

GREENE COUNTY ZONING ORDINANCE

1. Purpose

- 1.1 The provisions of this Ordinance 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.
- 1.2 It is not intended by this Ordinance 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 this Ordinance to interfere with or to abrogate or annul any agreement between parties, provided, however, that where this Ordinance imposes 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 this Ordinance shall govern.

2. Exemptions

- 2.1 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 this Ordinance 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 14.

3. Definitions. As used in this Ordinance, unless context otherwise requires:

- 3.1 “Accessory Use or Structure” means 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.
- 3.2 “Administration Officer” means the person or persons appointed by the Board of Supervisors to administer the provisions of this Ordinance.
- 3.3 “Agriculture” means 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.
- 3.4 “Airport” means 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.
- 3.5 “Alley” means a public or private way affording secondary means of access to abutting property.
- 3.6 “Basement” means 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 a janitor employed on the premises.
- 3.7 “Billboard” includes 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.
- 3.8 “Block” means 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.

- 3.9 “Board” means the Board of Adjustment as established by this Ordinance.
- 3.10 “Boarding House” means a building other than a hotel, where for compensation, meals and/or lodging are provided for four (4) or more persons.
- 3.11 “Building” means 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.
- 3.12 “Building, Height of” means 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.
- 3.13 “Bulk Stations” means 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.
- 3.14 “Camping Ground” means 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.
- 3.15 “Cellar” means 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.
- 3.16 “Clinic” means 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.
- 3.17 “Commercial Feed Lot” means 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.
- 3.18 “Commission” means the Greene County Zoning Commission.
- 3.19 “County” means the unincorporated portions of Greene County, Iowa.

- 3.20 “Court” means 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.
- 3.21 “District” means 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.
- 3.22 “Dwelling” means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
- 3.23 “Dwelling, Multi-family” means a building or portion thereof designed for or occupied exclusively for residence by three or more families.
- 3.24 “Dwelling, Single-family” means a building designed for or occupied exclusively for residence by one family.
- 3.25 “Dwelling, Two-family” means a building designed for or occupied exclusively for residence by two (2) families.
- 3.26 “Dwelling Unit” means one or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
- 3.27 “Family” means 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.
- 3.28 “Farm” means 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.
- 3.29 “Filling or Service Station” means 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.

- 3.30 “Floor Area” means 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.
- 3.31 “Frontage” means 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, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- 3.32 “Garage, Private” means 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.
- 3.33 “Garage, Public” means 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.
- 3.34 “Garage, Storage” means 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.
- 3.35 “Grade” means 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 (5) 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.

- 3.36 “Hotel” means 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.
- 3.37 “Institution” means a building occupied by a non-profit corporation or a non-profit establishment for public use.
- 3.38 “Junk” means a collection of material, including but not limited to scrap metals, wood, rope, batteries, used appliances or machinery, dismantled vehicles, vehicle parts, rags, paper, trash, or other old scrap ferrous or nonferrous material.
- 3.39 “Junk Yard/Salvage Yard” means 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, junk yard shall include: salvage yard, wrecking yard, used lumberyard, sanitary landfill, automobile graveyard, garbage dumps, and places for storage of salvaged wood.
- 3.40 “Kennel” means an establishment where three (3) or more dogs are boarded for compensation or where dogs are bred or raised on a commercial scale.
- 3.41 “Lodging House” means a building or place where lodging is provided for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels and motels open to transients.
- 3.42 “Lot” means a parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one main building together with its accessory buildings, open spaces, and parking spaces required by this Ordinance.
- 3.43 “Lot, Corner” means a lot abutting upon two (2) or more roads at their intersection.
- 3.44 “Lot, Depth of” means the mean horizontal distance between the front and rear lot lines.

- 3.45 “Lot, Double Frontage” means a lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.
- 3.46 “Lot, Interior” means a lot other than a corner lot.
- 3.47 “Lot Line” means the property line bounding a lot.
- 3.48 “Lot of Record” means 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.
- 3.49 “Lot Reversed Corner” means 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.
- 3.50 “Lot Width” means the width of a lot measured at the building line and at right angles to its depth.
- 3.51 “Lumber Yard” means a premises on which primarily new lumber and related building materials are sold.
- 3.52 “Mobile Home” means 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.
- 3.53 “Mobile Home Park” means 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.
- 3.54 “Motel, Motor Court, Motor Lodge, or Tourist Court” means 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.
- 3.55 “Nonconforming Uses” means the lawful use of any building or land that was established prior to or at the time of passage of this Ordinance, or amendments thereto, which use does not conform to the provisions of this Ordinance for the district in which it is located.

- 3.56 “Nursing Home” means 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.
- 3.57 “Parking Space” means 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.
- 3.58 “Premises” means a lot, together with all buildings and structures thereon.
- 3.59 “Residence, Permanent” means a dwelling constructed and provided with all necessary equipment and facilities for year-round occupancy.
- 3.60 “Residence, Seasonal” means 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.
- 3.61 “Right-of-way Line” means the common line between public land used as a roadway and/or thruway and other properties.
- 3.62 “Roadside Stand” means a temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
- 3.63 “Rooming House”: see “Boarding House.”
- 3.64 “Sign” means 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.
- 3.65 “Sign, Post” means 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.
- 3.66 “Stable, Private” means 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.

- 3.67 “Stable, Public, and Riding Academy” means 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.
- 3.68 “Stable, Riding Club” means 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.
- 3.69 “Story” means 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.
- 3.70 “Story, Half” means 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.
- 3.71 “Street” means a public way which affords the principal means of access to abutting property.
- 3.72 “Structural Alteration” means 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.
- 3.73 “Structure” means 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.
- 3.74 “Trailer House”: see “Mobile Home.”
- 3.75 “Trailer Park”: see “Mobile Home Park.”
- 3.76 “Utility-Scale Solar Energy System” means an energy generation facility comprised of one (1) or more freestanding, ground-mounted devices, together with any transmission lines, substations, ancillary buildings, collection lines, and accessory equipment or structures, that capture and convert solar energy into electrical energy, primarily for use in locations other than where it is generated. Utility-scale solar energy systems utilize photovoltaic cells to convert sunlight into electricity. A utility-scale solar energy system may also be known as a solar plant, solar generation plant, solar farm, or solar power plant. Solar thermal plants, including concentrated solar power plants, using light reflectors, concentrators, or heat

exchangers, are prohibited in the County. Utility-scale solar energy systems do not include small-scale solar panels or technologies installed at individual residential or commercial locations (e.g., roof- or ground-mounted panels) that are used exclusively for private purposes and not utilized for the commercial resale of any energy, except for the sale of surplus energy back to the electrical grid.

