

**2011
GREENE COUNTY, IOWA
ZONING ORDINANCE**

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PREPARED BY



REGION XII
COUNCIL OF GOVERNMENTS

2011 GREENE COUNTY ZONING ORDINANCE

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ZONING ORDINANCE

SECTION I PURPOSE

The provisions of these regulations shall be adopted for the promotion of the public health, safety, comfort, convenience, and general welfare, to lessen congestion in the streets or highways, to avoid excess concentration of population upon public facilities, and to facilitate the provision of transportation, water, sewage, schools, parks and other public facilities, all in accordance with a Comprehensive Plan and detailed maps in support thereof as permitted by the provisions of Chapters 335 and 414 of the 2009 Code of Iowa as amended.

SECTION II SHORT TITLE

The regulations shall be known as the Greene County, Iowa, Zoning Regulations and may be cited and referred to as the "Zoning Regulations" or "Zoning Ordinance", and adopted pursuant to authority granted by Chapter 335 of the 2009 Code of Iowa as amended.

SECTION III INTERPRETATION

It is not intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law, or with any rule, regulations or permit previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to use of buildings or premises; nor is it intended by these regulations to interfere or to abrogate or annul any agreement between parties, provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises than is required by any existing provisions of law, rule, regulation, permit, easement, covenant or agreement, the provisions of these regulations shall govern.

SECTION IV EXEMPTIONS

The regulations and requirements established to implement section 335.27, Code of Iowa are not applicable to farm land, farm houses, farm barns, farm out-buildings, or other structures or erections used primarily for farming purposes as herein defined provided that this exemption shall apply only as long as the land and structures mentioned in this section continue to be used primarily for farming purposes: nor shall these regulations have any control over the location of any poles, antennas, towers, wires, cables, conduits or any other similar distributing equipment of a telephone, telegraph, light, power or railroad company except as stated herein in Section XVI Special Exceptions.

SECTION V DEFINITIONS

For the purpose of this Regulation certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular, the word "shall" is mandatory and not discretionary.

1. Accessory Use or Structure

A use or building which is subordinate to the principal building or use on the lot, not attached thereto and used for purposes customarily incidental to those of the principal building or use.

2. Administration Officer

The person or persons appointed by the Board of Supervisors to administer the provisions of this ordinance.

3. Agriculture

The use of land for agriculture purposes, including farming, dairying, pasturage, horticulture, floriculture, beekeeping, viticulture, and animal and poultry husbandry, and necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agriculture activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

4. Airport

Any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

5. Alley

A public or private way affording secondary means of access to abutting property.

6. Basement

A story having part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by janitor employed on the premises.

7. Billboard

"Billboard" as used in this Regulation, shall included all structures, regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which

advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.

8. Block

A platted area of land that is entirely bounded by streets, highways, or ways, except alleys and/or the exterior boundary or boundaries of the platted area.

9. Board

The Board of Adjustment as established by these Zoning Regulations.

10. Boarding House

A building other than a hotel, where for compensation, meals and/or lodging are provided for four (4) or more persons.

11. Building

Any structure designated or intended for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but not including a vehicle, trailer (With or without wheels) nor any movable device, such as furniture, machinery, equipment, or signs and billboards. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.

12. Building Height of

The vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

13. Bulk Stations

Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids, or liquefied petroleum products where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

14. Cellar

Is that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

15. Camping Ground

Any land or portion thereof which is designed for and used exclusively, not exceeding four (4) weeks duration, by occupants of tents, trailers, mobile homes, or other mobile living facilities.

16. Clinic

An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

17. Commercial Feed Lot

Any tract on which the principal use is the raising of, or concentrated feeding of, livestock, fowl, or edible animals, or the sale of such animals, or the sale of products derived from animals.

18. Commission

The Greene County Zoning Commission.

19. County

The unincorporated portions of Greene County, Iowa.

20. Court

An open, unobstructed and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

21. District

A section or sections of Greene County within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

22. Dwelling

Any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

23. Dwelling, Single-family

A building designed for or occupied exclusively for residence by one family.

24. Dwelling, Two-family

A building designed for or occupied exclusively for residence by two (2) families

25. Dwelling, Multi-family

A building or portion thereof designed for or occupied exclusively for residence by three or more families.

26. Dwelling Unit

One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

27. Family

One or more persons related by blood, marriage or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two persons not related by blood, marriage or adoption.

28. Farm

An area comprising ten (10) or more acres which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses for treating or storing the produce shall be secondary to that of the normal farming activities.

29. Filling or Service Station

Any building or premises used for the sale, at retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacement of motors, bodies or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

30. Floor Area

The total number of square feet of floor space within the interior walls of a building, not including space in cellars or basements; however if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

31. Frontage

All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, than all of the property abutting on one side between an intersecting street and the dead-end of the street.

32. Garage, Private

A structure intended for and used by the private motor vehicles of the families resident upon the premises, provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises except that all of the space in a garage of one or two car capacity may be so rented; such garage shall not be used for more than one (1) commercial vehicle per family resident upon the premises.

33. Garage, Public

Any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling or storing motor-driven vehicles. The term repairing shall not include an automotive body repair shop, nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

34. Garage, storage

Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired; or sold.

35. Grade

The average level of the finished surface of the ground adjacent to the exterior walls of the buildings, except when any wall approximately parallels and is not more than five feet from a road line, then the elevation of the established sidewalk grade at the center of the wall adjoining the road shall be grade.

36. Hotel

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.

37. Institution

A building occupied by a non-profit corporation or a non-profit establishment for public use.

38. Junk

Shall mean collection of material, including but not limited to; scrap metals, wood, rope, batteries, used appliances or machinery, dismantled vehicles, vehicle parts, rags; paper; or trash, other old scrap ferrous or nonferrous material.

39. Junk Yard/Salvage Yard

An establishment or place of business where waste is discarded, or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, collected; or handled, including the dismantling or "wrecking" of automobiles or other machinery, house-wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. Items may include but are not limited to materials such as: metal; automobiles, lumber or salvaged wood. For the purposes of this Ordinance, junkyard shall include: salvage yard, wrecking yard, used lumberyard, sanitary landfill, automobile graveyard, garbage dumps and places for storage of salvaged wood.

40. Kennel

An establishment where three (3) or more dogs are boarded for compensation or where dogs are bred or raised on a commercial scale.

41. Lodging House

A building or place where lodging is provided for compensation, for three or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels and motels open to transients.

42. Lot

A parcel of land occupied or intended for occupancy by a use permitted in this Regulation including one main building together with its accessory buildings, open spaces and parking spaces required by this Regulation.

43. Lot, Corner

A lot abutting upon two (2) or more roads at their intersection.

44. Lot, Depth of

The mean horizontal distance between the front and rear lot lines.

45. Lot, Double Frontage

A lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.

46. Lot, Interior

A lot other than a corner lot.

47. Lot Line

The property line bounding a lot.

48. Lot of Record

A lot which is part of a subdivision which has been recorded in the office of the Greene County Recorder, or a lot or parcel of land the deed to which has been so recorded.

49. Lot Reversed Corner

A corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

50. Lot Width

The width of a lot measured at the building line and at right angles to its depth.

51. Lumber Yard

A premises on which primarily new lumber and related building materials are sold.

52. Mobile Home

Any structure used for living, sleeping, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include camp car or house car.

53. Mobile Home Park

Any lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located regardless of whether not a charge is made for such accommodation.

54. Motel, Motor Court, Motor Lodge, or Tourist Court

Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

55. Nonconforming Uses

The lawful use of any building or land that was established prior to or at the time of passage of the Regulation, or amendments thereto, which use does not conform to the provisions of this Regulation for the district in which it is located.

56. Nursing Home

A home for the aged, elderly, or disabled, in which three (3) or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation; but not including hospitals, clinics or similar institutions.

57. Parking Space

A surfaced area enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile.

58. Premises

A lot, together with all buildings and structures thereon. .

59. Residence, Permanent

A dwelling constructed and provided with all necessary equipment and facilities for year-round occupancy.

60. Residence, Seasonal

A dwelling constructed and provided with only that equipment and facilities necessary for less than year around occupancy; generally considered to be during the warmer months of the year.

61. Right-of-way Line

The common line between public land used as a roadway and/or thruway and other properties.

