ZONING ORDINANCE OF HENRY COUNTY, IOWA

AN ORDINANCE TO REGULATE AND RESTRICT IN THE UNINCORPORATED AREAS OF THE COUNTY, THE HEIGHT, NUMBER OF STRUCTURES, SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; TO REGULATE, RESTRICT AND PROHIBIT THE USE OF TENTS, TRAILERS AND PORTABLE STRUCTURES FOR RESIDENTIAL PURPOSES; TO DEFINE CERTAIN WORDS AND PHRASES FOR THE PURPOSE OF THIS ORDINANCE; TO DIVIDE THE COUNTY, OR ANY AREA, OR AREAS WITHIN THE COUNTY, INTO DISTRICTS AND ESTABLISH, BY REFERENCE TO MAPS, THE BOUNDARIES OF SUCH DISTRICTS FOR SAID PURPOSES; TO FIX THE STATUS OF NON-CONFORMING USES; TO PROVIDE FOR OFF-STREET PARKING, LOADING AND UNLOADING; TO PROVIDE FOR THE INTERPRETATION OF THIS ORDINANCE; TO PROVIDE FOR ITS AMENDMENT; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND DEFINE ITS POWERS AND DUTIES; TO AUTHORIZE UPON APPEAL, IN SPECIFIC CASES, UNDER APPROPRIATE SAFEGUARDS, VARIANCE FROM THE TERMS OF THIS ORDINANCE; TO REQUIRE ZONING PERMITS; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND PRESCRIBE THE PENALTIES FOR ITS VIOLATION; TO PROVIDE THAT IF ANY CLAUSE, SENTENCE, SECTION, PARAGRAPH OR PART OF THIS ORDINANCE SHALL BE HELD INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL NOT INVALIDATE THE REMAINDER; AND TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES, ORDERS, OR RESOLUTIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, chapter 358A, Code of Iowa, as amended, provides for the zoning of land and property, and a procedure whereby the use of land and improvements or repair of property may be regulated and restricted in the unincorporated areas of any County within the State; prescribes the rights, duties and authority of certain County officials in relation thereto; prescribes a procedure of enforcing the rules, regulations, and orders of the various Boards in order to effectuate the provisions of said Chapter; and prescribes penalties for the violations of the provisions thereof; and

WHEREAS, the Board of Supervisors of Henry County, Iowa, in compliance with said Chapter, has appointed a County Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein; and

WHEREAS, the Henry county zoning Commission, thus appointed, after careful study and with due diligence, has prepared its preliminary report and held public hearings thereon, and has prepared and submitted its final report to the Board of Supervisors of Henry County, Iowa; and

WHEREAS, the said Board of Supervisors has held its public hearings on said final report, having published notice of time and place of such public hearings as required by said Chapter.

WHEREAS, the passage, adoption and enforcement of the provisions hereinafter contained are deemed necessary to lessen congestion in the street or highway, to secure safety from fire, panic and other danger; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of land and buildings; and to encourage the most appropriate use of land throughout the County; all in accordance with a comprehensive plan; THEREFORE:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRY COUNTY, IOWA AS FOLLOWS:

ARTICLE I.

SECTION 1. SHORT TITLE. This ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Henry County, Iowa.

ARTICLE II.

SECTION 1. FARMS EXEMPT. No requirement, restriction or regulation contained in this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures or erections which are adapted by reason of nature and area, for use for agricultural purposes, as a substantial means of livelihood, while so used. However, this ordinance does apply to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river or stream.

ARTICLE III.

SECTION 1. DEFINITIONS. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; words in the singular number include the plural and words in the plural number shall include the singular; the word "building" shall include the word "structure", and the word "shall" is mandatory and not directory.

ACCESSORY USE OR STRUCTURE. A use or structure subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building.

ADULT ENTERTAINMENT USE. An establishment consisting of, including, or having the characteristics of any or all of the following:

1. *ADULT BOOKSTORE, NEWSSTAND, VIDEO STORE, OR COMBINATION*. An establishment having a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, films, videos, and/or software that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
2. *ADULT CABARET* – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. *ADULT MINI MOTION PICTURE THEATRE* – An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; also known as "peep shows".
4. *ADULT MOTION PICTURE THEATRE* - An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
5. *SEX SHOP* – (1) Any establishment offering for sale or rent items from any two of the following categories: sexually oriented books and videos, lingerie, leather goods marketed or presented in a context to suggest their use for "bondage" or other sexual activities; (2) any establishment offering for sale sexually oriented toys, devices, and/or novelties; (3) any establishment advertising or holding itself out in any forum as "XXX", "adult", "sex", or otherwise as a sexually oriented business.

AGRICULTURE OR AGRICULTURAL USE: The use of any land, building, structure, or portion thereof, principally for the production of, and as an accessory use for, the treatment and storage of, plants, animals or horticultural products, all for intended profit. "Agriculture" shall include the cultivation of land for the production of agricultural crops, the production of eggs, the production of milk and the production of fruit or other horticultural crops, with the intention of selling such items or products for horticultural crops, with the intention of selling such items or products for a profit in the market place. "Agriculture" shall include breeding, raising, feeding, grazing, housing and pasturing of horses, beef and dairy cattle, poultry, sheep, swine, and honey bees, with the intention of selling such animals or products therefrom for a profit in the marketplace. The raising of animals and plants primarily for the purpose of the personal use and enjoyment of the owners or occupants of the subject property, and not for the purpose of selling

such animals, plants or products therefrom for a profit in the marketplace, shall not constitute agricultural use. “Agriculture” shall not include any auction sales yards, recreational facilities, rural or urban areas used primarily for residential or recreational purposes, commercially operated stockyards or feedlots, and areas used for the production of timber, forest products, nursery products or distributor of farm products or supplies provides spraying harvesting or other farm products.

ALLEY. A public way for the use of vehicles which affords only a secondary means of access to abutting property.

AMUSEMENT PLACE. A completely enclosed building arranged, intended or designed for recreation or amusement use, which is not noxious or offensive due to the emission of odors, gas, smoke, or noise; which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of neighboring property.

APARTMENT. A room or suite of rooms in a multi-family dwelling intended or designed for use as a residence by a single family.

BASEMENT. A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations.

BILLBOARDS. Any structure, other than a building, used for the display of advertising, other than:

(a) Church or similar bulletin boards.
(b) Signs pertaining only to the lease, hire or sale of a building or premises.
(c) Signs advertising the sale of products grown only upon the premises.
(d) An announcement or identification sign with the name and address of the owner or tenant residing on the premises.

BOARDING, BED AND BREAKFAST, OR LODGING HOUSE. A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more persons.

BUILDING. Any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattels. When any portion thereof is separated by party walls without windows, doors or other opening, each portion so separated shall be deemed a separate building, except dwellings. A “building” may also be defined as a “structure”.

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

BULK PLANT. That portion of property where flammable liquids, or gases, are received by pipeline, tank cars, or tank vehicles, and are stored in the bulk for the purpose of distributing such liquids, or gases, by tank vehicle, pipeline, tank car or container.

CABIN: See “Summer Cottage”.

CELLAR. A story having more than one-half its height below grade. A cellar is not counted as a story for the purpose of height regulations.

COMMISSION. Whenever the word “Commission” is used in this ordinance it shall refer to the Henry County Planning & Zoning Commission, also known as the Zoning Commission.

DISTRICT. A section or sections of the unincorporated area or any portion thereof of Henry county, Iowa, for which the regulations governing the use of buildings and land, the height of buildings, the size of yards and the intensity of use are uniform.

DWELLING. A building or portion thereof designed or used for residential purposes.

DWELLING, ONE-FAMILY. A dwelling arranged, intended or designed for occupancy by one (1) family.

DWELLING, TWO-FAMILY. A dwelling arranged, intended or designed for occupancy by two (2) families.