- 3.77 “Yard” means 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 Ordinance.
- 3.78 “Yard, Front” means 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.
- 3.79 “Yard, Rear” means 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.
- 3.80 “Yard, Side” means 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.
- 3.81 “Zoning Administrator” means the Administration Officer designated or appointed by the Board of Supervisors to administer and enforce this Ordinance.
- 3.82 “Zoning Certificate” means a written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

4. District Boundaries and General Regulations

4.1 Districts

- 4.1.1 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:

- 4.1.1.1 “A” Agriculture District
- 4.1.1.2 “B” Commercial District
- 4.1.1.3 “C” Industrial District
- 4.1.1.4 “D” Residence District
- 4.1.1.5 “E” Conservation District
- 4.1.1.6 “F” Mineral Extraction District

4.1.2 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.

4.2 Zoning Map

4.2.1 The boundaries of these districts are shown upon the Zoning Map which accompanies and is made a part of this Ordinance

4.2.2 The Zoning Map and all the information shown thereon shall have the same force and effect as if fully set forth or described, herein.

4.2.3 The 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.

4.3 Vacated Streets or Roads

4.3.1 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.

4.4 Interpretation of District Boundaries

4.4.1 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 Ordinance, the following rules shall apply:

- 4.4.1.1 Where a boundary line is given a position within a street, road, 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.
- 4.4.1.2 Where a boundary line is shown as being located a specific distance from a street or road line or physical feature, the distance shall control.
- 4.4.1.3 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.
- 4.4.1.4 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).
- 4.4.1.5 In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps.
- 4.4.1.6 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 sections 4.4.1.1 through 4.4.1.5 above, the Board of Adjustment shall interpret the district boundaries except as hereinafter provided:
- 4.4.1.6.1 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.

4.4.1.6.2 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.

4.4.1.6.3 The minimum yards and other open spaces including lot areas per family required by this Ordinance 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 Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

4.4.1.6.4 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 Ordinance.

4.4.1.6.5 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 5.3.7.

4.5 General Regulations

4.5.1 Agricultural Uses Exempt

4.5.1.1 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.

4.5.2 Fences, Wall and Vision Clearance

4.5.2.1 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:

4.5.2.1.1 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.

4.5.3 Street Frontage Required

4.5.3.1 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 (20) feet wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

4.5.4 Accessory Buildings

4.5.4.1 No accessory buildings shall be erected in any required court or front yard.

4.5.4.2 Accessory buildings shall be distant at least five (5) feet from any principal building or structure on the same lot, and at least

three (3) feet from alley lines and from lot lines of adjoining lots which are in any “A” or “D” District.

4.5.4.3 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.

4.5.4.4 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.

4.5.5 Corner Lots

4.5.5.1 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.

4.5.5.2 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 (50) percent 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.

4.5.6 Building Lines on Approved Plats

4.5.6.1 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.

4.5.7 Home Occupations

4.5.7.1 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 (50) percent 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.

4.5.8 Sanitary Requirements

4.5.8.1 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.

5. “A” Agricultural District – Regulations

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

5.2 Permitted Uses

5.2.1 Agriculture, and the usual agricultural buildings and structures, including one mobile home.

5.2.2 Single- and two-family dwellings.

5.2.3 Alterations and conversions of single-family dwellings into two-family dwellings, in structures erected prior to the adoption of this Ordinance.

- 5.2.4 Church or other place of worship, including parish house and Sunday School building.
- 5.2.5 Public and parochial schools and colleges for academic instruction.
- 5.2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, and museums.
- 5.2.7 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.
- 5.2.8 Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be distant at least two hundred (200) feet from adjacent property, street, and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
- 5.2.9 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.
- 5.2.10 Hospitals and sanatoriums and charitable institutions for the treatment of diseases; nursing and convalescent homes.
- 5.2.11 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.
- 5.2.12 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.
- 5.2.13 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.
- 5.2.14 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.

- 5.2.15 Billboards. No billboard shall be posted and no advertising structure shall be erected as follows:
 - 5.2.15.1 On or within the right-of-way of a highway or where it would encroach thereon.
 - 5.2.15.2 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.
 - 5.2.15.3 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.
 - 5.2.15.4 No billboards within three hundred (300) feet of a house, church, or school.
 - 5.2.15.5 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.
 - 5.2.15.6 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.
 - 5.2.15.7 No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- 5.3 Accessory Uses. Accessory buildings and uses customarily incident to a permitted use including:
 - 5.3.1 Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - 5.3.2 A private garage or parking space.

- 5.3.3 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.
- 5.3.4 The keeping of roomers or boarders by a resident family.
- 5.3.5 Roadside stands offering for sale only neighborhood agricultural products or other products produced on the premises.
- 5.3.6 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.
- 5.3.7 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.
- 5.3.8 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.
- 5.4 Height Regulations
 - 5.4.1 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 13.
- 5.5 Lot Area, Width, and Yard Requirements. The following minimum requirements shall be observed:
 - 5.5.1 Lot area:
 - 5.5.1.1 Dwellings two (2) acres, inclusive of road right-of-way.
 - 5.5.1.2 Other permitted uses: two (2) acres.
 - 5.5.2 Lot width:
 - 5.5.2.1 Dwellings: one hundred fifty (150) feet.
 - 5.5.2.2 Other permitted uses: two hundred (200) feet.
 - 5.5.3 Front yard depth:
 - 5.5.3.1 Dwellings and other permitted uses: fifty (50) feet from right-of-way line unless otherwise specified.

