

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

3.1 Administration and Enforcement. In accordance with Iowa Code Section 335.9, a Zoning Administrator shall be designated by the Board of Supervisors to administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

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

3.2 Appeals from Decision of Administrator. Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Section 4.6 of this Ordinance.

3.3 General Procedures. The General Procedures provisions in this Subsection establish the methods for review and approval of required applications in this Ordinance. Except where this Ordinance, Iowa Code, or Federal law provides otherwise, the following procedures are required:

- A. Preapplication Conference.** Potential applicants are required to contact the Zoning Administrator prior to submittal of an application to discuss the proposal. The Zoning Administrator shall inform the applicant of the details of the application process.
- B. Application, Site Plan and Fee.** An application shall be submitted on a form provided by the Zoning Administrator concurrent with a site plan and any required fee. Application forms and site plans shall include the specific information that is required to process each type of application, except where this Section describes otherwise. The Zoning Administrator may establish submittal requirements to tailor the requirements to the information necessary to review a particular application.
- C. Signature.** The signature of the applicant on the Zoning Permit application, or any other application issued through the Zoning Department, shall certify that the proposal will comply with all provisions of this Ordinance and other County development ordinances as stated in Subsection 3.3.D. of this Ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Ordinance or other applicable development ordinances of Jackson County.
- D. Code Compliance.** Applications for Construction and/or Occupancy Compliance Certificates shall not be considered complete until the Zoning Administrator has ascertained that the proposed development complies with the Zoning Ordinance and with all applicable provisions of the Jackson County Code of Ordinances and other County, State, and Federal development requirements. These development requirements include, but are not limited to, the following as noted below.

1. Jackson County:

- a. All permits and applications required by the County Zoning Department have been properly applied for and means of compliance have been identified in accordance with Title VI Property and Land Use, including but not limited to the provisions of the Jackson County Flood Plain Management Ordinance, the Jackson County Airport Tall Structures Ordinance, and the Jackson County Subdivision Ordinance.
 - b. All permits required by the County Health Department for water wells and wastewater treatment systems have been properly applied for and means of compliance have been identified in accordance with Title V Public Order, Safety, and Health.
 - c. All permits required by the County Engineer's Office and Secondary Roads Department have been properly applied for and means of compliance have been identified, including but not limited to, a rural address, and an Entrance Permit in accordance with the Jackson County Secondary Roads Department Entrance Policy, where appropriate.
2. **State of Iowa.** All permits and applications required by the State of Iowa have been properly applied for and means of compliance have been identified in accordance with the appropriate Iowa Code and the Iowa Administrative Code, including but not limited to those State codes cited in this Ordinance.
 3. **Federal Government.** All permits and applications required by the Federal Government have been properly applied for and means of compliance have been identified in accordance with the appropriate Federal laws and regulations, including but not limited to those Federal laws and regulations cited in this Ordinance.

E. Zoning Administrator Approval and Referral.

1. The Zoning Administrator may review and approve any zoning application in this Ordinance that does not require review and approval by the Zoning Commission, Board of Adjustment, Board of Supervisors, other County Department(s), or other agencies.
2. When a zoning application in this Ordinance requires review and approval by other County Department(s) or other agencies, the Zoning Administrator shall refer the application for action to the other County Department(s) or other agencies. The Zoning Administrator shall not approve the zoning application until review and approval by other County Department(s) or other agencies is completed.
3. The Zoning Administrator may refer any zoning application in this Ordinance for review and approval of the Zoning Commission, Board of Adjustment, or Board of Supervisors, subject to the General Procedures in this Section and any other procedures in this Ordinance, when an application presents such scale, intensity or interpretation that warrants additional public review, professional input, or Board of Supervisors authority. The Zoning Administrator shall not approve the zoning application until review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors is completed.
4. When a zoning application in this Ordinance requires review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors, the Zoning Administrator shall refer the application for action at their next scheduled meeting provided the application is submitted

by the application deadline for their next scheduled meeting, unless the applicant shall agree to some other time. The Zoning Administrator shall not approve the zoning application until review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors is completed.

3.4 Violation and Penalties. Any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined in accordance with Iowa Code Chapter 331.307. Each day such violations continue shall constitute a separate offense.

3.5 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

3.6 Injunction, Mandamus. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

3.7 Zoning Permit Required. A Zoning Permit shall be obtained from the Zoning Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof.

A. Construction Compliance Certificate. Subsequent to the adoption of this Ordinance, a Construction Compliance Certificate shall be obtained from the Zoning Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this Ordinance and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Ordinance.

B. Occupancy Compliance Certificate. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Zoning Administrator. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this Ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this Ordinance.