62. Roadside Stand

A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.

63. Rooming House

See Boarding house.

64. Sign

An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.

65. Sign, Post

Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

66. Stable, Private

- A building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

67. Stable, Public, and Riding Academy

A building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.

68. Stable, Riding Club

A building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.

69. Story

That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling or roof next above it.

70. Story-Half

A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half story containing independent living quarters shall be counted as a full story.

71. Street

A public way which affords the principal means of access to abutting property.

72. Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

73. Structural Alteration

Any change except those required by law or ordinance that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

74. Trailer, House

See mobile home.

75. Trailer Park

See mobile home park.

76. Yard

An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Regulation.

77. Yard, Front

A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, excepting the usual steps and unenclosed porch. The narrow frontage on a corner lot.

78. Yard, Rear

A yard extending the full width of the lot between a main building and the rear lot line, excepting steps and unenclosed porches. On corner interior lots the rear yard shall be considered as parallel to the street on which the lot has its least dimensions. On both corner and interior lots, the opposite end of the lot from the front yard.

79. Yard, Side

A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

80. Zoning Administrator

The Administration Officer designated or appointed by the Board of Supervisors to administer and enforce these regulations.

81. Zoning Certificate

Written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Regulation and for the purpose of carrying out and enforcing its provisions.

**SECTION VI
DISTRICT BOUNDARIES AND GENERAL REGULATIONS**

1. Districts

In order to classify, regulate and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts and other open spaces surrounding such buildings, the unincorporated areas of Greene County, Iowa are hereby divided into the following districts:

- "A" Agriculture District
- "B" Commercial District
- "C" Industrial District
- "D" Residence District
- "E" Conservation District
- "F" Mineral Extraction District

Any additions to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the "A" District until otherwise classified by amendment.

2. Zoning Map

The boundaries of these districts are shown upon the Zoning Map which accompanies and is made a part of this Regulation. Said map and all the information shown thereon shall have the same force and effect as if fully set forth or described, herein. Said Zoning Map, after being properly attested to, shall be and remain on file in the office of the County Zoning Administrator and the Board of Supervisors and the County Zoning Commission, Greene County, Iowa.

3. Vacated Streets or Roads

Whenever any street, road, alley or other public way is vacated by official action as required by law, the zoning district adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the district or districts thus extended.

4. Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map(s) accompanying and made a part of this Regulation, the following rules shall apply:

- a. Where a boundary line is given a position within a street, road or alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley or

stream, and if the actual location of such street, road, alley or stream varies slightly from the location as shown on the Zoning Map, then the actual location shall control.

- b. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
- c. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad mainline track and distances measured from a railroad shall be measured from the center of the designated main line track.
- d. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map(s).
- e. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps.
- f. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 4(a) through 4(e) above, the Board of Adjustment shall interpret the district boundaries except as hereinafter provided:
 - (1) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.
 - (2) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered except in conformity with the height, yard, area per family, parking and other regulations prescribed herein for the district in which the building is located.
 - (3) The minimum yards and other open spaces including lot areas per family required by the Regulation shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building, or structure whether existing at the time of passage of this Regulation or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.
 - (4) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Regulation.
 - (5) All inhabited trailers shall be located in a trailer court that has received a conditional use permit as required. No Trailer outside of an approved trailer court shall be connected to utilities except those trailers being offered for sale by dealers or manufacturers and not inhabited, and that which is herein stated in Section VII(2)(g).

5. General Regulations

a. Agricultural Uses Exempt

The provisions of this Ordinance shall not prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located and no Zoning Certificates shall be required for any such use, building, or structure.

b. Fences, Wall and Vision Clearance

On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the area described as follows:

- (1) That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

c. Street Frontage Required

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

d. Accessory Buildings

No accessory buildings shall be erected in any required court or front yard. Accessory buildings shall be distant at least five feet (5') from any principal building or structure on the same lot, and at least three feet (3') from alley lines and from lot lines of adjoining lots which are in any "A" or "D" District. Accessory buildings, except buildings housing animals and fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said buildings comply with all yard requirements for a principal building. If the accessory building is to be detached, and is to be located in the side yard, the minimum side yard for a principal structure must be maintained for the accessory building.

e. Corner Lots

For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.

On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than

fifty per cent (50%) of the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28') feet nor to prohibit the erection of an accessory building.

f. Building Lines On Approved Plats

Whenever the plat of a land subdivision approved by the Commission and on record in the Office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

g. Home Occupations

Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof; provided that any such activity shall not occupy more than fifty percent (50%) of the floor area of one (1) story of such buildings; provided further that only the proprietor and one additional person shall be regularly employed; provided further there may be a small non-illuminated sign not exceeding two (2) square feet in area; provided further there is no mechanical equipment except such as is normally used for domestic or household purposes.

h. Sanitary Requirements

Any commercial, industrial or residential building located where a public sanitary sewer is not available will show the results of a percolation test made by a competent professional engineer. Such tests shall be in accordance with the requirements of the State Board of Health, and the Greene County Board of Health.

SECTION VII
"A" - AGRICULTURAL DISTRICT - REGULATIONS

In A - District, the following regulations shall apply except as otherwise provided herein.

1. Principal Permitted Uses

- a. Agriculture, and the usual agricultural buildings and structures, including one mobile home.
- b. One and two-family dwellings.
- c. Alterations and conversions of single-family dwellings into two-family dwelling, in structures erected prior to the adoption of this Regulation.
- d. Church or other place of worship, including parish house and Sunday School building.
- e. Public and parochial schools and colleges for academic instruction.
- f. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries and museums.
- g. Public parks, recreation areas, playgrounds and community centers; private non-commercial recreational areas and centers, including country clubs, swimming pools, and golf courses; camping grounds; public and private forests and wildlife preserves and similar conservation areas.
- h. Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be distant at least two hundred feet (200') from adjacent property, street and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
- i. Commercial kennels for the raising, breeding, and boarding of dogs or other small animals, provided that all buildings, including run-ways be at least two hundred (200') feet from all property lines.
- j. Hospitals and sanatoriums and charitable institutions for the treatment of diseases; nursing and convalescent homes.
- k. Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located.
- l. Commercial swimming pools, golf courses, fishing lakes, gun clubs, skeet-shooting ranges, and similar uses when authorized by the Greene County Board of Supervisors after recommendation by the Commission.
- m. Signs for service clubs not to exceed three (3) square feet in the area displaying the emblem of the club, and information on time and location of meetings. No setback or other yard requirements need be provided.

- n. Nurseries and greenhouses, provided that any heating plant shall be distant at least two hundred (200') feet from any dwelling other than a farm dwelling and from any adjoining lot line in a "D" Residence District.
- o. Billboards, No billboard shall be posted and no advertising structure shall be erected as follows:
 - (1) On or within the right-of-way of a highway or where it would encroach thereon.
 - (2) Along a highway within five hundred (500') feet of the center point of an intersection of such highway at grade with another highway or with a railroad.
 - (3) Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred (500) feet.
 - (4) No billboards within three hundred (300') feet of a house, church, or school.
 - (5) No billboards less than fifteen hundred (1,500') feet apart except back to back or end to end, and no more than two (2) billboards facing one direction.
 - (6) No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional, or other traffic control or warning sign erected or maintained by the State or by any county, municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - (7) No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

2. Accessory Uses

Accessory buildings and uses customarily incident to a permitted use including:

- a. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
- b. A private garage or parking space.
- c. Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney, or similar professional person including a sign not to exceed two (2') square feet in area.
- d. The keeping of roomers or boarders by a resident family.
- e. Roadside stands offering for sale only neighborhood agricultural products or other products produced on the premises.

- f. One (1) bulletin board or sign not exceeding fifty (50') square feet in area appertaining to the construction, lease) hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold or construction completed.
- g. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
- h. Principal uses permitted in this district shall be permitted one (1) double face on-site sign on the premises not to exceed thirty (30') square feet in area per face.

3. Height Regulations

No building shall exceed five (35) feet in height, two and one-half (2 1/2) stories or thirty (30) feet except as provided in Section XIV.

4. Lot Area, Width, and Yard Requirements

The following minimum requirements shall be observed:

- a. Lot area:

Dwellings two (2) acres, inclusive of road right-of-way.
Other permitted uses: two (2) acres.