- 5.5.4 Side yard width:
 - 5.5.4.1 Each side yard:
 - 5.5.4.1.1 Dwellings: fifteen (15) feet.
 - 5.5.4.1.2 Other permitted uses: twenty-five (25) feet unless otherwise specified.
- 5.5.5 Rear yard depth:
 - 5.5.5.1 Dwellings and other permitted uses: forty (40) feet unless otherwise specified.
- 5.5.6 Lots of Record (undersize and separately owned). Side yard for dwellings on lots of record at the time of passage of this Ordinance 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:
 - 5.5.6.1 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.
 - 5.5.6.2 Corner Lots.
 - 5.5.6.2.1 The width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet.
 - 5.5.6.2.2 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.
 - 5.5.6.2.3 On lots having a width less than fifty (50) feet, each side yard shall be no less than five (5) feet.

5.6 Mining. See section 10.

5.7 Parking. See section 14

5.8 Exceptions. See section 2.

6. “B” Commercial District – Regulations

- 6.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “B” Commercial District.
- 6.2 Permitted Uses. Any retail business or service establishment supplying commodities or performing services such as the following:
 - 6.2.1 Any use permitted in the “D” Residence District.
 - 6.2.2 Banks, stores, shops, and personal service establishments.
 - 6.2.3 Bowling alleys, dance halls, or skating rinks.
 - 6.2.4 Farm implements, sale and repair.
 - 6.2.5 Farm stores or feed stores including accessory storage of liquid or solid fertilizer.
 - 6.2.6 Funeral homes or mortuaries.
 - 6.2.7 Hotels and motels.
 - 6.2.8 Hospital or clinic for animals.
 - 6.2.9 Laboratories for research or experimental testing.
 - 6.2.10 Offices and office buildings.
 - 6.2.11 Public garages, filling stations and automobile repair shops, or parking lots.
 - 6.2.12 Theaters, drive-in theaters, assembly halls, restaurants.
 - 6.2.13 Used car, trailer, or boat sales or storage lots.
 - 6.2.14 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 one hundred (100) square feet.
- 6.3 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 14 of this Ordinance provided such conditional uses shall comply with the height, area, and parking requirements of this section.
 - 6.3.1 Wholesale merchandising or storage warehouses.
 - 6.3.2 General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing, or appliance repair shop.
 - 6.3.3 Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

- 6.3.4 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.
 - 6.3.5 Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
 - 6.3.6 Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, and packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
 - 6.3.7 Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.
 - 6.3.8 Generally those light manufacturing uses similar to those listed in sections 6.3.1 through 6.3.7 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.
- 6.4 Parking Regulations
- 6.4.1 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.
 - 6.4.2 Off-street parking space for the uses listed below shall be provided on the lot to the extent provided:
 - 6.4.2.1 Funeral home or mortuary – one (1) space for each fifty (50) square feet of floor space in parlors or individual funeral service rooms.
 - 6.4.2.2 Hotels or motels – one (1) space for each sleeping room.

6.4.2.3 All other permitted uses – one (1) space for each two hundred (200) square feet of floor space.

6.5 Height Regulations

6.5.1 No building shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height, except as provided in section 13 hereof.

6.6 Area Regulations

6.6.1 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.

6.6.2 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.

6.6.3 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.

6.6.4 Minimum Lot Area – The minimum lot area requirements are the same as those in the “D” Residence District.

7. “C” Industrial District – Regulations

7.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations of the “C” Industrial District.

7.2 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 14 hereof.

7.2.1 Chemicals, Petroleum, Coal, and Allied Products:

- 7.2.1.1 Acids and derivatives.
- 7.2.1.2 Acetylene.
- 7.2.1.3 Ammonia.
- 7.2.1.4 Carbide.
- 7.2.1.5 Caustic soda.
- 7.2.1.6 Cellulose and cellulose storage.
- 7.2.1.7 Chlorine.
- 7.2.1.8 Coke oven products (including fuel gas) and coke oven products storage.
- 7.2.1.9 Creosote.
- 7.2.1.10 Distillation, manufacture, or refining of coal, tar, asphalt, wood, and bones.
- 7.2.1.11 Explosives (including ammunition and fireworks) and explosives storage.
- 7.2.1.12 Fertilizer (organic).
- 7.2.1.13 Fish oils and meal.
- 7.2.1.14 Glue, gelatin (animal).
- 7.2.1.15 Hydrogen and oxygen.
- 7.2.1.16 Lamp black, carbon black, and bone black.
- 7.2.1.17 Nitrating of cotton or other materials.
- 7.2.1.18 Nitrates (manufactured or natural) of an explosive nature, and storage.
- 7.2.1.19 Petroleum, gasoline, and lubricating oil refining, and wholesale storage.
- 7.2.1.20 Plastic materials and synthetic resins.
- 7.2.1.21 Potash.
- 7.2.1.22 Pyroxyline.

- 7.2.1.23 Rendering and storage of dead animals, offal, garbage, or waste products.
- 7.2.1.24 Turpentine and resin.
- 7.2.1.25 Wells, gas, and oil.
- 7.2.2 Permitted Uses
 - 7.2.2.1 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.
 - 7.2.2.2 Clay Stone and Glass Products
 - 7.2.2.2.1 Brick, firebrick, refractories, and clay products (coal-fired) cement, lime, gypsum, or plaster of Paris.
 - 7.2.2.2.2 Minerals and earths; quarrying, extracting, grinding, crushing, and processing.
 - 7.2.2.3 Food and Beverage
 - 7.2.2.3.1 Fat rendering.
 - 7.2.2.3.2 Fish curing, packing, and storage.
 - 7.2.2.3.3 Slaughtering of animals.
 - 7.2.2.3.4 Starch manufacture.
 - 7.2.2.4 Metals and Metal Products
 - 7.2.2.4.1 Aluminum powder and paint manufacture.
 - 7.2.2.4.2 Blast furnace, cupolas.
 - 7.2.2.4.3 Blooming Mill.
 - 7.2.2.4.4 Metal and metal ores, reduction, refining, smelting, and alloying.
 - 7.2.2.4.5 Scrap Metal reduction or smelting.
 - 7.2.2.4.6 Steel works and rolling mill (ferrous).
 - 7.2.2.5 Wood and Paper Products
 - 7.2.2.5.1 Match Manufacture.
 - 7.2.2.5.2 Wood pulp and fiber, reduction and processing.