DWELLING, MULTIPLE. A dwelling arranged, intended or designed for occupancy by more than two (2) families, living independently of each other.

FAMILY. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

(a) any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship;
(b) two (2) unrelated people;
(c) two (2) unrelated people and any children related to either of them;
(d) not more than eight (8) people who are:
    1) residents of a "Family Home" as defined in Section 335.25 of the Iowa Code and this ordinance; or
    2) "handicapped" as defined in the Fair Housing Act, 42 U.S.C. §3602(h) and this ordinance. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S.C. §802(6);
(e) three (3) or more people who are granted a Conditional Use Permit as a "functional family" pursuant to Article XII of this ordinance.

EXCEPTIONS – "Family" does not include:

(a) any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization;
(b) any group of individuals whose association is temporary or seasonal in nature;
(c) any group of individuals who are in a group living arrangement as a result of criminal offenses.

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

GARAGE, PRIVATE. An accessory building or portion of a building in which one or more vehicles are housed, but in which no service or industry connected with motor vehicles is carried on, other than the leasing of space for the housing of vehicles as permitted herein.

GARAGE, PUBLIC. A building or portion thereof, designed, intended or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

GASOLINE SERVICE STATION. Any building or portion thereof, used for the dispensing, sale or offering for sale at retail, automotive fuels, oil and similar supplies, but not for the purpose of making repairs. When the dispensing, sale or offering for sale at retail is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

GRADE. The average level of the finished surface of the ground adjacent to the exterior walls of the building.

HOME OCCUPATION. Any occupation or activity carried on by a member of the immediate family, residing on the premises, provided that not more than one (1) person not a member of the family there residing shall be regularly employed in addition to the proprietor, provided further that the activity is secondary to the primary use of a parcel for residential purposes whether it takes place in the home or in an accessory structure that is subordinate to the main structure, provided further that there shall be no display of goods and no advertising on the premises other than a sign not to exceed ten (10) square feet in area carrying only the name and occupation of any occupant of the premises and meeting the height and location requirements for billboards, provided further that the building or premises occupied shall not thus be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odor, gas, dust, smoke, noise or in any other way.

HOME OCCUPATION II. Any "home occupation" meeting the definition described above, but with the allowance for display of goods provided that the home occupation does not occupy more than 25% of the property area and does not cause a substantial change to the farm or residential character of the area, provided further that the building or premises occupied shall not thus be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, the emission of odor, gas, dust, smoke, noise or in any other way.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open

to the public in contradistinction to a boarding house, or an apartment which are herein separately defined.

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

JUNK. All old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or; appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tin ware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

JUNK VEHICLE. Any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

JUNK YARD. An area of any lot or parcel of land which is used for the storage, salvage, abandonment, or keeping of junk or junk vehicles.

KENNEL. An establishment where dogs are boarded for compensation or where dogs are bred or raised on a commercial scale.

LOT. A parcel of land occupied or intended for occupancy by one main building, together with its accessory building, including the open spaces required by the provisions of this ordinance.

LOT AREA. Total horizontal area within lot lines.

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

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

LOT, LINE. Property line bounding a lot.

LOT, THROUGH. A lot having frontage on two non-intersecting roads, as distinguished from a corner lot.

LOT OF RECORD. A lot or parcel of land the deed of which has been recorded in the office of the Recorder for Henry County, Iowa, prior to the adoption of this ordinance.

MANUFACTURED HOME. A factory built single family structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403, National Manufactured Home Construction and Safety Standards Act of 1974, and is to be used exclusively as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site dwelling. For the purpose of these regulations, a manufactured home shall be built after June 15, 1976, and bear a seal certifying that it is in compliance with the National Manufactured Home Construction and Safety Standards Act of 1974.

MANUFACTURED HOUSING PARK. See “Mobile Home Park”.

MOTEL OR TOURIST HOME. A permanent building, or group of buildings designed or arranged primarily for temporary occupancy, so laid out as to provide space for parking

vehicles used by the traveling public. Such building, or group of buildings may include quarters for the use of operating personnel.

MOBILE HOME. A mobile home shall mean any occupied vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways, and duly licensed as such, and shall include self-propelled or non-self-propelled vehicles, so designed, constructed, re-constructed or added to by means of an enclosed additional room in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, having no permanent foundation and supported by wheels, jacks, or similar supports.

MOBILE HOME PARK. A mobile home park shall mean any site, lot, field, or tract of land upon which two or more occupied mobile homes, manufactured homes, modular homes, or combination thereof are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of such mobile home park.

MODULAR HOME. A factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner.

NON-CONFORMING USE. Lawful use of a building or land at the time of the passage of this ordinance, or amendment thereto, which does not conform to the provisions of this ordinance, or the district in which it is located.

NURSING HOME. A home for aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept and provided with food or shelter and care, for compensation.

PARKING LOT. A parcel of land devoted to unenclosed parking spaces.

PARKING SPACE. A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than one hundred and eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for vehicles.

PLANNING & ZONING COMMISSION. See “Commission”.

ROAD. All property, other than an alley, dedicated or intended for public or private road, street, highway, freeway, or roadway purposes, or to the public easement thereof.

ROAD LINE. The line that forms the boundary of a road right-of-way easement.

ROADSIDE STAND. A temporary structure, unenclosed, and so designed and constructed that the structure is easily portable or can be readily moved, and which is adjacent to a road and used for sale of farm products produced or grown on the premises.

SALVAGE YARD. See “Junk Yard”.

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

STORY, HALF. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his/her family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground. A “structure” may also be defined as a “building” and vice versa.

STRUCTURAL ALTERATION. Any change in the supporting members of a structure such as walls, partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SUMMER COTTAGE. A dwelling, intended for seasonal or temporary occupancy only, and not as a family residence during any entire year.

VARIANCE. A modification or variation of the provisions of this Ordinance as applied to a specific piece of property, as distinct from rezoning.

VEHICLE. Every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

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

YARD, FRONT. A yard extending across the full width of the lot, lying between the front line of the lot and the nearest line of the main building wall, other than unenclosed porches, steps or balconies.

YARD, REAR. A yard extending across the full width of the lot, lying between the rear line of the lot and the nearest line of the main building wall, other than unenclosed porches, steps or balconies.

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

ZONING ADMINISTRATIVE OFFICER. The individual appointed by the Board of Supervisors to administer and enforce the provisions of this Ordinance.

ZONING PERMIT. A permit issued by the Zoning Administrative Officer of Henry County, Iowa, for the erection, reconstruction, replacement, or alteration of a building or structure or the use of land.

ARTICLE IV.

SECTION 1. DISTRICTS AND BOUNDARIES. For the purpose of this Ordinance, the unincorporated area of Henry County, Iowa, or portions thereof, is hereby divided into seven (7) classes of districts. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

"A-1" Agricultural District
"R-1" Residential District
"R-2" Community Residential District
"C-1" Commercial District
"C-2" Community Commercial District
"I-1" Industrial District
"RC" Recreation/Conservation District

SECTION 2. OFFICIAL ZONE PLAN. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zone Plan of Henry County, Iowa, which will with all their notations, designations, references and other matters shown thereon, shall be as much a part of this Ordinance, as if fully described and set forth herein, and which maps are properly attested and on file in the office of the Recorder of Henry County, Iowa.

SECTION 3. DISTRICT BOUNDARIES. The boundaries of the various districts established by this Ordinance are road lines, alley lines, property lines, lot lines, section lines, quarter lines, quarter quarter lines, center of rivers, or other lines shown on the official zone maps. Where boundaries are approximately indicated as property or lot lines, the true location of such lines shall be taken as the boundary lines. Where the distance to any boundary line, from a road line, property line or lot line, is indicated by the Official Zone Plan, such measurements shall control.