- b. Lot width:

Dwellings: one hundred fifty (150') feet.
Other permitted uses: two hundred (200') feet.

- c. Front yard depth:

Dwellings and other permitted uses: fifty (50') feet from right-of-way line unless otherwise specified.

- d. Side yard width:

Each side yard:
Dwellings: fifteen (15') feet
Other permitted uses: twenty-five (25') feet unless otherwise specified.

- e. Rear yard depth:

Dwellings and other permitted uses: forty (40') feet unless otherwise specified.

- f. Lots of Record (undersize and separately owned)

Side yard for dwellings on lots of record at the time of passage of this Regulation that are under separate ownership from adjacent lots, and which do not meet the

minimum width requirements of the district in which located, may be reduced as follows.

(1) The width of each of the side yards may be reduced to fifteen (15) percent of the width of the lot on lots having a width of fifty (50') feet or more. On lots having a width less than fifty (50') feet, each side yard shall be no less than five (5') feet.

(2) Corner Lots.

The width of the side yard adjacent to the side street may be reduced to not less than ten (10') feet. The width of the side yard opposite the side street may be reduced to fifteen (15) percent of the width of the lot on lots having a width of fifty (50') feet or more. On lots having a width less than fifty (50') feet, each side yard shall be no less than five (5') feet.

5. **Mining**

See Section XII.

6. **Parking**

See Section XVI.

7. **Exceptions**

See Section IV.

SECTION VIII
"B" COMMERCIAL DISTRICT - REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Regulation when referred to in this section are the regulations in the "B" Commercial District.

1. Permissive Uses

Any retail business or service establishment supplying commodities or performing services such as the following:

- a. Any use permitted in the "D" Residence District.
- b. Banks, stores, shops and personal service establishments.
- c. Bowling alleys, dance halls or skating rinks.
- d. Farm implements, sale and repair.
- e. Farm stores or feed stores including accessory storage of liquid or solid fertilizer.
- f. Funeral homes or mortuaries
- g. Hotels and motels.
- h. Hospital or clinic for animals.
- i. Laboratories for research or experimental testing.
- j. Offices and office buildings.
- k. Public garages, filling stations and automobile repair shops, or parking lots.
- l. Theaters, drive-in theaters, assembly halls, restaurants.
- m. Used car, trailer or boat sales or storage lots.
- n. Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed 100 square feet.

2. Conditional Uses

The following uses may be conditionally permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Section XV of this Regulation provided such conditional uses shall comply with the height, area and parking requirements of this section.

- a. Wholesale merchandising or storage warehouses.

- b. General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing or appliance repair shop.
- c. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- d. Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products.
- e. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.
- f. Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
- g. Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.
- h. Generally those light manufacturing uses similar to those listed in items a. - g. above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries of the type specifically permitted.

3. **Parking Regulations**

Regulations for single family dwellings, multiple family dwellings, schools, churches, and boarding or lodging houses shall be the same as those in the "D" Residence District.

Off-street parking space for the uses listed below shall be provided on the lot to the extent provided:

- a. Funeral home or mortuary - one space for each 50 square feet of floor space in parlors or individual funeral service rooms.
- b. Hotels or motels - one space for each sleeping room.
- c. All other permitted uses - one space for each 200 square feet of floor space.

4. **Height Regulations**

No building shall exceed four stories, nor shall it exceed fifty (50) feet in height, except as provided in Section XIV hereof.

5. **Area Regulations**

a. Front Yard

The front yard regulations are the same as those in the "E" Conservation District, except that on the side street side of a corner lot the front yard need not exceed ten (10) feet in depth.

b. Side Yard

The side yard regulations for dwellings are the same as those in the "D" Residence District. Where a lot is used for any other of the purposes permitted in this district, a side yard is not required except on the side of a lot abutting on an "A", or "D" District, in which case there shall be a side yard of not less than five (5) feet.

c. Rear Yard

The rear yard regulations for dwellings are the same as in the "D" Residence District. In all other cases, a rear yard is not required except where a lot abuts on an "A" or "D" District, in which case there shall be a rear yard of not less than fifty (50) feet in depth.

d. Minimum Lot Area

The minimum lot area requirements are the same as those in the "D" Residence District.

SECTION IX
"C" INDUSTRIAL DISTRICT - REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Regulation when referred to in this section, are the regulations of the "C" Industrial District.

1. Use Regulations

Any building or premises may be used for any purpose not in conflict with any Regulation of Greene County regulating nuisances or laws of the State of Iowa; provided, however, that no building shall be erected, converted, reconstructed or structurally altered for church, library, school, hospital, or residential purposes, except for resident watchmen and caretakers employed on the premises and except for farms; provided, that no building or occupancy permit shall be issued for any of the following uses or manufacturing, compounding processing, packaging or treatment of the following products until and unless the location of such use shall have been approved by the Board of Adjustment, as provided in Section XVI hereof.

a. Chemicals, Petroleum, Coal, and Allied Products;

Acids and derivatives
Acetylene
Ammonia
Carbide
Caustic soda
Cellulose and cellulose storage
Chlorine
Coke oven products (including fuel gas) and coke oven products storage.
Creosote
Distillation, manufacture, or refining of coal, tar, asphalt, wood and bones.
Explosives (including ammunition and fireworks) and explosives storage.
Fertilizer (organic)
Fish oils and meal
Glue, gelatin (animal)
Hydrogen and oxygen
Lamp black, carbon black, and bone black
Nitrating of cotton or other materials
Nitrates (manufactured or natural) of an explosive nature, and storage.
Petroleum, gasoline, and lubricating oil refining, and wholesale storage.
Plastic materials and synthetic resins
Potash
Pyroxyline
Rendering and storage of dead animals, offal, garbage, or waste products.
Turpentine and resin
Wells, gas, and oil

b. Permissive Uses

(1) Uses permitted in "B" Districts; provided no zoning certificate shall be issued for any dwellings, schools, hospitals, clinics, and other institutions for human care, except where incidental to a principal permitted use.

(2) Clay Stone and Glass Products

Brick, firebrick, refractories, and clay products (coal fired) cement, lime, gypsum or plaster of Paris.

Minerals and earths; quarrying, extracting, grinding, crushing, and processing.

(3) Food and Beverage

Fat rendering

Fish curing, packing, and storage

Slaughtering of animals

Starch manufacture

(3) Metals and Metal Products

Aluminum powder and paint manufacture

Blast furnace, cupolas

Blooming Mill

Metal and metal ores, reduction, refining, smelting, and alloying

Scrap Metal reduction or smelting

Steel works and rolling mill (ferrous)

(5) Wood and Paper Products

Match Manufacture

Wood pulp and fiber, reduction and processing

(6) Unclassified Industries and Uses

Hair, hides, and raw fur, curing, tanning, dressing, dyeing and storage.

Stockyard

Junk yards and auto wrecking yards

Garbage and refuse disposal grounds

2. Parking Regulations

Off street parking spaces shall be provided as follows:

a. For permitted industrial uses or service establishments: one space for each two (2) employees on the maximum working shift.

b. For restaurants and other commercial uses: One space for each two hundred (200) square feet of floor area.

3. Height Regulations

No building shall exceed four (4) stories nor fifty (50) feet in height, except as otherwise provided in Section XIV hereof, and except that buildings may exceed four (4) stories or fifty (50) feet in height provided the building is set back one foot from all required yard lines for each one (1) foot of additional height above fifty (50) feet.

4. Area Regulations

a. Front Yard

There shall be a front yard having a depth of not less than forty (40) feet.

b. Side Yard

Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.

c. Rear Yard

Except as hereinafter provided, there shall be a rear yard of not less than 30 feet.

SECTION X
"D" RESIDENCE DISTRICT - REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Regulation when referred to in this section, are the regulations in the "D" Residence District.

1. Use Regulations

A building or premises shall be used only for the following purposes:

a. Permissive Uses

- (1) Agriculture, and the usual agricultural buildings and structures, including one (1) mobile home.
- (2) Single-family dwellings
- (3) Two-family dwellings
- (4) Multiple dwellings
- (5) Churches or other places of worship, including parish houses and Sunday school buildings.
- (6) Boarding and lodging houses.
- (7) Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school and having no rooms used regularly for housing or sleeping purposes.
- (8) Public libraries, parks, playgrounds and community buildings.
- (9) Accessory buildings and uses, including but not limited to home occupations, swimming pools, home barbecue grills, noncommercial greenhouses, accessory storage, walls and fences, off-street parking and loading spaces and antennae for radio and television receiving. Accessory uses shall also include public building and church bulletin boards not exceeding twenty (20) square feet in area and temporary signs not exceeding ten (10) square feet in area pertaining to the lease, hire or sale of a building or premises.