- 7.2.2.6 Unclassified Industries and Uses
 - 7.2.2.6.1 Hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage.
 - 7.2.2.6.2 Stockyard.
 - 7.2.2.6.3 Junk yards and auto wrecking yards.
 - 7.2.2.6.4 Garbage and refuse disposal grounds.
- 7.2.3 Parking Regulations
 - 7.2.3.1 Off street parking spaces shall be provided as follows:
 - 7.2.3.1.1 For permitted industrial uses or service establishments: one space for each two (2) employees on the maximum working shift.
 - 7.2.3.1.2 For restaurants and other commercial uses: one space for each two hundred (200) square feet of floor area.
- 7.2.4 Height Regulations
 - 7.2.4.1 No building shall exceed four (4) stories nor fifty (50) feet in height, except as otherwise provided in section 13 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.
- 7.2.5 Area Regulations
 - 7.2.5.1 Front Yard – There shall be a front yard having a depth of not less than forty (40) feet.
 - 7.2.5.2 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.
 - 7.2.5.3 Rear Yard – Except as hereinafter provided, there shall be a rear yard of not less than 30 feet.

8. “D” Residence District – Regulations

- 8.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations in the “D” Residence District.
- 8.2 Use Regulations. A building or premises shall be used only for the following purposes:
- 8.2.1 Permitted Uses
- 8.2.1.1 Agriculture, and the usual agricultural buildings and structures, including one (1) mobile home.
 - 8.2.1.2 Single-family dwellings.
 - 8.2.1.3 Two-family dwellings.
 - 8.2.1.4 Multiple dwellings.
 - 8.2.1.5 Churches or other places of worship, including parish houses and church school buildings.
 - 8.2.1.6 Boarding and lodging houses.
 - 8.2.1.7 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.
 - 8.2.1.8 Public libraries, parks, playgrounds, and community buildings.
 - 8.2.1.9 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.
- 8.3 Parking Regulations
- 8.3.1 Churches – Any church erected on a new site shall provide one off-street parking space upon the lot or within two hundred (200) feet thereof for

every five (5) persons for which seating is provided in the main auditorium.

8.3.2 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.

8.3.3 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.

8.3.4 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.

8.4 Height Regulations

8.4.1 The height regulations are the same as those in the “E” Conservation District.

8.5 Area Regulations

8.5.1 Front Yard – The front yard regulations are the same as those in the “E” Conservation District.

8.5.2 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 Ordinance 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.

8.5.3 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.

8.5.4 Minimum Lot Area – Every lot or tract of land shall have an area of not less than seven thousand five hundred (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 Ordinance and have not since

changed, such parcel of land may be occupied by any use permitted in this district.

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

8.5.5.1 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.

8.5.5.2 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.

9. “E” Conservation District – Regulations

9.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “E” Conservation District.

9.2 Use Regulations. A building or premises shall be used only for the following purposes:

9.2.1 Permitted Uses

9.2.1.1 Agriculture and the usual agricultural buildings and structures, including greenhouses.

9.2.1.2 Public parks and forest preserves.

9.2.1.3 Signs as follows:

9.2.1.3.1 Traffic and official signs.

9.2.1.3.2 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.

9.2.1.3.3 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.

9.2.2 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 14 of this Ordinance 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 Ordinance.

9.2.2.1 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.

9.2.2.2 Marinas, yacht clubs, boat houses, and bait shops.

9.2.2.3 Motels 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 one (1) acre.

9.2.2.4 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.

9.2.2.5 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.

9.2.2.6 Saw Mills.

9.2.3 Height Regulations

9.2.3.1 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 13.

9.2.4 Area Regulations

9.2.4.1 Front Yard

9.2.4.1.1 There shall be a front yard having a depth of not less than thirty (30) feet.

9.2.4.1.2 Where lots have double frontage, the required front yard shall be provided on both streets.

9.2.4.1.3 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 Ordinance 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.

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

9.2.4.3 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.

10. “F” Mineral Extraction District – Regulations

10.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “F” Mineral Extraction District.

10.2 Permitted Uses

10.2.1 All agricultural uses.

10.2.2 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.

10.2.3 No permanent human habitat may be located on the premises of mineral extraction.

10.2.4 During extraction, appropriate fencing shall limit its hazard as approved by the Board of Supervisors.

10.2.5 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.

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

10.4 Lot Area and Width – No restrictions.

11. Reserved.

12. Nonconforming Uses

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

12.2 Authority to Continue

12.2.1 Any building, structure or use that is lawfully established and exists on the effective date of this Ordinance, 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 this Ordinance, 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 this Ordinance.

- 12.3 Nonconforming Use May Be Extended
 - 12.3.1 A building which is nonconforming on the date this Ordinance becomes 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.
 - 12.3.2 A nonconforming use may not be extended into an adjoining district which does not permit such use.
- 12.4 Nonconforming Use Reconstructed
 - 12.4.1 If at any time any nonconforming building in existence or maintained at the time of the effective date of this Ordinance 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.
 - 12.4.2 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.
- 12.5 Nonconforming Use Substituted
 - 12.5.1 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.
- 12.6 Restoration of Unsafe Portion of Building
 - 12.6.1 Nothing in these regulations shall prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official.
- 12.7 Nonconforming Uses of Historic or Architectural Significance

- 12.7.1 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:
 - 12.7.1.1 First having plans and specifications approved by the Supervisors, upon an appointed professional review; or
 - 12.7.1.2 Direct purchase by the Conservation Board as a part of the overall park and recreation plan within a two (2) year period of application.

13. Additional Height and Area Regulations

- 13.1 The district height and area regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.
- 13.2 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.
- 13.3 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 in sections 14.3 and 14.4.
- 13.4 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.
- 13.5 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.

