception 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 and adequate evidence showing that the requested special exception will conform to the Standards for Approval in subsection (3) of this section.
 - c. A site plan outlining:
 - i) Location and dimensions of existing and proposed structures.
 - ii) Lot dimensions, including area and setbacks.
 - iii) The specific setback reduction requested with dimensions clearly labeled.
 - iv) Adjacent land uses.
 - v) Any easements, utilities, or natural features affecting the property.
 - d. Any other information the Zoning Administrator determines necessary to review the application.
2. *Review and Approval Process.* Upon receipt in proper form of the application, fee, and statement, the Zoning Administrator shall review the special exception application for compliance with the Standards for Approval outlined below and the Zoning and Subdivision Ordinance, and may approve, approve with conditions, or deny the application.
3. *Standards for Approval.* All special exception applications shall satisfy the following standards for the application to be approved:
 - a. The literal enforcement of the setback requirements of the applicable zoning district would result in practical difficulties upon the owner of such property and only where such exception does not exceed thirty-five percent (35%) of the particular setback limitation or number in question.

- b. The exception relates entirely to a permitted use (principal, conditional, or accessory) classified by applicable zoning district regulations, or to a permitted sign or off-street parking or loading areas accessory to such a permitted use.
 - c. The practical difficulties are due to special conditions unique to the property that prohibit the property owner in making a beneficial use of the property allowed by the Zoning Ordinance and are not self-created. Special conditions may include, but are not limited to, exceptional topographical conditions, surroundings, size and shape of the property, location of public utilities or improvements on or adjacent to the subject property, or other extraordinary or exceptional situation(s) of a specific parcel or property.
 - d. Except for the specific setback reduction being proposed, the structure subject to the special exception shall in all other respects conform to the requirements of the zoning district in which it is located.
 - e. Such practical difficulties cannot be overcome by any feasible alternative means other than an exception.
 - f. The requested special exception will not be detrimental to or endanger public health, safety, or general welfare.
 - g. The requested special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity and will not substantially diminish or impair property values within the neighborhood or significantly alter the essential character of the surrounding neighborhood.
 - h. Adequate utilities, access roads, drainage and other necessary facilities are being provided.
 - i. Approval of the special exception will uphold the spirit and intent of the Zoning Ordinance and result in substantial justice being done.
 - j. Approval of the special exception will not substantially impair the general purpose and intent of the Warren County Comprehensive Land Use Plan.
4. *Conditions and Restrictions.*
- a. In granting any special exception, the Zoning Administrator may prescribe appropriate conditions or restrictions they reasonably consider necessary to ensure full compliance with the standards of this Ordinance, to reduce or eliminate any detrimental effect of the requested special exception on the neighborhood or the public welfare, or to carry out the general purpose and intent of this Ordinance. Violation of such conditions and restrictions, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Section 43.18 of this Ordinance.
5. *Decisions and Records.*
- a. Where the Zoning Administrator finds that a request for special exception is not in accordance with this section, the request shall be placed on the agenda for the next available Board of Adjustment meeting for which direct notice has not been sent. The

Zoning Administrator shall not place the application on the agenda until the difference in filing fees has been paid and all additional information required has been submitted.

- b. The Zoning Department shall maintain complete records of all action with respect to 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.

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

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

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

Violation and Penalties. When all reasonable efforts to achieve compliance have failed and administrative remedies are exhausted, and the person, firm, or corporation responsible for a violation does not correct or abate the violation, provide an acceptable schedule for correction, or comply with such a schedule, the Zoning Administrator, or any County employee authorized to

enforce the regulations to which this Ordinance applies, may issue a civil citation for a County infraction. At this stage, any violation of a regulation, restriction, or boundary adopted under Iowa Code § 331, as amended, or the occupancy or use of any structure erected, altered, or maintained in violation thereof, shall constitute a misdemeanor. Such occupancy or use shall be deemed a continuing violation and may be the subject of repeated prosecutions if so continued. Each day each violation continues after the compliance date established on the citation may be deemed a separate County infraction. Any person, firm, or corporation convicted of a County infraction, by the reason of violations hereinafter set forth, shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00) for each violation or if the infraction is a repeat offense a civil penalty not to exceed one thousand dollars (\$1,000.00) for each repeat offense, pursuant to Iowa Code § 331.307, as amended.

FINAL DRAFT