SECTION 4. DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Henry County, Iowa, that is regulated by this Ordinance, by the disincorporation of any village, town or city, or any part thereof, shall be classed as lying and being in the "A-1" Agricultural District until such classification shall have been changed by amendment to this Ordinance, as provided by law.

SECTION 5. ROAD AND PUBLIC WAY VACATION. Whenever any road or other public way is vacated by the official action of the Board of Supervisors of Henry County, Iowa, the Zoning District adjoining each side of such road or public way shall extend to the center of such vacation, and all area included in such vacation shall then and thenceforth be subject to all appropriate regulations of the extended district.

SECTION 6. REQUIREMENTS MUST BE OBSERVED. Except as hereinafter provided:

(1) No person shall use any land, building or structure for any use other than those permitted in the district in which such land, building or structure is located.
(2) No building or structure shall be erected, converted, enlarged, replaced, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
(3) No building shall be erected, converted, enlarged, replaced, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
(4) No building intended for permanent occupancy for residential purposes shall be moved onto, constructed, replaced, or structurally altered on land known from previous flood records, to have been flooded, or reasonably expected to be flooded by a 50 year frequency flood as determined by the County Engineer. No summer cottage shall be moved onto, constructed, replaced, or structurally altered on land known to have been flooded unless the lowest floor of such structure is elevated to not less than (1) foot above the highest previous flood elevation.
(5) No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building , nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.
(6) Every building hereafter erected, replaced, 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 the Ordinance.
(7) No building in the rear of any main building on the same interior lot shall be used for residence purposes.
(8) Subsequent to the passing of this ordinance, a written permit shall be obtained from the Zoning Administrative Officer when required as provided in Article XVII hereof.
(9) Whenever in this ordinance the terms density requirements or area requirements shall be used and wherever front, side or rear area requirements shall be exclusive of road or highway right-of-way easements.

ARTICLE V.

SECTION 1. "A-1" AGRICULTURAL DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this ordinance, when referred to in this Article, are the district regulations for the "A-1" Agricultural Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms.
(2) Single family dwellings.
(3) Churches.
(4) Public schools and private educational institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping except such quarters as are necessary for custodians.
(5) Community buildings, hospitals, public parks and playgrounds.
(6) Home occupations.
(7) Public and private forests and wildlife reservations or similar conservation projects.
(8) Golf courses or practice driving ranges operated for commercial purposes, except miniature golf courses. Golf accessory structures involving sale of goods are not permitted unless allowed by Article XII of these regulations.
(9) Billboards, bulletin boards, temporary signs and name plates, provided they conform to Article XIII Section 3.
(10) Roadside stands.
(11) Grain bins and buildings for the seasonal or temporary storage of grain.
(12) Accessory buildings and accessory uses customarily incident to any of the above uses, but not involving the conduct of a business.

SECTION 3. AREA REGULATIONS.

(1) FRONT YARD. Each main building shall have a front yard depth of not less than fifty (50) feet. On corner lots, there shall be a front yard depth of not less than fifty (50) feet, and a side yard on the intersecting street of lot less than fifty (50) feet.
(2) SIDE YARD. There shall be aside yard of not less than fifteen (15) feet on each side of the main building.
(3) REAR YARD. There shall be a rear yard of not less than forty (40) feet to the rear of the main building.
(4) INTENSITY OF USE. Every lot or tract of land upon which a single family dwelling is erected shall have an area of not less than one (1) acre, and a minimum average width of not less than one hundred fifty (150) feet.

SECTION 4. HEIGHT REGULATIONS. No structure shall be erected adjacent to a residential district without providing a setback from the residential district boundary equal to the height above thirty (30) feet plus the yard requirement for the yard adjacent to the residential district.

ARTICLE VI

SECTION 1. "R-1" RESIDENTIAL DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations for the "R-1" Residential Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms.
(2) Single-family dwellings.
(3) Churches.
(4) Public schools and private educational institutions having a curriculum comparable to that given in public schools and having no rooms regularly used for housing or sleeping except such quarters as are necessary for custodians.
(5) Community buildings, hospitals, public parks and playgrounds.
(6) Public and private forests and wildlife reservations or similar conservation projects.
(7) Home occupations.
(8) Golf courses or practice driving ranges operated for commercial purposes, except miniature golf courses. Golf accessory structures involving sale of goods are not permitted unless allowed by Article XII of these regulations.
(9) Church, school and institutional bulletin boards and temporary signs pertaining to new construction, lease or sale of the building or premises, but such signs shall be removed as soon as the construction is completed or the building or premises sold or leased.
(10) Accessory buildings and accessory uses customarily incident to any of the above uses, but not involving the conduct of a business.
(11) Two-family dwellings.

SECTION 3. AREA REGULATIONS.

(1) FRONT YARD. Each main building shall have a front yard depth of not less than thirty-five (35) feet. On corner lots, there shall be a front yard of not less than thirty-five (35) feet, and a side yard on the intersecting street of not less than twenty-five (25) feet.

(2) SIDE YARD. There shall be a side yard of not less than ten (10) feet on each side of the main building.

(3) REAR YARD. There shall be a rear yard of not less than thirty-five (35) feet to the rear of the main building.

(4) INTENSITY OF USE. Every lot or tract of land upon which a dwelling is erected shall have an area of not less than fifteen thousand (15,000) square feet for a single-family dwelling and an area of not less than twenty thousand (20,000) square feet for a two-family dwelling, and a minimum average width of not less than one hundred (100) feet.

SECTION 4. HEIGHT REGULATIONS. No building shall exceed 2 ½ stories or thirty (30) feet in height, except as hereinafter provided.

ARTICLE VII.

SECTION 1. "R-2" COMMUNITY RESIDENTIAL DISTRICT. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations for the "R-2" Community Residential Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms.
(2) Any use permitted in the "R-1" Residential Districts.
(3) Multi-family dwelling.

SECTION 3. AREA REGULATIONS.

(1) FRONT YARD. Each main building shall have a front yard of not less than ten (10) feet. On corner lots, there shall be a front yard of not less than ten (10) feet and a side yard on the intersecting street of not less than ten (10) feet.

(2) SIDE YARD. There shall be a side yard of not less than five (5) feet on each side of the main building.

(3) REAR YARD. There shall be a rear yard of not less than twenty (20) feet to the rear of the main building.

(4) INTENSITY OF USE. Every lot or tract of land, upon which a dwelling is erected, shall have a minimum average width of not less than sixty (60) feet and an area of not less than seven thousand two hundred (7,200) square feet for a single-family dwelling, an area of not less than fifteen thousand (15,000) square feet for a two-family dwelling, and an area of not less than twenty thousand (20,000) square feet for a multi-family dwelling.

SECTION 4. HEIGHT REGULATIONS. No building shall exceed 2 ½ stories or thirty (30) feet in height, except as hereinafter provided.

ARTICLE VIII.

SECTION 1. "C-1" COMMERCIAL DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article are the district regulations for the "C-1" Commercial Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms.
(2) Any use permitted in the "R-1" Residential District.
(3) Advertising signs and billboards.
(4) Amusement places, and drive-in theatres.
(5) Bakeries.
(6) Banks.
(7) Barber shops, beauty parlors, massage and similar personal service shops.
(8) Bicycle sales and repair shops.
(9) Boarding and Lodging houses.
(10) Catering and delicatessen shops.
(11) Camping grounds.
(12) Dressmaking, millinery and tailoring shops.
(13) Drive-in eating establishments.
(14) Dry cleaning establishments.
(15) Electric, radio and T.V. sales and repair shops
(16) Garages, public.
(17) Gasoline service stations.
(18) Implement repair and/or sales.
(19) Laundromats.
(20) Locksmiths and gunsmiths.
(21) Lumberyards.
(22) Medical and dental clinics.
(23) Milk distributing stations.
(24) Motels and hotels.
(25) Multi-family dwellings.
(26) Nursing homes.