- 13.6 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.
- 13.7 No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
- 13.8 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.
- 13.9 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.
- 13.10 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.
- 13.11 For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
- 13.12 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.
- 13.13 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.
- 13.14 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-family 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.

13.15 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.

13.16 No side yards are required where dwelling units are erected above commercial and industrial structures.

13.17 The front yards heretofore established shall be adjusted in the following cases:

13.17.1 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.

13.17.2 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:

13.17.2.1 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

13.17.2.2 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.

14. Special Exceptions

- 14.1 The Board of Adjustment (Board) 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.”
- 14.2 The Board shall review applications for special exceptions according to the following provisions:
- 14.2.1 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.
- 14.2.2 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.
- 14.2.3 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:
- 14.2.3.1 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.
- 14.2.3.2 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.
- 14.2.3.3 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.

- 14.2.3.4 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.
- 14.2.3.5 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.
- 14.2.3.6 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.
- 14.2.3.7 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.
- 14.2.3.8 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.

14.3 Special Exceptions “A”

- 14.3.1 Any public maintenance garage or storage yard erected and used by any department of the Township, County, State or Federal Government. Any District.
- 14.3.2 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.
- 14.3.3 Junk yards or auto wrecking yards. “A” and “C” Districts.

- 14.3.4 Garbage disposal and/or refuse dumps. “A” and “C” Districts.
 - 14.3.4.1 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.
 - 14.3.4.2 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.
- 14.3.5 Race tracks. “A” and “C” Districts.
 - 14.3.5.1 Minimum Development Requirements
 - 14.3.5.1.1 Area – twenty (20) acres.
 - 14.3.5.1.2 Width – six hundred (600) feet.
 - 14.3.5.1.3 Set back – two hundred (200) feet.
 - 14.3.5.1.4 Side yard – two hundred (200) feet.
 - 14.3.5.1.5 Rear yard – two hundred (200) feet
 - 14.3.5.1.6 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.
 - 14.3.5.1.7 Lighting – Any lighting provided shall be so arranged that will not shine directly on to adjacent properties.
 - 14.3.5.1.8 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.
 - 14.3.5.1.9 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.

14.3.5.1.10 Surfacing – The tracks shall be surfaced with asphalt or treated with oil to reduce dust.

14.3.6 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.

14.3.7 New public and private cemetery. “B”, “C”, or “D” District.

14.3.8 Transmitting stations. “A”, “B”, or “C” District.

14.4 Special Exceptions “B”

14.4.1 Mobile Homes. “A”, “B”, or “D” Districts.

14.4.2 Mobile Home Parks. “A”, “B”, or “D” Districts.

14.4.2.1 Minimum Development Requirements.

14.4.2.1.1 Park

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

14.4.2.1.1.2 Side yard – thirty-five (35) feet.

14.4.2.1.1.3 Rear yard – thirty-five (35) feet.

14.4.2.1.1.4 Area – two (2) acres.

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

14.4.2.1.2 “Home” Spaces

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

14.4.2.1.2.2 Space area – three thousand (3,000) square feet.

- 14.4.2.1.2.3 Off-drive parking – one (1) parking space for each “home” space.
- 14.4.2.1.2.4 Front yard – fifteen (15) feet.
- 14.4.2.1.2.5 Rear yard – ten (10) feet.
- 14.4.2.1.2.6 Side yard – five (5) feet each side.
- 14.4.3 Multiple dwellings containing three (3) or more dwelling units provided the minimum lot area per dwelling unit shall be as follows:
 - 14.4.3.1 With public sewer and water – four thousand (4,000) square feet.
 - 14.4.3.2 With public water and septic tanks – seven thousand (7,000) square feet.
 - 14.4.3.3 With private well and septic tanks – ten thousand (10,000) square feet.
 - 14.4.3.4 Any District except “C” District.
- 14.4.4 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.

15. Tower, Antenna, and Wind Turbine Regulations

- 15.1 The following standards and requirements shall govern the design, development, and placement of towers, antennas, and wind turbine generators in the County.
- 15.2 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:
 - 15.2.1 Residential Districts: Free-standing towers with heights not exceeding one hundred (100) feet are a permitted conditional use; those with heights exceeding one hundred (100) feet require a special exception.
 - 15.2.2 Commercial Districts: Free-standing or guyed towers with heights not exceeding one hundred eighty (180) feet are permitted conditional uses;

those with height exceeding one hundred eighty (180) feet require a special exception.

15.2.3 Industrial Districts: Free-standing or guyed towers with heights not exceeding three hundred sixty (360) feet are a permitted conditional use; those with heights exceeding three hundred sixty (360) feet require a special exception.

15.2.4 Agricultural Districts: Free-standing or guyed towers with heights not exceeding five hundred (500) feet are a permitted conditional use; those with heights exceeding five hundred (500) feet require a special exception.

15.2.5 If a special exception for additional tower height is requested, total tower height will not exceed one hundred fifty percent (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.

15.2.6 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 (1/3) of the height of the existing structure and the total of the existing structure and the tower does not exceed two hundred (200) feet.

15.2.7 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.

15.3 Application Requirements

15.3.1 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:

- 15.3.1.1 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.
- 15.3.1.2 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.
- 15.3.1.3 A report from a structural engineer containing the following:
 - 15.3.1.3.1 A description of the tower, including a description of the design characteristics and material;
 - 15.3.1.3.2 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"; and
 - 15.3.1.3.3 The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate, if applicable.
- 15.3.1.4 If applicant is other than the site owner, written authorization from the site owner for the application.
- 15.3.1.5 Identification of the owners of all antennas and equipment to be located at the site.
- 15.3.1.6 Evidence that the applicant contacted owners of all existing or approved towers within a one-half (1/2) 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.

- 15.3.1.7 Evidence that a valid FCC license for the proposed activity has been issued.
- 15.3.1.8 A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- 15.3.1.9 A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use.
- 15.3.1.10 Additional information as required to determine that all applicable conditions of this Ordinance have been met.
- 15.3.1.11 Documentation that the proposed tower site and height have been approved by the appropriate Airport Commission, if applicable.
- 15.3.1.12 If the application is for a conditional use permit for the construction of a wind turbine generator, 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.