2. Parking Regulations

a. Churches

Any church erected on a new site shall provide one off-street parking space upon the lot or within two hundred (200) thereof for every five (5) persons for which seating is provided in the main auditorium.

b. Single-family Dwellings

Wherever a building is erected, converted or structurally altered for a single-family dwelling at least one parking space shall be provided on the lot.

c. Schools

Any school erected on a new site shall provide one (1) off-street parking space upon the lot for every five (5) persons for which seating is provided in the auditorium or other place of general assembly.

d. Parking Space

Whenever a building is erected, converted or structurally altered for a two-family or a multiple dwelling, boarding or lodging house, at least one parking space shall be provided on the lot for each dwelling unit in the building.

3. Height Regulations

The height regulations are the same as those in the "E" Conservation District.

4. Area Regulations

a. Front Yard

The front yard regulations are the same as those in the "E" Conservation District.

b. Side Yard

There shall be a side yard on each side of a building having a width of not less than ten (10) feet, except that when a lot at the time of passage of this Regulation has a width of sixty (60) feet or less, the side yard may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

c. Rear Yard

There shall be a rear yard having a depth of twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is larger.

d. Minimum Lot Area

Every lot or tract of land shall have an area of not less than 7,500 square feet per family and an average width of sixty (60) feet, except that if a lot or tract has less area or width than herein required and its boundary line touches lands under other ownership on the effective date of this Regulation and have not since changed, such parcel of land may be occupied by any use permitted in this district.

e. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed.

1. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
2. Lots which are not within a reasonable distance of public water supply mains, but are connected to a sanitary sewer system, shall have a minimum width of eighty (80) feet and an area of not less than ten thousand (10,000) square feet.

SECTION XI
"E" CONSERVATION DISTRICT - REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Regulation when referred to in this section are the regulations in the "E" Conservation District.

1. Use Regulations

A building or premises shall be used only for the following purposes:

a. **Permissive Uses**

- (1) Agriculture and the usual agricultural buildings and structures, including greenhouses.
- (2) Public parks and forest preserves.
- (3) Signs as follows:
 - (a) Traffic and official signs
 - (b) Signs pertaining to the sale or lease of property, or to activities conducted on the property; provided, however, that these shall not exceed thirty (30) square feet in area.
 - (c) Advertising signs, except that no signs shall be permitted within thirty (30) feet of any intersecting public roads or highways. Said thirty (30) feet to be measured from the point where the right-of-way lines intersect.

b. **Conditional Uses**

The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in Section XVI of the Regulation provided such conditional uses shall comply with the height and area regulations of this section and with the parking regulations for similar uses set out elsewhere in this regulation.

- (1) Privately operated outdoor recreational facilities, including riding stables, lakes, swimming pools, tennis courts and golf courses, provided they are located on sites containing not less than five (5) acres.
- (2) Marinas, yacht clubs, boat houses and bait shops.
- (3) Motels and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personnel services, provided they are located on sites containing not less than one (1) acre.

- (4) Guest ranches, hunting and fishing resorts, ski resorts and incidental facilities, including swimming pools, restaurants incidental retail sales and services and personal services, provided they are located on sites containing not less than twenty (20) acres.
- (5) Extraction of sand and gravel provided that all pits and excavations shall be filled to the extent necessary so that the ground is put back in a usable fashion within six (6) months after the extraction operations are terminated.
- (6) Saw Mills.

2. **Height Regulations**

No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height except as provided in Section XV.

3. **Area Regulations**

a. **Front Yard**

- (1) There shall be a front yard having a depth of not less than thirty (30) feet.
- (2) Where lots have double frontage, the required front yard shall be provided on both streets.
- (3) Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Regulation need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

b. **Side Yard**

There shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.

c. **Rear Yard**

There shall be a rear yard having a depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot whichever amount is larger.

SECTION XII
"F" MINERAL EXTRACTION DISTRICT - REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Regulation when referred to in this section are the regulations in the "F" Mineral Extraction District.

1. Permitted Uses

- a. All agricultural uses.
- b. Mineral extraction when the developer submits a plan for staged extraction and current overburden construction to conform to an overall master plan approved by the Zoning Commission and the Supervisors after the plans are submitted for information only to the County Conservation Board and the Greene County Soil Conservation Commission and the State Department of Mines where a permit is required, at the discretion of the county boards and according to the master county recreation plans.
- c. No permanent human habitat may be located on the premises of mineral extraction.
- d. During extraction, appropriate fencing shall limit its hazard as approved by the Board of Supervisors.
- e. No Mineral extraction shall take place within two hundred (200) feet of a permanent water course unless in compliance with a long range plan that is in accordance with the master county recreation plans with appropriate methods for ownership and right-of-way and as noted therein for siltation, waterfowl hunting, general recreation or similar specifications as the Greene County Conservation Board may adopt.

2. Yards

Set back from all property lines, state, county, and federal roads shall be one hundred-fifty (150) feet unless otherwise specified by the County Engineer for roadway safety.

3. Lot Area and Width

No restrictions.

**SECTION XIII
RESERVED.**

1. RESERVED.

This section reserved for future district designations to preserve numbering.

**SECTION XIV
NONCONFORMING USES**

1. Nonconforming Uses

The following provisions shall apply to nonconforming uses of buildings and land in any district.

2. Authority to Continue

Any building, structure or use that is lawfully established and exists on the effective date of this Regulation, but does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for a term of one (1) year, any future use of said premises shall be in conformity with the provisions of these regulations provided however, that nonconforming business and industrial uses being operated on open land or in buildings of a temporary nature may be continued for a period not to exceed five (5) years from the effective date of these regulations.

3. Nonconforming Use May Be Extended

A building which is nonconforming on the date these regulations become effective, may be extended within the limits of the lot upon which it is located, provided such extension does not violate any of the yard area requirements of the district in which such is located, use or create or enlarge a nonconforming use in the district. A nonconforming use may not be extended into an adjoining district which does not permit such use.

4. Nonconforming Use Reconstructed

If at any time any nonconforming building in existence or maintained at the time of the effective date of these regulations shall be destroyed, by fire, explosion, or act of God, to the extent of more than fifty (50) percent the value thereof, then and without further action by the Supervisors the said buildings and said land on which such building was located or maintained shall from and after the date of such destruction be subject to all of the regulations of the district in which such land or building is located.

If the destruction of the building is not greater than fifty (50) percent of the value of the building it may be reconstructed if such reconstruction is begun within six (6) months after such destruction and diligently prosecuted thereafter.

5. Nonconforming Use Substituted

The substitution of one nonconforming use for another may be permitted when such substituted use will not increase congestion in the street, or endanger the health, safety, morals or general welfare of the district in which it is located. There shall be no increase in the floor area of the building or in the lot area to accommodate such substituted use.

6. Restoration of Unsafe Portion of Building

Nothing in these regulations shall prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official.

7. Nonconforming Uses Of Historic Or Architectural Significance

As designated by the Supervisors, upon recommendation of the County Conservation Board, monuments so noted shall not be extended, reconstructed, altered or torn down without:

- a. First having plans and specifications approved by the Supervisors, upon an appointed professional review, or
- b. Secondly, by direct purchase by the Conservation Board as a part of the overall park and recreation plan within a two (2) year period of application.

SECTION XV
ADDITIONAL HEIGHT AND AREA REGULATIONS

The district height and area regulations hereinafter set forth in the Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Regulation.