(27) Offices.
(28) Parking lots.
(29) Photographic studios.
(30) Restaurants.
(31) Retail stores.
(32) Shoe repair shops.
(33) Storage yards of equipment and materials related to the lawful permitted use that does not constitute a hazard to public health or safety.
(34) Any commercial or light industrial use which is carried on entirely within buildings, which is not noxious or offensive due to the emission of odors, gas, smoke, or noise; which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of neighboring property.
(35) Accessory buildings and uses incidental to any of the above uses.
(36) Any Adult Entertainment Use provided that no zoning permit shall be issued unless the location of such use shall have been approved by the Board of Supervisors of Henry County, Iowa, after reports and recommendations by the Henry County Planning & Zoning Commission and the Zoning Administrative Officer have been received.

SECTION 3. AREA REGULATIONS. Area and yard requirements for residential units are the same as those for the "R-1" Residential Districts. For all other uses the yard requirements are as follows:

(1) FRONT YARD. Each main building shall have a front yard depth of not less than thirty-five (35) feet Corner lots shall have in addition, a side yard on the intersecting road of not less than thirty-five (35) feet.

(2) SIDE YARD. A side yard is not required except for corner lots as described above and except on the side of a lot abutting a residential or agricultural district, in which case there shall be a side yard of not less than twenty-five (25) feet.

(3) REAR YARD. A rear yard is not required, except on the rear of a lot abutting a residential or agricultural district, in which case there shall be a rear yard of not less than twenty-five (25) feet.

(4) INTENSITY OF USE. No requirement, except for residences which shall have a minimum average width of one hundred (100) feet and an area of not less than fifteen thousand (15,000) square feet for a single-family dwelling and an additional five thousand (5000) square feet for every additional family.

SECTION 4. HEIGHT REGULATIONS. No requirement, except that no structure shall be erected adjacent to an agricultural or residential district without providing a set-back from the agricultural or residential district boundary equal to the height above thirty-five (35) feet plus the yard requirement of the yard adjacent to the agricultural or residential district.

ARTICLE IX.

SECTION 1. "C-2" COMMUNITY COMMERCIAL DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article are the district regulations for the "C-2" Commercial Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms.
(2) Any use permitted in the "R-2" Residential District.
(3) Bakeries and meat shops.
(4) Business and professional offices.
(5) Barber shops, beauty parlors, and similar personal service shops.
(6) Bicycle sales and repair shops, or other non-motorized vehicle sales and repair.
(7) Boarding and lodging houses.
(8) Catering and delicatessen shops.
(9) Clubs for fitness, martial arts, and similar uses; including dance studios.
(10) Dressmaking, millinery, and tailoring shops.
(11) Dry cleaning establishments.
(12) Hotels.
(13) Laundromats.
(14) Locksmiths or gunsmiths.
(15) Medical, chiropractic, and dental clinics.

(16) Movie houses and theatres, except adult entertainment uses.
(17) Museums or art galleries.
(18) Nursing homes.
(19) Offices.
(20) Photographic studios.
(21) Repair shops.
(22) Restaurants, taverns, and cafes, but not including drive-thru.
(23) Retail stores.
(24) Any light commercial use which is carried on entirely within buildings, which is not noxious or offensive due to the emission of odors, gas, smoke, or noise; which is not a menace to public health and safety and which will not substantially or permanently injure the appropriate use of neighboring property. Such use shall maintain a similar character and intensity of use with those uses mentioned above in this section. Commercial uses which involve drive-thru service shall not be permitted in this district.
(25) Accessory buildings incidental to any of the above uses.

SECTION 3. AREA REGULATIONS. Area and yard requirements for residential units are the same as those for the "R-2" Residential Districts. For all other uses the yard requirements are as follows:

(1) FRONT YARD. Each main building may abut the front road right-of-way line or public easement provided the Zoning Administrative Official is given a professional survey from which to determine location of the main building. Corner lots shall have a "sight triangle" with the short legs of said triangle measuring ten (10) feet each and with the corner opposite the hypotenuse being located at the point where both roads intersect on the lot; no structures shall be allowed within this triangle so formed.

(2) SIDE YARD. A side yard is not required except for corner lots as described above and except on the side of a lot abutting an "A-1" or "R-1" district, in which case there shall be a side yard of not less than twenty-five (25) feet.

(3) REAR YARD. A rear yard is not required, except on the rear of a lot abutting a an "A-1" or "R-1" district, in which case there shall be a rear yard of not less than twenty-five (25) feet.

(4) INTENSITY OF USE. No requirement, except for residences which shall have a minimum average width of sixty (60) feet and an area of not less than seventy two hundred (7,200) square feet.

SECTION 4. HEIGHT REGULATIONS. No requirement, except that no structure shall be erected adjacent to an "A-1" or "R-1" district without providing a set-back from said district boundary equal to the height above thirty (30) feet plus the yard requirement of the yard adjacent to said district.

ARTICLE X.

SECTION 1. "I-1" INDUSTRIAL DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations for the "I-1" Industrial Districts.

SECTION 2. USE REGULATIONS. A structure or premises shall be used only for the following purposes:

(1) Farms
(2) Any use permitted in the "C-1" Commercial Districts, except residential uses.
(3) Any other industrial use, process or treatment whatsoever, provided that no zoning permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Board of Supervisors of Henry County, Iowa, after reports and recommendations by the Henry County Planning & Zoning Commission, the County Engineer, and the Zoning Administrative Officer have been received.

(a) Acid manufacture
(b) Bulk plants.
(c) Cement, lime, gypsum or other similar manufacture.
(d) Distillation of bones.
(e) Explosive manufacture and storage.
(f) Fat rendering.
(g) Fertilizer manufacture.
(h) Gas manufacture.
(i) Garbage, offal or dead animal disposal.
(j) Glue manufacture.

(k) Salvage or Junk yards.
(l) Packing plants and slaughter houses.
(m) Petroleum refining.
(n) Public sewage disposal and treatment plants.
(o) Starch manufacture.
(p) Stockyards.

SECTION 3. AREA REGULATIONS. The area and yard requirements are the same as those for the "C-1" Commercial Districts.

SECTION 4. HEIGHT REGULATIONS. No requirement, except that no structure shall be erected adjacent to an agricultural, residential, or commercial district without providing a set-back from such boundary equal to the height above thirty (30) feet plus the yard requirement of the yard adjacent to the agricultural, residential or commercial district.

ARTICLE XI.

SECTION 1. "RC" RECREATION / CONSERVATION OVERLAY DISTRICTS. The regulations set forth in this Article, or set forth elsewhere in this Ordinance, when referred to in this Article, are the district regulations for the "RC" Recreation / Conservation Overlay District. The "RC" Overlay District extends sixty (60) feet from the edge of the normal high water bank of the Skunk River on both sides.

SECTION 2. USE REGULATIONS. The premises shall be used only for the following purposes:

(1) Agriculture, but not including clear cutting of naturally occurring tree cover.
(2) Cultural/Historic restoration.
(3) Livestock grazing, but not including feedlots and poultry farms.
(4) Recreational uses such as canoeing access, boat launching ramps, swimming areas, primitive camping, hiking, horseback riding trails and similar uses.
(5) Soil and water conservation practices.
(6) Summer cottages and cabins.
(7) Sustained yield forestry.
(8) Wildlife preserves.

SECTION 3. AREA REGULATIONS. Premises shall comply with the following:

(1) RIVER SETBACK. Summer cottages or cabins shall be a minimum of fifteen (15) feet from the edge of the normal high water bank.
(2) NATURAL VEGETATION. Premises shall not have more than 40% of the natural ground cover mowed within thirty-five (35) feet of the river bank, nor shall there be deforestation of more than 20% within thirty-five (35) feet of the river bank.
(3) INTENSITY OF USE. A land parcel with a specified "RC" Overlay District is permitted to have one (1) summer cottage in addition to the main use permitted on the actual zone of the property.