15.4 Additional Conditions & Considerations for Communications Towers & Antennas

- 15.4.1 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 (1/2) mile radius of the proposed new tower site.
- 15.4.2 Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.

- 15.4.3 Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.
- 15.4.4 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 one million dollars (\$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.
- 15.4.5 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.
- 15.4.6 For free-standing or guyed towers, setbacks on all sides shall be a distance equal to the collapse zone of the tower.
- 15.4.7 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.
- 15.4.8 All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
- 15.4.9 At least every twenty-four (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.
- 15.5 Additional Conditions & Considerations for Wind Turbine Generators
 - 15.5.1 The following definitions shall apply in regards to Wind Turbine Generators:
 - 15.5.1.1 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.
- 15.5.1.2 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.
 - 15.5.1.3 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.
 - 15.5.1.4 Wind Tower. The tubular structure, above grade, that supports the nacelle and rotor assembly.
 - 15.5.1.5 Tower Foundation. The tower support structure, below grade, that supports the entire weight of the wind turbine.
 - 15.5.1.6 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.
 - 15.5.1.7 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.
- 15.5.2 The operation of a wind turbine generator or wind farm shall not cause interference to radio and television reception on adjoining property.
 - 15.5.3 The placement of all Wind Turbine Generators (WTGs) shall comply with the following:
 - 15.5.3.1 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.

- 15.5.3.2 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.
- 15.5.3.3 Notwithstanding any other consideration including calculated sound levels no commercial wind turbine shall be located at a distance less than one thousand (1,000) feet from the nearest occupied dwelling. Wind generator towers may be setback less than one thousand (1,000) 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.
- 15.5.3.4 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.
- 15.5.3.5 Any wind turbine within a wind farm shall be located not less than the total height from a road right-of-way line.
- 15.5.3.6 Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.
- 15.5.3.7 Any wind turbine within a wind farm shall be located not less than the Rotor Radius from property lines abutting non-participating properties.

15.6 Abandonment

- 15.6.1 In the event the use of any tower, antenna, or wind turbine generator has been discontinued for a period of one hundred eighty (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 one hundred eighty (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 section 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 one hundred eighty (180) days of the discontinuation of use of the tower, and shall be updated and submitted every one hundred eighty (180) days thereafter for a maximum of two (2) years, at which time the tower or WTG must be reactivated or dismantled.

16. Utility-Scale Solar Energy Systems

- 16.1 The following standards and requirements shall govern the design, development, and placement of utility-scale solar energy systems in the County.
- 16.2 In addition to other applicable sections of this Ordinance, utility-scale solar energy systems shall comply with the National Electrical Code.
- 16.3 Locations of Permitted Uses. Utility-scale solar energy systems are prohibited in the County except as a permitted conditional use in the following districts:
 - 16.3.1 “A” Agricultural Districts; and
 - 16.3.2 “F” Mineral Extraction Districts.
- 16.4 The total geographical area developed and utilized for the placement of a utility-scale solar energy system shall not exceed one thousand (1,000) acres.
- 16.5 A conditional use permit shall not be issued for a proposed utility-scale solar energy system when the fence or wall surrounding the system would be located within two (2) miles of:
 - 16.5.1 The fence or wall surrounding any existing utility-scale solar energy system; or
 - 16.5.2 The proposed location of the fence or wall surrounding any future utility-scale solar energy system for which a conditional use permit has previously been issued.
- 16.6 Community Information Open House
 - 16.6.1 Prior to the submission of an application for a conditional use permit for a utility-scale solar energy system, a community information open house shall be organized and hosted by the project developer or applicant.

- 16.6.2 The purpose of the open house is outreach, with the intent of providing complete information to the community in an informal setting.
- 16.6.3 The open house shall not be construed to be a local government meeting or a formal public hearing.
- 16.6.4 The open house shall be conducted in accordance with the following protocol:
 - 16.6.4.1 Notification. The applicant shall notify the County Board of Supervisors, the Zoning Administrator, and all property owners within one thousand (1,000) feet of the proposed utility-scale solar energy system at least ten (10) days prior to the open house by regular mail.
 - 16.6.4.2 Meeting Date, Time, and Location. The open house shall be held on a Monday, Tuesday, Wednesday, or Thursday evening at an accessible location within five (5) miles of the site of the proposed project or at the Greene County Courthouse.
 - 16.6.4.3 Content of Open House. The open house shall be arranged and hosted by the project developer, the applicant, or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed project, anticipated construction schedule, landscape plan, and decommissioning plan.
 - 16.6.4.4 Community Representation. The Zoning Administrator or his or her designee shall be present at the open house to monitor proceedings and provide guidance as needed.
 - 16.6.4.5 Response to Concerns. The applicant shall solicit and accept all comments, questions, and concerns of all attendees and respond to identified concerns if possible with reasonable practical means and methods of mitigating undue impact to the surrounding area.

16.6.4.6 Summary and Report. A summary and report of the open house shall be submitted concurrent with the applicant's conditional use permit application. The report shall include a list of real property owners who were invited and copies of any written comments received. The report shall identify all concerns stated by the attendees and shall include a statement of the reasonable, practical means and methods by which the applicant will mitigate any undue impact to the surrounding area. This report may be used by the Board of Adjustment to establish conditions of approval for the conditional use permit.

16.7 Site Plan. A site plan shall be submitted concurrent with a conditional use permit application and shall be subject to the following development and design standards:

16.7.1 Physical access to the utility-scale solar energy system shall be restricted by fencing or walls in accordance with the National Electrical Code. Razor wire is discouraged. All fencing or wall details shall be provided as part of a conditional use permit application. Emergency access information to the site shall be provided to the applicable emergency management personnel.

16.7.2 All applicants shall obtain all required state and federal permits prior to construction activities.

16.7.3 Utility-scale solar energy systems shall adhere to the following minimum setbacks; provided, however, that participating and non-participating landowners may sign a waiver consenting to placement within the minimum setback:

16.7.3.1 Two hundred fifty (250) feet from property lines, except where the property lines nearest to the utility-scale solar energy system define and separate properties belonging to two or more participating landowners.