3.8 Zoning Permit Not Required. A Zoning Permit shall not be required for any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use. A Zoning Permit shall not be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used in accordance with farm exemption per Section 1.20 of this Ordinance.

3.9 Application For Zoning Permit. Applications for a Zoning Permit shall be made prior to beginning construction or assuming occupancy on a fully completed application form obtained from the Zoning Administrator, accompanied by the requisite fee and by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this Ordinance.

The Zoning Administrator shall approve or deny said application. If denied, the Zoning Administrator shall submit the reasons thereof in writing to the applicant, said notice to be posted on the premises. This permit notice must be displayed near the front of the premises during construction.

The Zoning Permit approval shall be valid for construction begun one (1) year from the date of issuance and diligently continued. A zoning permit approval may be renewed for a period not exceeding one (1) year by the Zoning Administrator upon a showing of good cause, but may not be renewed more than one (1) time.

3.10 Administrative Waiver. The Zoning Administrator shall have the power to modify by Administrative Waiver any setback requirements under the conditions and using the procedures as set out in this section for allowed uses and structures, providing the modification is no more than fifty (50%) percent of the requirement, or, providing in situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

A. Application. An application for an Administrative Waiver shall be accompanied by the requisite fee and a site plan depicting the location of the requested setback waiver on the property and its distance to the front, side and rear property lines.

B. Criteria for Approval. The Zoning Administrator shall issue an Administrative Waiver only for such setback adjustments that meet the following criteria. No public hearing by the Board of Adjustment shall be required if the following criteria can be met. If these criteria are not met, then the applicant shall have the opportunity to apply to the Board of Adjustment for a Dimensional Variance, in which case the criteria for the Dimensional Variance, not the Administrative Waiver, shall apply.

1. The requested waiver is no more than fifty (50) percent of the required setbacks. For example, if the required setback is thirty (30) feet, the administrative waiver cannot exceed fifteen (15) feet. The Zoning Administrator may average the front and rear setbacks in accordance with **Section 2.1** of this Ordinance to determine the required setbacks.
2. The requested waiver does not contradict a required condition established by this Ordinance or the Board of Adjustment for a conditional use permit.
3. The requested waiver complies with **Section 2.10** of this Ordinance.
4. The requested waiver for an allowed principal or accessory structure is the same or greater than the setback(s) of the existing principal structure.
5. The requested waiver for reconstruction of an allowed addition or an accessory structure is no larger than the footprint of a previously existing addition or accessory structure that has been removed.

6. All abutting property owner(s) including property owner(s) directly across the road, agree to the requested waiver by signing and returning a waiver form supplied by the Zoning Administrator.

C. Contact with Abutting Property Owners.

1. The Zoning Administrator shall contact the list of abutting property owner(s) of record by mail correspondence and/or by electronic correspondence, including a transmittal letter, copies of the application form and site plan provided by the applicant, and the waiver form. If contacted via mail correspondence, a self- stamped, addressed envelope for return of the signed waiver form to the Zoning Administrator shall be included. Whether contacted by mail or electronic correspondence, the property owner(s) shall have the option to sign and return the waiver form electronically. Signed waiver forms shall be mailed or sent electronically within fifteen (15) days of receipt to the Zoning Administrator.
2. The applicant may contact the abutting owners and/or hold a meeting to explain their proposal.
3. Abutting property owners are not obligated to sign and return the waiver form or to agree with the applicant's proposal.
4. The Zoning Administrator shall deny an application for Administrative Waiver upon receipt of a report from any abutting property owner of the applicant's attempts to influence an abutting property owner's decision through such means as bribery, threats, or intimidation.

3.11 Temporary Use Permits. Within any zoning district, temporary uses shall be allowed only as listed as a temporary use within the zoning district in which the proposed temporary use is located. The Zoning Administrator shall issue a temporary use permit, provided that:

- A. The use is of a limited and temporary duration, and in no case, shall exceed six (6) months per calendar year unless the Zoning Administrator grants an extension upon showing of good cause. The Zoning Administrator may grant a maximum of two (2) ninety (90)-day extensions.
- B. The use will serve a public need or contribute to the public convenience and welfare.
- C. The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

3.12 Fees. The Zoning Administrator is directed to issue a Zoning Permit with a Construction Compliance Certificate and/or Occupancy Compliance Certificate as required by this Ordinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee as established by rule of the Jackson County Board of Supervisors for each Construction Compliance Certificate or Occupancy Compliance Certificate issued separately. Only one (1) fee shall be charged for a Construction Compliance Certificate and Occupancy Compliance Certificate issued jointly.

There shall be no fees charged to the United States Government, the State of Iowa or any political subdivision thereof.

All fees are required and shall be paid to the Zoning Administrator, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the county.