SECTION 4. HEIGHT REGULATIONS. No building shall exceed 2 ½ stories or thirty (30) feet in height, except as hereinafter provided.

ARTICLE XII.

SECTION 1. ADDITIONAL USE REGULATIONS. The regulations set forth in this Article, qualify or supplement the use regulations set forth elsewhere in this Ordinance.

(1) The Board of Adjustment may, by conditional use permit, authorize the location, construction or structural alteration of any of the following buildings, structures or uses in any district from which they are prohibited or limited by this Ordinance.

(a) Airports
(b) Private gun clubs, skeet shooting ranges, and hunting preserves.
(c) Automobile race tracks and/or drag strips, all-terrain and motorized vehicle tracks, and snowmobile tracks.
(d) Extraction of gravel, sand, stone, clay or other raw materials, including excavation associated with quarry or mining operations.
(e) Stills and accessory buildings for the production of alcohol if licensed and approved by the appropriate state or federal regulatory agencies.
(f) Junk yards and/or salvage yards.

(g) Manufactured housing parks and mobile home parks.
(h) Schools and semi-public buildings.
(i) Commercial billboards
(i) No billboard be erected less than 300 feet from any road intersection.
(ii) No billboard erected less than 100 feet on either side of an ingress or egress of land lying along a highway.
(iii) That billboards be spaced at least 400 feet apart.
(iv) That any permit granted shall be subject to revocation by the Board of Adjustment at any time, and for any reason on 90 days' notice.
(v) If after giving 90 days' notice of revocation, as set out in (iv) above, the owner has failed to remove the said billboard, the Board of Adjustment may, after giving 10 days' written notice of its intention to do so, remove and destroy said billboard.
(vi) Failure to secure a permit or to comply with the provisions herein, shall subject the person, firm or corporation, to the penalties set out in Article XXI herein.

Before the issuance of any of the above conditional use permits, the Planning & Zoning Commission shall hold a public hearing advertised as provided in Article XIV hereof, and shall report to the Board of Adjustment regarding the effect of such building, structure or use upon the character of the neighborhood, traffic conditions and other matters relating to the public safety, public health and general welfare. No action shall be taken by the Board of Adjustment hereunder until and unless the report of the Planning & Zoning Commission has been filed, but such report shall be made within sixty (60) days after the matter has been referred by the Board of Adjustment to the Planning & Zoning Commission. If the Board of Supervisors desires, they may provide for their review of any of the above listed conditional uses before the date such use is made effective by decision of the Board of Adjustment. The Board of Supervisors may remand a decision to grant such a conditional use to the Board of Adjustment for further study. If remanded, the effective date of the conditional use is delayed for thirty days from the date of the remand.

The fee for application for a special permit to be issued under this subsection shall be established by resolution of the Henry County Board of Supervisors. Such fee shall be paid to the Zoning Administrative Officer and under no condition shall said fee or any part thereof be refunded for failure of said proposed special permit to be approved.

(2) The following uses may be permitted by a change in use permit from the Zoning Administrative Official subject to prior review and ruling by the Board of Adjustment as a conditional use:

(a) Anhydrous ammonia.
(b) Buildings erected or used by any department of the federal, state, county, or municipal governments.
(c) Cemeteries
(d) Commercial amusement and recreational developments for temporary or seasonal periods.
Commercial campgrounds and recreational vehicle park development standards:
The following standards and requirements shall govern the design and development of a commercial campground or recreational vehicle park.
.01 A tract of land considered for a commercial campground or recreational vehicle park shall comprise an area of not less than five (5) acres of gross development area.
.02 The maximum density allowed for the gross development area shall be fifteen (15) recreational vehicles sites per gross acre.
.03 Sites in a park shall be occupied only by camping units and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.
.04 No camping unit or tent shall be used as a permanent place of abode, dwelling or business, or for indefinite periods of time. Camping units or tents shall not be on the site, whether occupied or not, for no more than two hundred forty (240) days during any twelve (12) month period.
.05 No permanent external appurtenances such as carports, deck, cabanas, or patios may be attached to any recreational vehicle.
.06 Any action towards removal of wheels of a recreational vehicle, except for temporary purposes of repair, or placement of the unit on a foundation is prohibited.
.07 Each recreational vehicle site shall have a minimum area of fourteen hundred

(1,400) square feet; provided that site devoted solely for tent camping shall have a minimum area of seven hundred fifty (750) square feet. Each site at a campground with more than twenty five (25) sites total shall contain a stabilized vehicular parking pad of gravel, marl, paving or other suitable material.

.08 A minimum of eight (8) percent of the gross development area for the recreational vehicle park shall be set aside and developed as common open space areas for open or enclosed recreation facilities.

.09 Recreational vehicle sites and off-street parking spaces shall not be located within any required yard or setback. Where needed to enhance aesthetics or to insure public safety, the recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other buffer designs required by the Board which will complement the landscape and assure compatibility with the adjacent environment.

.10 Display signs for recreational vehicle parks shall be permitted subject to the Approval of the Board of adjustment

.11 In connection with use of any recreational vehicle park, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way, or on any public grounds, or on any private grounds not part of the park, unless the owner has given written permission for such use. Each park shall provide off-street parking, loading and maneuvering space located and scaled so that the prohibitions above may be observed, and park owners shall be held responsible for violations of these requirements.

.12 At least one and one-half (1 1/2) parking spaces shall be provided in the park per recreational vehicle site. At least one (1) parking space shall be provided at each such site.

.13 All recreational vehicle parks shall be provided with safe and convenient vehicular access from an improved public street. It shall be the responsibility of the developer to provide the necessary access in all cases where there is no existing improved street or road connecting the park site with an improved existing public street or road.

.14 Streets in recreational vehicle parks shall be private, but shall be constructed with a stabilizing roadway of gravel, marl, paving, or other suitable material, and campgrounds with more than twenty five (25) total sites or retail commercial accessory uses shall meet the following minimum stabilized roadway width requirements:

A. One way, no parking 11 feet
B. One way, with parking on one side 18 feet
C. Two way, no parking 24 feet
D. Two way with parking on one side 26 feet
E. Two way with parking on both sides 31 feet

.15 Entrances and exits to recreational vehicle parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrances or exits shall require a turn at an acute angle for vehicles moving in the direction intended and radii of curbs and pavements at intersections shall be such to facilitate easy turning movements for vehicles with trailers attached. No entrance or exit from a park shall discharge traffic into any Class “R” District or platted residential subdivision nor require movement of traffic from the park through a Class “R” District or platted residential subdivision. The location and design of all intersections of such entrances or exits with public streets shall be approved by the County Engineer. If turning lanes or other forms of traffic controls are deemed necessary by the Board, the developer shall provide the necessary improvements, subject to approval of their location and design by the County Engineer.

.16 Management headquarters, recreational facilities, toilets, dumping stations, showers, laundry facilities, and other uses and structures customarily incidental to operation of a commercial campground and recreational vehicle park are permitted as accessory uses to the park. In addition, stores, restaurants, beauty parlors, barber shops, recreational vehicle storage areas and other convenience establishments may be permitted as accessory uses in commercial campgrounds and recreational vehicle parks where such uses are specifically approved by the Board, subject to the following restrictions:

A. Such establishments and the parking areas primarily related to the operations shall not occupy more than ten (10) percent of the gross area of the park.
B. All buildings and individual camp sites shall be constructed in compliance with state and local codes and regulations including all onsite waste disposal.
C. The structures housing such facilities shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
.17 In recreational vehicle parks where recreational vehicle sites are leased or otherwise assigned on a long term basis, the limits of each site shall be clearly marked on the ground by permanent steel or iron rods driven into the ground with the top of the of said rods being flush with the finish lot grade. Location of site limits on the ground shall be approximately the same as shown on the approved plans. The degree of accuracy obtainable by working with a scale on the plan and then a tape on the ground is acceptable. Precise engineering of site limits is not required either on the plans or on the ground. This is not to be construed as permitting sites of lesser size than the required minimum, or permitting lesser yard or separation dimensions then set forth elsewhere in this Section.
.18 Recreational vehicle sites intended solely for tent camping units shall be located in separate areas designated for tent camping only.
.19 The layout of a park shall be such that the "destruction" of the natural vegetation and topography of the area is minimized.
.20 In addition to the foregoing, other conditions, requirements or limitations concerning the design, development and operation of a recreational vehicle park may be imposed as may be deemed necessary for the protection of adjacent properties and the public interest.