16.7.3.2 One thousand (1,000) feet from dwelling units.

- 16.7.3.3 Seventy-five feet (75) feet from right-of-way lines, including future right-of-way lines if known at the time of application.
- 16.7.3.4 One thousand (1,000) feet from wildlife management areas and state recreation areas.
- 16.7.3.5 Five hundred (500) feet from buildings.
- 16.7.3.6 Five hundred (500) feet from cemeteries.
- 16.7.4 The design of a utility-scale solar energy system shall adhere to the structural height requirements of the district in which the utility-scale solar energy system will be located; provided, however, that gen-tie lines, transmission lines, communication poles, and similar structures are exempt from the district's height regulations. If the utility-scale solar energy system requires roof-mounting on buildings on the property, the roof-mounted installation may not exceed the maximum height permitted in the district.
- 16.7.5 A utility-scale solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials.
- 16.7.6 Utility-scale solar energy systems shall be designed to minimize glare on adjacent property and roadways.
- 16.7.7 Reasonable efforts shall be made to place alternating current (AC) power lines underground, depending on appropriate soil conditions, the shape and topography of the site, and other conditions or requirements.
- 16.7.8 The applicant shall use commercially reasonable efforts to repair damage to private or public drainage systems caused by the construction, operation, or maintenance of a utility-scale solar energy system.
- 16.7.9 The applicant shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including the disposal of trash, waste, and other detritus, for the life of the project. Any required buffers and landscaping shall be maintained as appropriate to maintain the health of the vegetation.

16.8 Landscape Plan

- 16.8.1 The applicant shall provide a landscape plan, which shall be submitted concurrent with the conditional use permit application.
- 16.8.2 The landscape plan shall be prepared by a licensed landscape architect or a certified arborist.
- 16.8.3 Existing forestation, foliage, and native flora within, near, and surrounding the project shall be preserved insofar as is practical.
- 16.8.4 Landscaping may be required to address or mitigate visual impacts.
- 16.8.5 Any new, installed, vegetative screening may be located within the setbacks required under section 16.7.3. Trees shall be a minimum of four (4) feet in height when planted.
- 16.8.6 Grounds around and under solar arrays and in the project site buffer areas shall be planted and maintained in perennial vegetated ground cover and meet the following standards:
 - 16.8.6.1 Topsoil shall not be permanently removed during development, unless part of a remediation effort.
 - 16.8.6.2 Soils shall be planted and maintained with perennial vegetation to prevent erosion and to manage run off. Seeds should include a mix of grasses and wildflowers which are naturalized and noninvasive to the region of the project site and will result in a short stature pollinator friendly habitat.
 - 16.8.6.3 Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Department of Natural Resources, the Greene County Soil and Water Conservation District, or Greene County Conservation.
 - 16.8.6.4 Plant material must not have been treated with systematic insecticides, particularly neonicotinoids.

16.9 Emergency Plan

- 16.9.1 The applicant shall provide an emergency plan, which shall be submitted concurrent with the conditional use permit application.

16.9.2 The emergency plan shall outline the measures to be taken in the event of a natural disaster or other emergency affecting the use of the utility-scale solar energy system.

16.10 Roadway Use and Repair Agreement

16.10.1 A proposed roadway use and repair agreement between the applicant and Greene County shall be submitted concurrent with a conditional use permit application.

16.10.2 Construction of the utility-scale solar energy system may not commence until a final roadway use and repair agreement has been negotiated and approved by the parties to the agreement.

16.10.3 Among the terms contained in the roadway use and repair agreement, the applicant must agree:

16.10.3.1 Prior to the start of construction, to identify all county, municipal, or township roads to be used to transport utility-scale solar energy system parts, cement, or equipment for the construction, operation, or maintenance of the system and to obtain all required weight and size permits.

16.10.3.2 To conduct a preconstruction survey to determine existing road conditions in order to allow for the assessment of potential future damage due to development-related traffic; the survey shall include photographs to document the conditions of the public roads.

16.10.3.3 To restore affected roads and bridges to preconstruction conditions, with ordinary wear and tear excepted and not considered damage.

16.11 Public Drainage System Protection Agreement

16.11.1 A proposed public drainage system protection agreement between the applicant and the Trustees of each and every affected drainage district shall be submitted concurrent with a conditional use permit application.

16.11.2 Construction of the utility-scale solar energy system may not commence until a final public drainage system protection agreement has been negotiated and approved by the parties to the agreement.

16.11.3 Among the terms contained in the public drainage system protection agreement, the applicant must agree to use commercially reasonable efforts to repair damage to private or public drainage systems caused by the construction, operation, or maintenance of the utility-scale solar energy system.

16.12 Insurance

16.12.1 Evidence of general liability insurance coverage shall be submitted to the Zoning Administrator prior to the start of construction.

16.12.2 The evidence of general liability insurance shall be in the form of a certificate of insurance satisfactory to the Zoning Administrator and shall show general liability insurance coverage for the installation and operation of the utility-scale solar energy system under a standard homeowner's or businessowner's insurance policy, separate and distinct from any requirements of a public utility.

16.13 Abandonment

16.13.1 A utility-scale solar energy system will be deemed abandoned:

16.13.1.1 If the owner or operator of the utility-scale solar energy system notifies Greene County of its intention to discontinue use of the system, in which case the system will be deemed abandoned on the date of the system's discontinued use; or

16.13.1.2 If use of the system has been discontinued for a period of one hundred eighty (180) consecutive days.

16.13.2 Determination of the date of abandonment shall be made by the Zoning Administrator.

16.13.3 Upon such abandonment, the owner of the utility-scale solar energy system shall have one hundred eighty (180) days within which either to reactivate the use of the utility-scale solar energy system or to remove all

above-ground and below-ground system facilities and structures (the “decommissioning period”).