1. Public, semi-public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
2. Chimneys, church steeples, cooling towers, grain elevators, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, wind turbines, antennas or necessary mechanical appurtenances, are exempt from the height regulations as contained herein, except as stated here in Section XVI Special Uses "A" and "B".
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.
4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
5. Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt courses, cornices and ornamental features that are not to exceed twelve (12) inches.
6. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
7. Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Administrative officer for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.
8. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
9. Terraces, unenclosed porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

10. For the purpose of the side yard regulations, a two-family dwelling or a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
11. Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.
12. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all the open space requirements around the lot for the district in which the lot or tract is located.
13. In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one (1) main building on the lot; provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum distance of twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) - story buildings, and forty (40) feet for three (3) or four (4) story buildings.
14. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings and forty (40) feet for three (3) or four (4) story buildings.
15. No side yards are required where dwelling units are erected above commercial and industrial structures.
16. The front yards heretofore established shall be adjusted in the following cases:
 - a. Where forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less), a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
 - b. Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:
 - (1) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side, or
 - (2) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

**SECTION XVI
SPECIAL EXCEPTIONS**

The Board of Adjustment may authorize the location of any of the buildings or uses listed below in the districts and according to the regulations specified below as a "special exception." The Board of Adjustment shall review applications for special exceptions according to the following provisions:

1. Application. A written application for special exception shall be submitted to the Board indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Hearing. The Board shall fix a reasonable time for the hearing of the special exception, give public notice thereof, as well as due notice to the parties in interest and decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney. The public hearing shall be held.
3. Findings and Standards. The special exception shall not be granted unless the Board finds that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest based on the following standards:
 - a) The establishment, maintenance, or operation of the special exception will not be detrimental to, or endanger the public health, safety, morals, comfort, or general welfare of the community.
 - b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for a purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.
 - c) The approval of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d) Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided, and adequate measures have been taken or will be taken to provide ingress and egress so designed to minimize traffic congestion on public streets.
 - e) The special exception will not cause noise or other vibration which is objectionable due to volume, frequency, or beat unless muffled, damped, or otherwise controlled.
 - f) The special exception will not cause any emission of malodorous gas or other pollution of the air by ash, dust, vapors, or other substance which is harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
 - g) The special exception will not involve any direct or reflected glare which is visible from any adjoining property or from other public street or highway.
 - h) The special exception will not involve any activity that would substantially increase the burden on any public utilities or traffic congestion on a public street unless measures are taken to provide relief for the affected utility or street.

SPECIAL EXCEPTIONS "A"

1. Any public maintenance garage or storage yard erected and used by any department of the Township, County, State or Federal Government. Any District.

2. Airport or landing field. Any District. No building or structure such as poles, towers, wires, chimneys or other such facility shall be constructed within the approach zones of said airport or landing field that may impose a public hazard as required for the flight of aircraft in landing or taking-off at any airport or landing field, as shall be determined by the Greene County Zoning Commission.
3. Junk yards or auto wrecking yards. "A" and "C" Districts.
4. Garbage disposal and/or refuse dumps. "A" and "C" Districts:
 - a. At no time shall a junk yard auto wrecking yard or garbage disposal and/or refuse dump be located within five hundred (500) feet of the boundary line of "B", "D", or "E" District.
 - b. Noise and/or sight buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.
5. Race tracks. "A" and "C" Districts.

MINIMUM DEVELOPMENT REQUIREMENTS

- a. Area - twenty (20) acres.
- b. Width - six hundred (600) feet.
- c. Set back - two hundred (200) feet:
- d. Sideyard - two hundred (200) feet.
- e. Rear yard - two hundred (200) feet.
- f. Off-street parking - A minimum of one and one-half (1 1/2) parking spaces for each racer based on the maximum capacity of the track plus an additional one hundred (100) parking spaces for every 250 spectators shall be provided.
- g. Lighting - Any lighting provided shall be so arranged that will not shine directly on to adjacent properties.
- h. Buffering - Noise and/or sight buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.
- i. Distance from existing dwellings - No track shall be located closer than eight hundred (800) feet from any existing dwellings other than dwellings owned by the applicant for the proposed track.
- j. Surfacing - The tracks shall be surfaced with asphalt or treated with oil to reduce dust.

6. Non-profit fraternal institutions. They shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height. Any district in which otherwise prohibited except "C" Industrial. Minimum yard requirements shall be as specified in the district regulations.
7. New public and private cemetery. "D", "B", or "C". District.
8. Transmitting stations - "A", "B", "C", Districts.

SPECIAL EXCEPTIONS "B"

1. Mobile Homes. "A", "B", or "D" Districts.
2. Mobile Home Parks. "A", "B", or "D" Districts.

MINIMUM DEVELOPMENT REQUIREMENTS.

a. Park

Front yard - same as district or fifty (50) feet, whichever is greater.

Side yard - thirty-five (35) feet.

Rear yard - thirty-five (35) feet.

Area - two (2) acres.

Drives - twenty-five (25) feet in width surfaced with asphalt or Portland cement concrete.

b. "Home" Spaces

Space size - forty (40) feet by seventy-five (75) feet.

Space area - three thousand (3000) square feet.

Off-drive parking - one (1) parking space for each "home" space.

Front yard - fifteen (15) feet.

Rear yard - ten (10) feet.

Side yard - five (5) feet each side.

3. Multiple dwellings containing three (3) or more dwelling units provided the minimum lot area per dwelling unit shall be as follows:

With public sewer and water - 4000 sq. ft.

With public water and septic tanks - 7000 sq. ft.

With private well and septic tanks - 10,000 sq. ft.

Any District except "C" District.

4. Any structure or land used by a public or private utility service company or corporation for public utility purposes including sewage lagoons, or for purposes of public communication. "Any District". The basis for such permit shall be public convenience and necessity.

**SECTION XVII
TOWER, ANTENNA AND WIND TURBINE REGULATIONS**

The following standards and requirements shall govern the design, development and placement of towers, antennas and wind turbine generators.

1. Locations of Permitted Uses

A tower, antenna, or wind turbine generator may be permitted upon determination that all of the applicable conditions in this ordinance are met:

- a. Residential Districts: Free-standing towers with heights not exceeding 100 feet are a permitted conditional use; those with heights exceeding 100 feet require a special exception.
- b. Commercial Districts: Free-standing or guyed towers with heights not exceeding 180 feet are permitted conditional uses; those with height exceeding 180 feet require a special exception.
- c. Industrial Districts: Free-standing or guyed towers with heights not exceeding 360 feet are a permitted conditional use; those with heights exceeding 360 feet require a special exception.
- d. Agricultural Districts: Free-standing or guyed towers with heights not exceeding 500 feet are a permitted conditional use; those with heights exceeding 500 feet require a special exception.
- e. If a special exception for additional tower height is requested, total tower height will not exceed 150% of the maximum height permitted in the applicable district as a conditional use. The applicant must demonstrate that additional height above that permitted as a conditional use by this ordinance is necessary for essential service to residents of the county.
- f. Telecommunications towers erected on existing structures other than telecommunications towers shall be allowed in any district, provided the height of the tower does not exceed one-third of the height of the existing structure and the total of the existing structure and the tower does not exceed 200 feet.
- g. All tower height allowances outlined in the preceding sections are subject to approval from the applicable Airport Commission if the tower is proposed to be located within the airport flight path.

2. Application Requirements

The applicant for a conditional use permit for construction of a tower or wind turbine generator or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted shall file an application with the Greene County Zoning Administrator accompanied by the appropriate fee as determined by resolution of the Board of supervisors. The application shall include the following documents:

- a. A site plan drawn to scale identifying the site boundaries; tower or generator location; tower height; guy wires and anchors; design of proposed structures; parking, fencing and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure;
- b. A current map showing locations of applicant's other antennas, facilities, existing towers or wind turbine generators, and proposed towers or wind turbine generators which are reflected in public records, serving any property within the county;
- c. A report from a structural engineer containing the following:
 - i. A description of the tower, including a description of the design characteristics and material;
 - ii. Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and if applicable, meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures";
 - iii. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate, if applicable;
- d. If applicant is other than the site owner, written authorization from the site owner for the application;
- e. Identification of the owners of all antennas and equipment to be located at the site;
- f. Evidence that the applicant contacted owners of all existing or approved towers within a one-half mile radius of the proposed new tower site, including county-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower;
- g. Evidence that a valid FCC license for the proposed activity has been issued;
- h. A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts;
- i. A written agreement to remove the tower and/or antenna within 180 days after cessation of use;
- j. Additional information as required to determine that all applicable conditions of this ordinance have been met.
- k. Documentation that the proposed tower site and height have been approved by the appropriate Airport Commission, if applicable.