(e) Commercial dairy processing.
(f) Commercial or heavy vehicle parking or storage in excess of that allowed by Article XIII, Section 2 (5f).
(g) Dog kennels, or other commercial domestic animal kennel uses.
(h) Electrical and natural gas transmission, regulating and storage facilities.
(i) Functional Families; or those groups of persons not meeting the definition of "family" yet living in a single family dwelling.
(j) Grain drying.
(k) Grain elevators.
(l) Grain mixing, blending, and feed manufacturing plants.
(m) Grain storage.
(n) Home Occupation II.
(o) Public Garages, provided that the garage comply with all requirements for "Home Occupation II" and that no more than five vehicles on the premises.
(p) Radio and television towers over one hundred (100) feet in height.
(q) Retail feed and seed.
(r) Stables for commercial breeding or commercial uses.
(s) Summer camps and recreational facilities operated by public or semi-public organizations.
(t) Telecommunications or microwave communications towers and/or wireless transmission towers as well as support buildings and structures.

Requests for the above uses shall be reviewed by the Board of Adjustment for their impact on the surrounding area, infrastructure, nuisance factors, the intent of the zoning ordinance, and the comprehensive plan. Following review, the Board of Adjustment shall vote to approve or deny requests for the above uses. The Board of Adjustment may grant variances as outlined in Article XVI, in addition, the Board may request review by the Planning & Zoning Commission before making a final decision. The Board shall make a decision concerning the use within sixty (60) days of the initial date of the first hearing of the request.

The fee for application for a special permit to be issued under this subsection shall be established by resolution of the Henry County Board of Supervisors. Such fee shall be paid to the Zoning Administrative Officer and under no condition shall said fee or any part thereof be refunded for failure of said proposed special permit to be approved.

(3) The owner of a farm containing ten (10) acres or more may set aside a plot of ground on his farm upon which a single-family dwelling may be erected for occupancy by a member of his immediate family only. While such plot of ground need not conform to the minimum lot size for the district in which it

is located, the front, rear and side yards must comply with the minimum requirements for the district in which such dwelling is to be located.

(4) A summer cottage may be located in the "A-1" Agricultural Districts along any lake or stream in or bordering Henry County, Iowa, provided that it complies with the area and height requirements for the "R-2" Residential Districts.

(5) In any district, announcement signs or bulletin boards are permitted, provided such signs or boards do not exceed sixteen (16) square feet in an area and are erected upon the premises of a charitable, religious, philanthropic or public institution for its own use and are not erected within twenty-five (25) feet of a road line, provided also that the sign does not create a traffic or safety hazard.

SECTION 2. MULTIPLE MAIN BUILDINGS ON A SINGLE LOT. The Board of Supervisors may by special permit authorize the construction and use of multiple main and accessory buildings on a single parcel provided:

(1) The use of the buildings are permitted within the district for which the request is located or permitted by conditional use permit issued pursuant to Section I of Article XII of this ordinance;

(2) The buildings to be constructed and the intended uses of the buildings shall not be in any way inconsistent with the Henry County Comprehensive Plan and shall follow design and layout requirements similar to that found in the Henry County Subdivision Ordinance;

(3) The buildings to be constructed and the intended use of the buildings shall be carried out in compliance with applicable laws, rules, regulations and ordinances of the State of Iowa and Henry County;

(4) An application for the special permit along with a detailed site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine the format of the application and site plan and the number of copies of both required to be submitted. The site plan shall include the following information:

(a) Location and dimensions of the parcel and existing and proposed buildings;
(b) The areas to be developed for parking;
(c) The location and type of surface to be constructed for sidewalks, driveways, roads and streets, alleys, access roads, points of ingress and egress, and easements for right-of-way;
(d) The location and type of landscaping;
(e) The location and types of utilities, if any, which exist or are to be installed, such as water lines, water wells, sewer or septic systems, electric power, telephone, natural gas, cable television lines and other telecommunication services, including locations of easements to provide access, construction, installation and repair of the utilities;
(f) The location and type of any outdoor lighting which exists or will be installed;
(g) The location, type, and dimensions of existing and proposed signs;
(h) The location and type of facilities for collection and disposal of garbage, trash and other solid waste as well as collection and recovery of recyclable materials;
(i) The existing or planned future uses of all adjoining parcels.

(5) The Zoning Administrator shall forward copies of the special permit application and site plan for review and comment by the County Staff, similar to the review process found in the Henry County Subdivision Ordinance.

(6) The special permit application and site plan along with the comments by the officials named in subsection (5) and the Zoning Administrator's recommendations shall be submitted to the Planning & Zoning Commission. The Planning & Zoning Commission shall hold a public hearing after public notice has been given as provided in Article XIX of this ordinance and after the public hearing has been held shall submit a report to the Board of Supervisors regarding the effect of the proposed buildings and uses upon the character of the neighborhood, traffic conditions and other matters relating to public safety, public health and general welfare. No action shall be taken by the Board of Supervisors to approve the special permit until the report of the Planning & Zoning Commission has been submitted to the Board of Supervisors unless no action

is taken by the Planning & Zoning Commission after sixty (60) days from the time the Zoning Administrator submits the application and review comments to the Commission.

(7) The Board of Supervisors may impose, in addition to existing county regulations, reasonable conditions on approval of the application to satisfy public concerns directly caused by the requested construction and use of the parcel.

(8) The applicant shall submit a nonrefundable application fee, as determined by resolution of the Board of Supervisors, with the initial application for the special permit authorized by this section.

ARTICLE XIII.

SECTION 1. ADDITIONAL AREA AND HEIGHT REGULATIONS. The regulations set forth in this Article, qualify or supplement, as the case may be, the area and height regulations set forth elsewhere in this Ordinance.

SECTION 2. AREA AND YARDS.

(1) The yard requirements for public, semi-public or public service buildings, hospitals, institutions, or schools in the "A-1" Agricultural, and the "R-1" and "R-2" Residential Districts are as follows:

(a) FRONT YARD. The minimum depth of the front yard shall be fifty (50) percent in excess of the front yard depth required for such districts.

(b) SIDE YARDS. The required minimum width of side yards shall be twenty-five (25) feet.

(c) REAR YARDS. The required minimum depth of rear yards shall be fifty (50) feet.

(2) Dwellings and accessory buildings on through lots in the "R-2" and "R-1" Residential Districts shall have a rear yard depth equivalent to the front yard depth required for such districts.

(3) Intensity of use requirements in "R-2" Residential Districts are reduced to six thousand (6,000) square feet for a single-family dwelling if either public water supply or public sanitary sewer are used. If both public water supply and public sanitary sewer are used, the intensity of use requirements do not apply.

(4) Prior to issuing a zoning permit for any commercial or industrial use, the Zoning Administrative Officer shall have on file a plan which has been approved by the Henry County Board of Health, or an engineer of the appropriate field licensed in the State of Iowa, showing the location, type and layout of the water supply and sewage disposal systems to serve such use

(5) All structures not exempted by Article II section 1 shall be prohibited from parcels with access only onto class "B" and class "C" (dirt) roads . (Amendment 5-18-2006)

(6) All commercial, industrial and conditional uses located adjacent to any four lane divided highway shall have access to a secondary county road or a two lane primary road Exempted conditional uses are article XII section 2. sub sections b, h , p, t . (Amendment 6-22-2006)

(7) Accessory buildings and uses customarily incidental to that of the main building may be erected or established upon any lot or tract of land, provided they comply with the following:

(a) Accessory buildings which are not a part of the main building may be built in a rear yard within five (5) feet of the rear lot line and within three (3) feet of the side lot line, but shall not occupy more than thirty-five (35) percent of the rear yard.