16.13.4 If the owner of a utility-scale solar energy system fails during the decommissioning period either to reactivate the use of the system or to remove it pursuant to section 16.13.3, Greene County may remove the system and assess the costs against the owner in the same manner as a property tax, pursuant to Iowa Code section 331.384. As an alternative, the owner may prepare and submit a plan for the “banking” of the system for future reactivation and use. Said plan must be submitted to the Zoning Administrator within one hundred eighty (180) days of the abandonment of the system and shall be updated and submitted every one hundred eighty (180) days thereafter for a maximum of two (2) years, at which time the system must be reactivated or removed.

16.14 Decommissioning Plan

16.14.1 Each utility-scale solar energy system shall have a decommissioning plan outlining the anticipated means and cost of removing the utility-scale solar energy system at the end of its serviceable life or upon its abandonment.

16.14.2 Such plan shall be submitted concurrent with the applicant’s conditional use permit application.

16.14.3 The cost estimates contained in the decommissioning plan shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.

16.14.4 The decommissioning plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the utility-scale solar energy system and any accessory facilities.

17. Board of Adjustment

17.1 Creation and Membership

17.1.1 A Board of Adjustment, hereafter referred to as the “Board,” is hereby established.

- 17.1.2 The Board shall consist of five (5) members appointed by the Greene County Board of Supervisors.
- 17.1.3 Terms shall be for five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- 17.1.4 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.
- 17.2 Administrative officer
 - 17.2.1 The Board of Supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances so adopted by the Board of Supervisors.
 - 17.2.2 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 such officer out of the general fund such compensation as it shall deem fit.
 - 17.2.3 The administrative officer shall be charged with the following responsibilities:
 - 17.2.3.1 To issue permits and collect any fees which may be established for said permits.
 - 17.2.3.2 To carry out administrative duties for the Zoning Commission and Board of Supervisors.
 - 17.2.3.3 To enforce the Ordinance and to stop all violations.
 - 17.2.3.4 To explain the Ordinance when citizens desire information on zoning.
- 17.3 Chairman and Meetings
 - 17.3.1 The Board of Adjustment shall elect its own chairman and, in case of vacancy, shall name another chairman.
 - 17.3.2 The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
 - 17.3.3 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.

- 17.3.4 All meetings of the Board shall be open to the public.
- 17.3.5 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.
- 17.3.6 Every rule, regulation, amendment or repeal thereof, order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.
- 17.3.7 The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Iowa Code, to enable it to perform its functions and duties.
- 17.3.8 The presence of three (3) members shall be necessary to constitute a quorum of the Board.

17.4 Appeals

- 17.4.1 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.
- 17.4.2 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.
- 17.4.3 The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

17.5 Hearings

- 17.5.1 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and render a decision thereon without unreasonable delay.
- 17.5.2 Any person may appear and testify at the hearing either in person or by duly authorized representative or attorney.

- 17.5.3 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.
- 17.5.4 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.
- 17.6 Stay of Proceedings
 - 17.6.1 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.
 - 17.6.2 In the event the administrative officer provides certification to the Board that a stay would cause imminent peril to life or property pursuant to section 17.6.1, 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 or application on notice to the officer from whom the appeal is taken and/or due cause shown.
- 17.7 Jurisdiction. The Board of Adjustment shall have jurisdiction in the following matters:
 - 17.7.1 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 Ordinance or any supplemental amendment.
 - 17.7.2 To hear and decide applications for variations and, subject to such standards, principles, and procedures provided in this Ordinance, 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.

- 17.7.3 To hear and decide applications for conditional use permits specifically listed on the district regulations of this Ordinance; 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:
 - 17.7.3.1 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.
 - 17.7.3.2 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.
 - 17.7.3.3 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.
 - 17.7.3.4 Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
 - 17.7.3.5 Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - 17.7.3.6 The conditional use shall in all other respects conform to the applicable regulation of the district in which it is located.
- 17.7.4 Upon application, the Board is hereby empowered to authorize the following exceptions to the terms of this Ordinance:
 - 17.7.4.1 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.
 - 17.7.4.2 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.

- 17.7.4.3 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.
- 17.7.4.4 To interpret the provisions of this Ordinance 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 Ordinance.

18. Applications and Permits

- 18.1 A written permit shall be obtained from the administrative officer before starting or proceeding with any of the following:
 - 18.1.1 Excavating for, erecting, constructing, reconstructing, enlarging, altering, or moving any building or structure other than farm buildings or structures.
 - 18.1.2 Changing the use or occupancy of any building, structure, or land from one classification to another.
 - 18.1.3 Changing a nonconforming use to another nonconforming use.
- 18.2 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 Ordinance. 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.
- 18.3 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.

- 18.4 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.
- 18.5 All applications for permits and copies of permits issued shall be systematically kept for ready public reference by the administrative officer.

19. Enforcement

- 19.1 It shall be the duty of the administrative officer to enforce this Ordinance in accordance with its provisions.
- 19.2 The administrative officer may, if necessary, appoint one (1) or more deputies to assist him in carrying out his duties as set forth in this Ordinance.

20. Interpretation, Purpose, and Conflict

- 20.1 The provisions of this Ordinance shall control when this Ordinance 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, permits, easements, or other agreements between parties, not in conflict with any of the provisions of this Ordinance and which have been or shall be adopted or issued pursuant to law.
- 20.2 The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare.

21. Changes and Amendments

- 21.1 All ordinances regulating zoning, except as herein provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to this Ordinance.
- 21.2 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 or amendments thereof.

21.3 Procedure of Change

21.3.1 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.

21.3.2 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.

21.3.3 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.

22. Violation and Penalty

22.1 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 Ordinance shall, upon conviction, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

22.2 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 Ordinance, 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.

23. Official and Public Copies

23.1 An official copy of this Ordinance shall be separately maintained in a bound format.

23.2 The County zoning administrator shall be responsible for the compilation, organization, and maintenance of this Ordinance and shall be keep the official copy of this Ordinance on file in the offices of the zoning administrator and the County Auditor.

23.3 The County zoning administrator shall also keep additional copies of this Ordinance on file in the zoning administrator's office for public inspection and for sale for cost to the public.

24. Severability

24.1 If any section, provision, sentence, clause, phrase, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

25. Effective Date

25.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.