3. Additional Conditions & Considerations for Communications Towers & Antennas

- a. Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly owned sites, and available privately owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A tower is not allowed if technically suitable space can be found on an existing telecommunications tower within one-half mile radius of the proposed new tower site.
- b. Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
 - i. Applicant must show that all applicable health, nuisance, noise, fire, *building* and safety code requirements are met.
 - ii. For towers on county property, applicant must file with the county zoning administrator a written indemnification of the county and proof of liability insurance or other proof of financial ability to respond to claims up to \$1,000,000.00 in the aggregate which may arise from operation of the facility during its life, in form approved by the county attorney. This information shall be updated annually by the applicant.
 - iii. Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height, shall apply to the tower.
 - iv. For free-standing or guyed towers, setbacks on all sides shall be a distance equal to the collapse zone of the tower.
 - v. To limit climbing access to the tower, a fence six (6) feet in height with a locking portal, or an anti-climbing device may be required around the tower base.
 - vi. All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
 - vii. The application shall provide covenants, easements, or similar documentation from the abutting property owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on site.
- c. At least every 24 months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel *Antenna* Towers and *Antenna* Support Structures." A copy of such inspection record shall be provided to the county.

4. Additional Conditions & Considerations for Wind Turbine Generators

- a. The Following Definitions shall apply in regards to Wind Turbine Generators:
 - i. *Wind Farm.* One or more wind turbine generators which are connected to the transmission of a local distribution grid. Wind farms shall include but are not limited to wind turbine generators, operations and maintenance buildings, meteorological towers, collector grids, roads and substations.
 - ii. *Wind Turbine Generator (WTG).* A wind turbine generator is a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid.
 - iii. *Blade.* An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 - iv. *Wind Tower.* The tubular structure, above grade, that supports the nacelle and rotor assembly.
 - v. *Tower Foundation.* The tower support structure, below grade, that supports the entire weight of the wind turbine.
 - vi. *Total Height.* The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
 - vii. *Sub-station.* An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
- b. The operation of a wind turbine generator or wind farm shall not cause interference to radio and television reception on adjoining property.
- c. The placement of all Wind Turbine Generators (WTG's) shall comply with the following:
 - i. Setback distances with respect to property lines shall not apply to wind turbines located within a wind farm where the property lines nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.
 - ii. With respect to a wind turbine all setback and separation distances shall be defined relative to the nearest surface of the wind turbine support tower as measured at the natural ground level.
 - iii. Notwithstanding any other consideration including calculated sound levels no commercial wind turbine shall be located at a distance less than 1000 Feet

from the nearest occupied dwelling. Wind generator towers may be setback less than 1000 feet from a dwelling if the property owner signs a waiver agreeing to the reduced setback distance. However, the wind generator tower shall not be located closer than the distance equal to the height of the tower.

- iv. Any wind turbine within a wind farm shall be located not less than the Rotor Radius from the nearest non-dwelling, principal or secondary structure.
- v. Any wind turbine within a wind farm shall be located not less than the total height from a road right-of-way line.
- vi. Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.
- vii. Any wind turbine within a wind farm shall be located not less than the Rotor Radius from property lines abutting non-participating properties.

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5. Abandonment

In the event the use of any tower, antenna, or wind turbine generator has been discontinued for a period of 180 consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Greene County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional 180 days within which to reactivate the use of the tower or dismantle and remove the tower. If the tower is not dismantled and removed as required, the county may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code 331.384. As an alternative, the owner may prepare and submit a plan for the "banking" of the tower for future reactivation and use. Said plan must be submitted to the Greene County Zoning Administrator within 180 days of the discontinuation of use of the tower, and shall be updated and submitted every 180 days thereafter for a maximum of two years, at which time the tower or WTG must be reactivated or dismantled.

**SECTION XVIII
BOARD OF ADJUSTMENT**

1. Creation and Membership

A Board of Adjustment, hereafter referred to as "Board", is hereby established. Such Board shall consist of five (5) members appointed by the Greene County Board of Supervisors. Terms shall be for five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The County Board of Supervisors shall have the power to remove any member of the Board for cause upon written charges and after a public hearing.

2. Administrative Officer

The Board of Supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances so adopted by the Board of Supervisors. Such administrative officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county, and the Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.

The Administrative Officer shall be charged with the following responsibilities:

- a. To issue permits and collect any fees which may be established for said permits.
- b. To carry out administrative duties for the Zoning Commission and Board of Supervisors.
- c. To enforce the ordinance and stop all violations.
- d. To explain the ordinance when citizens desire information on zoning.

3. Chairman and Meetings

The Board of Adjustment shall elect its own chairman and, in case of vacancy, shall name another chairman. Such chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be held at the call of the chairman and at such time and place within the County as the Board may determine. All meetings of the Board shall be open to the public.

The Board shall keep minutes of its proceedings, showing the vote of each member, upon every question, or if absent or failing to vote indicating such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. The Board shall adopt its own rules of procedure not in conflict with these Regulations or with the Iowa Code, to enable it to perform its functions and duties. The presence of three (3) members shall be necessary to constitute a quorum.

4. Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Administrative Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof, and by paying the appropriate fee as determined by the Board of Supervisors at the time that the notice is filed which fee, the administrative officer shall forthwith pay to the treasurer of Greene County. The administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

5. Hearings

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and render a decision thereon without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized person or attorney. Ten (10) days notice by letter from the administrative officer shall be given to all owners of the property located within five hundred (500) feet in all directions from the property for which the variation is being sought. The letter shall state the location of the property and a brief description of the appeal and shall state the time and place of the hearing.

6. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, a proceeding 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 officer from whom the appeal is taken and/or due cause shown.

7. Jurisdiction

The Board of Adjustment shall have jurisdiction in the following matters:

- a. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this Regulation or any supplemental amendment.
- b. To hear and decide applications for variations and, subject to such standards, principles and procedures provided in this Regulation, to vary the strict application of the height, area, parking or density requirements to the extent necessary to permit the applicant a reasonable use of his property in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned.
- c. To hear and decide applications for conditional use permits specifically listed on the district regulations of the Regulation. Before authorizing the issuance of such a

conditional use permit, the Board may impose such conditions as will in the Board's judgment insure that:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyments of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) Adequate utilities, access roads, drainage and/or other necessary facilities will be provided.
- (5) Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) The conditional use shall in all other respects conform to the applicable regulation of the district in which it is located.

d. Upon application, the Board is hereby empowered to authorize the following exceptions to the terms of this Regulation:

- (1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.
- (2) To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed to the extent of not more than *sixty-five* (65) percent of its assessed value, by fire or Act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use.
- (3) To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.
- (4) To interpret the provisions of this Regulation where the street layout actually on the ground varies from the street layouts as shown on the map(s) fixing the several districts, which map(s) are attached to and made a part of this Regulation.

SECTION XIX
APPLICATIONS AND PERMITS

1. A written permit shall be obtained from the Administrative Officer before starting or proceeding with any of the following:
 - a. Excavating for, erecting, construction, reconstructing, enlarging, altering, or moving any building or structure other than farm buildings or structures.
 - b. Changing the use of occupancy of any building, structure of land from one classification to another.
 - c. Changing a nonconforming use to another nonconforming use.
2. Written applications on approved forms shall be filed with the Administrative Officer and shall state legal description of the property as of public record and the names of owner and applicant, shall describe the uses to be established or expanded, and shall give such other information as may be required for the enforcement of this Regulation. Each application shall be accompanied by a dimensioned drawing of the lot showing the location of buildings and structures, dimensions of the lot, size of yard, and auto parking areas.
3. The Administrative Officer shall issue a written permit, or denial thereof with reasons in writing, within fifteen (15) days of the date of the acceptance of the application. In the event that permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the zoning Board of Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing. Except where an extension has been obtained in writing from the administrative officer, permits hereafter issued shall expire within six (6) months if a substantial beginning has not been made in the construction or the establishment of the use applied for and completed within eighteen (18) months.

Fees for Zoning Certificates or Permits shall be established by resolution by the Board of Supervisors. The fees shall be paid to the administrative officer who shall deliver the same to the treasurer of Greene County.

4. All applications for permits and copies of permits issued shall be systematically kept for ready public reference by the Administrative Officer.