(b) If any portion of a detached accessory building is within a side yard or front yard of a main building on the same lot, such detached accessory building shall not be nearer to the side lot line or the front lot line than would be required for the building wall of a main building on the same lot.

(c) Article repealed (Amendment 12-20-2002)

(d) No detached accessory building may be placed in any rear yard or any side yard so that any part of such building is nearer the street line than is permitted for a wall of a main building on the same lot.

(e) No accessory building shall be used for dwelling purposes.

(f) Not more than one vehicle housed in a private garage may be a commercial vehicle or of more than three (3) tons capacity, and not more than three (3) spaces in a private garage may be leased to persons other than the residents on the premises.

(g) An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

SECTION 3. HEIGHT. Fences, hedges, billboards and walls not exceeding six (6) feet in height are permitted within the limits of a side and rear yard and not exceeding four (4) feet in height within the limits of a front yard , provided that no fence, hedge, billboard, or wall shall be permitted within one hundred and fifty (150) feet of the center of a road intersection which cannot be viewed over from a point four (4) feet above the traveled roadway.

ARTICLE XIV.

SECTION 1. PARKING REGULATIONS. Off-street parking shall be provided for use in conjunction with occupancies of buildings, constructed, replaced, converted, or remodeled as hereinafter defined for Districts "A-1", "R-1", "C-1", and "I-1" respectively; Districts "R-2" and "C-2" are exempted from these requirements. Off-street parking space for single-family, two-family or multiple family dwellings shall be provided within the dwelling or on the premises of the dwelling. Off-street parking space for other buildings shall be provided within the building, on the premises, or on a permanently reserved space on another lot, any portion of which is within two hundred (200) feet of said building.

SECTION 2. MINIMUM REQUIREMENT OFF-STREET PARKING.

(1) Two off-street parking spaces shall be provided for each family occupying a single family, two-family or multiple family dwelling.
(2) Hotels, motels and lodging houses hereafter erected shall provide one off-street parking space for each individual sleeping or living unit.
(3) Churches, schools, auditoriums, theatres, stadiums, or other similar places of public assembly hereafter erected shall provide one (1) off-street parking space for each four (4) seats of the audience seating capacity provided in the main auditorium or stadium.
(4) Commercial buildings, lodges, clubs and fraternal organizations hereafter erected shall provide one (1) parking space for each 200 square feet of the floor area of the main building.
(5) Office buildings, including professional and private office buildings, hereafter erected shall provide one (1) off-street parking space for each four hundred (400) square feet of floor area in the building.
(6) Public and Semi-public buildings and similar institutions hereafter erected shall provide one (1) off-street parking space for each four hundred (400) square feet of floor area in the building.
(7) Industrial buildings or warehousing operations hereafter erected shall provide one (1) off-street parking space for each four hundred (400) square feet of floor area of the main building or for each two (2) employees, whichever is less.
(8) Off-street parking space shall be provided for any increase in floor area of any existing building in the same ratio as the above requirements for the particular use for which the building addition is intended.

SECTION 3. LOADING AND UNLOADING ZONES. Any building erected or converted for any commercial or industrial use shall provide not less than one (1) truck unloading space either within the building or upon the lot and adjacent to the building for each ten thousand (10,000) square feet of floor area or fraction thereof.

ARTICLE XV.

SECTION 1. NON-CONFORMING USES. The following provisions shall apply to the non-conforming use of buildings and land in the unincorporated area, or areas of Henry County. The following provisions also apply to structures and buildings that are non-conforming due to the bulk requirements of the zoning district in which said buildings or structures are located.

SECTION 2. NON-CONFORMING USE MAY BE CONTINUED. The lawful use of a building existing on the effective date of the Ordinance, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued, any future use of such premises shall be in conformity with the provision of this ordinance.

SECTION 3. NON-CONFORMING USE MAY BE EXTENDED. The lawful use of a building existing on the effective date of this ordinance may be extended throughout the building, provided such

building was so arranged or designed for such non-conforming use on the date this ordinance became effective.

SECTION 4. NON-CONFORMING USE RECONSTRUCTED. No structure which has been damaged by fire, explosion, an Act of God, or the public enemy to the extent of more than sixty-five (65) percent of its value, shall be restored except in conformity with the regulations of this Ordinance.

SECTION 5. NON-CONFORMING USES SUBSTITUTED. The substitution of one non-conforming use for another will be permitted when such substituted use is of the same or more restrictive type of use and 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 building or lot area to accommodate such substituted use.)

SECTION 6. NON-CONFORMING LOT. If a lot of record has less area or width than is required to meet the requirements of the District within which it lies, this lot may be used for any of the uses permissible within said District, however all yard requirements must be adhered to.

SECTION 7. NON-CONFORMING BUILDING OR STRUCTURE MAY BE EXTENDED. Any building or structure considered non-conforming due to the bulk setback requirements of the district in which it is located may be extended or added on to, provided said extension or addition itself is in conformity with the bulk requirements for a new structure in the district for which the building or structure is located.

ARTICLE XVI.

SECTION 1. BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established and shall consist of five (5) members appointed by the Henry County Board of Supervisors. The five (5) members first appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Thereafter terms shall be five years and vacancies shall be filled by the Board of Supervisors for the unexpired term of any member whose term becomes vacant. The County Board of Supervisors shall have the power to remove any member of the Board of Adjustment for cause, upon written charges and after public hearing.

SECTION 2. CHAIRMAN AND MEETINGS. The Henry County Board of Supervisors shall name one of the members of the Board of Adjustment as chairman for the first year, and thereafter such chairman shall be elected by the Board of Adjustment. Such chairman shall serve for a term of one (1) year only. All meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman, or in his absence, the acting chairman may administer oaths, and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on every question , or if absent and failing to vote, indicate such fact, and shall keep complete records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board of Adjustment shall be immediately filed in the office of the Zoning Administrative Officer, and shall adopt its own rules of procedure not in conflict with this ordinance, or with the Iowa Statute. The Board of Adjustment shall not be compensated, except for necessary expenses.

SECTION 3. APPEALS. The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance. Such appeal shall be taken within a period of not more than thirty (30) days, and in the manner prescribed by the rules of the Board of Adjustment, by filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof, and by paying a filing fee to the Administrative Officer. The fee will be established by resolution of the Henry County Board of Supervisors. When notice of the appeal is filed, the Zoning Administrative Officer shall transmit all of his records or certified copies thereof regarding the appeal to the Board of Adjustment including a copy of his letter to an applicant who has been refused a zoning permit. The Board of Adjustment shall take action upon this appeal within thirty (30) days.

SECTION 4. POWERS. The Board of Adjustment shall have the following powers, and it shall be its duty:

(1) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Zoning Administrative Officer in the enforcement of this Ordinance.

(2) Upon petition by a property owner to permit exceptions to the terms of this Ordinance as follows:

(a) To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the adoption of this Ordinance.

(b) To permit, where the boundary line of a district divides a tract of land of not more than ten (10) acres under a single ownership, adjustment of such a line to conform with the topography of the ground where such tract is being sub-divided, provided such a variation does not extend for a distance of more than five hundred (500) feet, and does not come closer than three hundred (300) feet to any boundary of a tract.

(c) To interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the zoning maps fixing the several districts accompanying and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the zoning maps aforesaid.

(d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, Act of God, or the public enemy to the extent of more than sixty-five percent (65%) of its fair market value, where the Board finds some compelling public necessity requiring the continuance of the non-conforming use, and the primary purposes of continuing the non-conforming use is not to continue a monopoly.

(e) To authorize, in any zoning district exceptions to any setback area, length, width, yard, size or projection limitations or to the minimum required number of off-street parking or loading spaces; provided such an exception may be granted only where:

1. (a) Such exception does not exceed 50 percent of the particular limitation or number in question; or (b) such exception is from a yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building;

2. The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;

3. The exception is reasonably necessary due to practical difficulties related to the land in question that prohibit the use of the subject property in a manner reasonably similar to that of other property in the same district, including, but not limited to, exceptional narrowness, shallowness or shape of the subject property, exceptional topographical conditions, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation;

4. Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and

5. The exception is in harmony with the essential character of the neighborhood of the land in question.

(3) To authorize upon petition whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alteration of buildings, or structure, or the use of land will impose upon him practical difficulties or particular hardships, such variations of the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board of Adjustment is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable, and unusual hardship, or difficulty so great as to warrant a variation from the comprehensive plan as established by this Ordinance, and at the same time the surrounding property will be properly protected.

(4) To review and permit conditional uses as described in Article XII, Section 1 of these regulations.

SECTION 5. VOTE. In exercising the above powers, the concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrative Officer, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance. Every variation granted or denied by the Board of Adjustment shall

be accompanied by a written finding of fact based on testimony and evidence, and specifying the reason for granting or denying the variations.

SECTION 6. HEARINGS. The Board of Adjustment shall fix reasonable time for the hearing of an appeal, and give due notice thereof to the parties, and decide the same within a reasonable time. At the hearing, any party may appear in person, or by agent, or by attorney. The Board of Adjustment may reverse or confirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any person, or persons jointly, or separately aggrieved by a decision of the Board of Adjustment under the provisions of this Ordinance, or any taxpayer, or any officer, department, or bureau of Henry County, Iowa, may seek such relief through the Courts as is provided by the Statute.

ARTICLE XVII.

SECTION 1. ZONING PERMITS. Zoning permits shall be issued by the Zoning Administrative Officer and shall be required for the following:

(1) Any structure, other than that used for farming purposes, hereafter erected, replaced, reconstructed or enlarged.
(2) Any change in use other than to a farming use.
(3) Any change in occupancy for all uses other than residential dwelling and farming.
(4) Any non-conforming use in existence at the time of passage of this Ordinance. The owner of such non-conforming use shall make application for the permit within twelve (12) months after the effective date of this Ordinance accompanied by affidavits of proof that such non-conforming use was established prior to the enactment of this Ordinance.
(5) No contractor shall commence work on a building or structure which requires a zoning certificate until ascertaining that the appropriate zoning certificate has been issued for the building or structure.

SECTION 2. APPLICATION FOR ZONING PERMIT. Each application for a zoning permit shall be on approved forms and shall be accompanied by a site plan, drawn to scale, showing the actual dimensions of the lot or tract to be built upon or use, the size, shape and location of the structure to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance and other County Ordinances. All zoning permits shall expire one year from the date issued, an extension of up to one year may be granted by the administrator if reasonable circumstances have prevented completion. All permits issued prior to this amendment shall expire one year from publication of this amendment.

SECTION 3. FEES. The fee for a Zoning Permit covering any or all of the requirements outlined in Section 1 above shall be established by resolution of the Henry County Board of Supervisors. Such fee shall be paid to the Zoning Administrative Officer.

ARTICLE XVIII.

SECTION 1. INTERPRETATION, PURPOSE AND CONFLICT. Whenever the regulations of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a greater percentage of the lot to be left unoccupied or impose other higher standards than are required in any other Statute or local ordinance or regulation, the provisions of this Ordinance shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require greater percentage of the lot to be left unoccupied, or impose other higher standards than are required by this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

ARTICLE XIX.

SECTION 1. AMENDMENTS. The Board of Supervisors of Henry County, Iowa, may, from time to time, on their own motion, or on petitions, after report by the Henry County Planning & Zoning Commission, and after public hearing, amend, supplement or change by ordinance the regulations and districts herein or subsequently established. Notice of time and place of the hearing shall be published as provided in Section 331.305 of the Code of Iowa 1995. In case the Planning & Zoning Commission does not recommend approval of a change, or in case of a protest against such change signed by the owners of

twenty percent (20%) or more either of the area included in such a proposed change or the area immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least sixty percent (60%) of all the members of the Henry County Board of Supervisors. Before any action shall be taken as provided in this Article, the party or parties petitioning, proposing or seeking a change in the district regulations or district boundaries shall submit a written application and pay the appropriate fee. The fee for a zoning amendment request shall be established by resolution of the Henry County Board of Supervisors. Such fee shall be paid to the Zoning Administrative Officer, and under no condition shall said fee or any part thereof be refunded for failure of said proposed amendment to be enacted into law.

SECTION 2. FEES. The Henry County Planning & Zoning Commission shall annually review and make recommendations concerning fees required by this ordinance as set by the Henry County Supervisors.

ARTICLE XX.

SECTION 1. ENFORCEMENT. The Zoning Administrative Officer of Henry County, Iowa, shall be designated by the Henry County Board of Supervisors, and it shall be the duty of such Zoning Administrative Officer to enforce this Ordinance. Appeals from the decision of the Zoning Administrative Officer may be made to the Board of Adjustment as provided in Article XVI hereof.

ARTICLE XXI.

SECTION 1. VIOLATION AND PENALTY Any person, firm or corporation who violates, 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) for each offense or not more than seven hundred fifty dollars ($750.00) for each repeat offense, or be imprisoned for not more than thirty days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 2. RESTRAINING ORDER. In case any building, or structure is erected, constructed, reconstructed, replaced, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the proper authorities of the County, in addition to other remedies, may institute any proper action or proceed in the name of Henry County, Iowa, to prevent such unlawful erection, construction, reconstruction, replacement, alteration, or repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent any illegal act, conduct, business or use in or about said premises.

ARTICLE XXII.

SECTION 1. VALIDITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance are hereby repealed.

ARTICLE XXIII.

SECTION 1. WHEN EFFECTIVE. This Ordinance shall be effective from and after the date of its adoption as provided by law.

AMENDMENT

The official zone plan which is referred to in Article IV, Section 2, including the maps and plats which are on file and a part of said zoning ordinance are amended as follows:

1. The following described tracts of land are classed as C-1 commercial districts:
   a. Commencing at the northwest corner of the South ½ of the South west ¼ of Section 34, township 73, Range 6, Henry County, Iowa, thence South 650 feet, thence East 1000 ft., thence North 650 ft., thence West 1000 feet to the place of beginning.
   b. Commencing at the Southwest corner of the NW ¼ of SW ¼ of Section 21, Township 70, Range 6, thence East 242 ft., thence North 393 ft., thence West 242 ft., thence South 393 ft. to place of beginning.
2. The following described tracts of land are classed as I-1 industrial districts:

a. Commencing at the Southwest corner of the Northwest Quarter of Section 7, Township 71, Range 5, Henry County, Iowa, thence North 15 rods, thence East 25 rods, thence South 15 rods, thence West 25 rods to the point of beginning.
b. Beginning on the South line of the NW ¼ of the NW ¼ of Section 22, Township 73 North, Range 6 West of the 5th P.M., a distance of 33 feet East from the intersection of said South line and the center of the pavement on U.S. Highway No. 218, thence East 10 rods along said South line of the NW ¼ of the NW ¼ of said Section 22, thence North 16 rods, thence West 10 rods, thence South 16 rods to the place of beginning.
c. Beginning at a point 38.0 feet West quarter corner of Section 8, Township 71 North, Range 6 West of the 5th P.M., this point being on the North Right-of-Way of U.S. Highway No. 34 and indicated by a State Highway marker, Station 428 20 (Project F-151).