**SECTION XX
ENFORCEMENT**

It shall be the duty of the Administrative Officer to enforce this Regulation in accordance with its provisions. He may, if necessary, appoint one (1) or more deputies to assist him in carrying out his duties as set forth in this Regulation.

**SECTION XXI
INTERPRETATION, PURPOSE AND CONFLICT**

The provisions of this Regulation shall control when this Regulation imposes a greater restriction upon the use of buildings or premises, or upon height of buildings, or requires larger open spaces than are imposed or required by previously or hereafter adopted or issued ordinances, resolutions, rules, regulations, or permits, easements or other agreements between parties, not in conflict with any of the provisions of this Regulation and which have been or shall be adopted or issued pursuant to law. The provisions of this Regulation shall be interpreted and applied as the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare.

**SECTION XXII
CHANGES AND AMENDMENTS**

1. General

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may on its own action or by petition after recommendation by the Zoning Commission after Public Hearing as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property, now or hereafter established by this Ordinance of amendments thereof.

2. Procedure of Change

- a. Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the County Zoning Commission at their public office upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.
- b. Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) Public Hearing thereon, notice of which shall be given to all property owners within five hundred feet (500') of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such Hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance including text and maps may be examined. When the Zoning

Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

- c. After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a Public Hearing thereon. At least fifteen (15) days notice of the time and place of the Hearing shall be given by one publication in a newspaper of general circulation in the County. In addition, notices shall be sent by the United States mail as specified above.

SECTION XXIII VIOLATION AND PENALTY

Any person, firm or corporation who violates or disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Regulation shall, upon conviction, be fined not more than five hundred dollars or imprisoned for not more than 30 days for each offense and each day that a violation is permitted to exist shall constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land used in violation of this Regulation, the County Board of Supervisors, in addition to other remedies, may institute any proper action or proceedings in the name of Greene County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violations, to prevent the occupancy of such building, structure, or land or to prevent any illegal act, conduct, business or use in or about said premises.

SECTION XXIV VALIDITY

Should any section or provision of this Regulation be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Regulation as a whole or any part thereof other than the part so declared to be invalid.

SECTION XXV WHEN EFFECTIVE

This Regulation shall be in full force and effect, from and after its passage and publication as prescribed by law.

**ADOPTED BY THE GREENE COUNTY, IOWA BOARD OF SUPERVISORS BY
ORDINANCE NO. 2011-01 ON JANUARY 13, 2011.**

2011 GREENE COUNTY ZONING ORDINANCE

**ADDENDUM
A1**

**2011 CODE OF IOWA
CHAPTER 335: COUNTY ZONING**

**2011 Code of Iowa
CHAPTER 335
COUNTY ZONING**

- 335.1 Where applicable.
 - 335.2 Farms exempt.
 - 335.3 Powers.
 - 335.4 Areas and districts.
 - 335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.
 - 335.6 Procedure — hearings — notice.
 - 335.7 Changes — protest.
 - 335.8 Commission appointed — powers and duties.
 - 335.9 Administrative officer.
 - 335.10 Board of adjustment — review and remand.
 - 335.11 Membership of board.
 - 335.12 Rules.
 - 335.13 Appeals to board.
 - 335.14 Stay of proceedings.
 - 335.15 Powers of board.
 - 335.16 Decision.
 - 335.17 Vote required.
 - 335.18 Petition to court.
 - 335.19 Review by court.
 - 335.20 Record advanced.
 - 335.21 Trial to court.
 - 335.22 Precedence.
 - 335.23 Restraining order.
 - 335.24 Conflict with other regulations.
 - 335.25 Zoning for family homes.
 - 335.26 Reserved.
 - 335.27 Agricultural land preservation ordinance.
 - 335.28 and 335.29 Reserved.
 - 335.30 Manufactured and modular homes.
 - 335.30A Land-leased communities.
 - 335.31 Elder family homes. Repealed by 2004 Acts, ch 1101, §95.
 - 335.32 Homes for persons with disabilities.
 - 335.33 Elder group homes.
 - 335.34 Home and community-based services waiver recipient residence.
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335.1 Where applicable.

The provisions of **this chapter** shall be applicable to any county of the state at the option of the board of supervisors of any such county.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.1]
C93, §335.1

335.2 Farms exempt.

Except to the extent required to implement **section 335.27**, no ordinance adopted under **this chapter** applies to land, farm houses, farm barns, farm outbuildings or other buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.2; 81 Acts, ch 117, §1070; 82 Acts, ch 1245, §16]
C93, §335.2

335.3 Powers.

Subject to **section 335.2**, the board of supervisors may by ordinance regulate and restrict the height, number of structures, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, and may regulate, restrict, and prohibit the use for residential purposes of tents, trailers, and portable or potentially portable structures. However, such powers shall be exercised only with reference to land and structures located within the county but lying outside of the corporate limits of any city.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §358A.3; 81 Acts, ch 117, §1071]
C93, §335.3

335.4 Areas and districts.

For any and all of said purposes the board of supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of **this chapter**; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.4]
C93, §335.4

335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.

1. The regulations shall be made in accordance with a comprehensive plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. However,

provisions of **this section** relating to the objectives of energy conservation and access to solar energy shall not be construed as voiding any zoning regulation existing on July 1, 1981, or to require zoning in a county that did not have zoning prior to July 1, 1981.

2. The regulations shall be made with reasonable consideration, among other things, as to the character of the area of the district and the peculiar suitability of such area for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such county.

3. The regulations and comprehensive plan shall be made with consideration of the smart planning principles under **section 18B.1** and may include the information specified in **section 18B.2, subsection 2**.

4. *a.* A comprehensive plan recommended for adoption by the zoning commission established under **section 335.8**, may be adopted by the board of supervisors. The board of supervisors may amend a proposed comprehensive plan prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan will be considered for adoption. The notice shall be published as provided in **section 331.305**.

b. Following its adoption, copies of the comprehensive plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

c. Following its adoption, a comprehensive plan may be amended by the board of supervisors at any time.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §81, §358A.5; 81 Acts, ch 125, §1; 82 Acts, ch 1245, §17]

C93, §335.5

2010 Acts, ch **1184, §21**

335.6 Procedure — hearings — notice.

The board of supervisors shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in **section 331.305**. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible. The regulation, restriction, or boundary shall be adopted in compliance with **section 331.302**.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.6]

87 Acts, ch 31, §1; 87 Acts, ch 43, §12

C93, §335.6

335.7 Changes — protest.

The regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed. Notwithstanding **section 335.4**, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a board of supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under **this section** or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a protest against the change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the area

immediately adjacent to the proposed change and within five hundred feet of the boundaries of the proposed change, the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the board of supervisors. The provisions of section 335.6 relative to public hearings and official notice shall apply equally to all changes or amendments.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.7]
85 Acts, ch 9, §1
C93, §335.7

335.8 Commission appointed — powers and duties.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, a majority of whose members shall reside within the county but outside the corporate limits of any city, to be known as the county zoning commission, to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein. Such commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon before submitting its final report; and the board of supervisors shall not hold its public hearings or take action until it has received the final report of such commission. After the adoption of such regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes or modifications.

2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

3. The zoning commission, with the approval of the board of supervisors, may contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.

[C50, 54, 58, §358A.8; C62, 66, 71, 73, §358A.8, 373.21; C75, 77, 79, 81, §358A.8]
C93, §335.8

2010 Acts, ch 1184, §22; 2011 Acts, ch 118, §85, 89
Code editor directive applied

335.9 Administrative officer.

The board of supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances adopted by the board of supervisors. The administrative officer may be a person holding other public office in the county, or in a city or other governmental subdivision within the county, and the board of supervisors is authorized to pay to the officer compensation as it deems fit.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.9]
83 Acts, ch 123, §161, 209
C93, §335.9

335.10 Board of adjustment — review and remand.

The board of supervisors shall provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this chapter shall provide that the said board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules therein contained, and provide that any property owner aggrieved by the action of the board of

supervisors in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners. The board of supervisors may provide for its review of variances granted by the board of adjustment before their effective date. The board of supervisors may remand a decision to grant a variance to the board of adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.10]

89 Acts, ch 55, §1

C93, §335.10

335.11 Membership of board.

The board of adjustment shall consist of five members, a majority of whom shall reside within the county but outside the corporate limits of any city, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members 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.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.11]

C93, §335.11

335.12 Rules.

The board shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to **this chapter**. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in the chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.12]

C93, §335.12

335.13 Appeals to board.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.13]

C93, §335.13

335.14 Stay of proceedings.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with the officer that by reason of facts stated in the certificate a stay would, in the

officer's opinion, 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 officer from whom the appeal is taken and on due cause shown.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.14]
C93, §335.14

335.15 Powers of board.

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of **this chapter** or of any ordinance adopted pursuant thereto.
2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.
3. To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.15]
C93, §335.15

335.16 Decision.

In exercising the above mentioned powers such board may, in conformity with the provisions of **this chapter**, reverse or affirm, wholly or partly, 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.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.16]
C93, §335.16

335.17 Vote required.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.17]
C93, §335.17

335.18 Petition to court.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment under the provisions of **this chapter**, or any taxpayer, or any officer, department, board or bureau of the county, 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 days after the filing of the decision in the office of the board.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.18]
C93, §335.18

335.19 Review by court.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.19]

C93, §335.19

335.20 Record advanced.

The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions hereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.20]

C93, §335.20

335.21 Trial to court.

If upon the hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.21]

C93, §335.21

335.22 Precedence.

All issues in any proceedings under sections 335.18 through 335.21 shall have preference over all other civil actions and proceedings.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.22]

C93, §335.22

2009 Acts, ch 133, §127

335.23 Restraining order.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this chapter or of any ordinance or other regulation made under authority conferred thereby, the board of supervisors, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.23]

C93, §335.23

335.24 Conflict with other regulations.

If the regulations made under **this chapter** require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under **this chapter** govern. If any other statute or local ordinance or regulation requires a greater width or size of yards, courts or other open spaces, or requires a lower height of building or a less number of stories, or a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by the regulations made under **this chapter**, the other statute or local ordinance or regulation governs. If a regulation proposed or made under **this chapter** relates to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream, prior approval of the department of natural resources is required to establish, amend, supplement, change, or modify the regulation or to grant any variation or exception from the regulation.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §358A.24; 82 Acts, ch 1199, §67, 96]

C93, §335.24

2003 Acts, ch **108**, §69

335.25 Zoning for family homes.

1. It is the intent of **this section** to assist in improving the quality of life of persons with a developmental disability or brain injury by integrating them into the mainstream of society by making available to them community residential opportunities in the residential areas of this state. In order to implement this intent, **this section** shall be liberally construed.

2. a. "Brain injury" means brain injury as defined in **section 135.22**.

b. "Developmental disability" means a disability of a person which has continued or can be expected to continue indefinitely and which is one of the following:

(1) Attributable to mental retardation, cerebral palsy, epilepsy, or autism.

(2) Attributable to any other condition found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation or requires treatment and services similar to those required for the persons.

(3) Attributable to dyslexia resulting from a disability described in either subparagraph (1) or (2).

(4) Attributable to a mental or nervous disorder.

c. "Family home" means a community-based residential home which is licensed as a residential care facility under **chapter 135C** or as a child foster care facility under **chapter 237** to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. However, family home does not mean an individual foster family home licensed under **chapter 237**.

d. "Permitted use" means a use by right which is authorized in all residential zoning districts.

e. "Residential" means regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only.

3. Notwithstanding the optional provision in **section 335.1** and any other provision of **this chapter** to the contrary, a county, county board of supervisors, or a county zoning commission shall consider a family home a residential use of property for the purposes of zoning and shall treat a family home as a permitted use in all residential zones or districts, including all single-

family residential zones or districts, of the county. A county, county board of supervisors, or a county zoning commission shall not require that a family home, its owner, or operator obtain a conditional use permit, special use permit, special exception, or variance. However, new family homes owned or operated by public or private agencies shall be dispersed through the residential zones and districts and shall not be located within contiguous areas equivalent in size to city block areas. **Section 135C.23, subsection 2**, shall apply to all residents of a family home.

4. A restriction, reservation, condition, exception, or covenant in a subdivision plan, deed, or other instrument of or pertaining to the transfer, sale, lease, or use of property in a county which permits residential use of property but prohibits the use of property as a family home for persons with a developmental disability or brain injury, to the extent of the prohibition, is void as against the public policy of this state and shall not be given legal or equitable effect.

83 Acts, ch 11, §1

CS83, §358A.25

C93, §335.25

93 Acts, ch 90, §2; 94 Acts, ch 1023, §107; 94 Acts, ch 1170, §8; 96 Acts, ch 1129, §113

335.26 Reserved.

335.27 Agricultural land preservation ordinance.

If a county adopts an agricultural land preservation ordinance under **this chapter** which subjects farmland to the same use restrictions provided in **section 352.6** for agricultural areas, **section 6B.3, subsection 1**; paragraph "f", and **sections 352.10 to 352.12** shall apply to farms and farm operations which are subject to the agricultural land preservation ordinance.

[82 Acts, ch 1245, §15, 20]

C83, §358A.27

C93, §335.27

335.28 and 335.29 Reserved.

335.30 Manufactured and modular homes.

A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of **this section**, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in **this section**, "manufactured home" means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. § 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site,

and which does not have permanently attached to its body or frame any wheels or axles. **This section** shall not be construed as abrogating a recorded restrictive covenant.

A county shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. § 5403. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which mandate width standards for a single modular or manufactured home which is sited upon land otherwise zoned as agricultural land. However, this paragraph shall not prohibit a county from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

84 Acts, ch 1238, §1

C85, §358A.30

C93, §335.30

93 Acts, ch 154, §3; 94 Acts, ch 1110, §1; 97 Acts, ch 86, §1; 2001 Acts, ch 153, §16

335.30A Land-leased communities.

A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which disallow or make infeasible the plans and specifications of land-leased communities because the housing within the land-leased community will be manufactured housing.

"*Land-leased community*" means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. The term "*land-leased community*" shall not be construed to include homes, buildings, or other structures temporarily maintained by any individual, educational institution, or company on their own premises and used exclusively to house their own labor or students. A manufactured home located in a land-leased community shall be taxed under **section 435.22** as if the manufactured home were located in a mobile home park.

97 Acts, ch 86, §2; 98 Acts, ch 1107, §10, 33

335.31 Elder family homes. Repealed by 2004 Acts, ch 1101, § 95.

335.32 Homes for persons with disabilities.

A county board of supervisors or county zoning commission shall consider a home for persons with disabilities a family home, as defined in **section 335.25**, for the purposes of zoning, in accordance with **chapter 504C**.

93 Acts, ch 90, §3; 94 Acts, ch 1023, §108; 2010 Acts, ch 1079, §14

335.33 Elder group homes.

A county board of supervisors or county zoning commission shall consider an elder group home a family home, as defined in **section 335.25**, for purposes of zoning, in accordance with **section 231B.4**, and may establish limitations regarding the proximity of one proposed elder group home to another.

93 Acts, ch 72, §7; 2005 Acts, ch 62, §22

Similar provision, see **§414.31**

335.34 Home and community-based services waiver recipient residence.

1. A county, county board of supervisors, or county zoning commission shall consider the residence of the recipient of services under a home and community-based services waiver as a residential use of property for the purposes of zoning and shall treat the use of the residence as a permitted use in all residential zones or districts, including all single-family residential zones or districts, of the county.

2. A county, county board of supervisors, or a county zoning commission shall not require that the recipient, or the owner of such a residence if other than the recipient, obtain a conditional use permit, special use permit, special exception, or variance. A county, county board of supervisors, or county zoning commission shall not establish limitations regarding the proximity of one such residence to another.

3. **This section** applies to the residence of a recipient of services under a home and community-based services waiver if the residence meets any of the following conditions:

a. The residence is a single-family dwelling owned or rented by the recipient.

b. The residence is a multifamily dwelling which does not hold itself out to the public as a community-based residential provider otherwise regulated by law, including but not limited to a residential care facility, and which provides dwelling units to no more than four recipients of services under a home and community-based services waiver at any one time.

4. For the purposes of **this section**, "*home and community-based services waiver*" means "*waiver*" as defined in **section 249A.29**.

2007 Acts, ch **218**, **§130**, **132**

Similar provision, see **§414.32**