

JACKSON COUNTY ZONING COMMISSION

Monday, June 16, 2025

7:00 p.m.

Community Room, Jackson County Courthouse
201 W Platt Street, Maquoketa, Iowa

Commissioners Present: Chair Mike Burke, Commissioners Sandra Gerlach, Kristine Pfab, Monica McHugh, and Brian Venema

Commissioners Excused: Vice Chair Tom Stewart, Emerita Kies

Staff Member Present: Zoning Administrator Lori Roling & Administrative Assistant Becca Pflughaupt

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chair Burke at 7:02 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were 0 people attending the meeting via Zoom. Those in attendance included:

Randy Rowan

Rhonda Rowan

Laura Carstens, ECIA

MINUTES: Motion by Gerlach, second by McHugh, to approve the minutes of the Zoning Commission meeting as submitted. Motion carried unanimously.

PUBLIC HEARING:

No public hearing items were scheduled for this meeting.

ITEMS FROM PUBLIC: None

WORK SESSION: Preparation of the Jackson County Zoning Ordinance Update Project

Laura Carstens presented the Jackson County Zoning Ordinance Update Project. Carstens stated that the work session packet is posted both on the Jackson County website and the ECIA website.

Carstens pointed out the following major findings regarding Public Hearing Notice and Publication:

In Chapter 335: COUNTY ZONING:

Sections 335.5 and 335.6 establish procedures for the Board of Supervisors regarding notice and publication of public hearings for comprehensive plan adoption and amendment, and zoning ordinance adoption, text amendments, and rezonings, as provided in Chapter 331.305.

Section 335.7 establishes procedures for the Board of Supervisors regarding conditional rezonings and written protests against rezonings signed by at least 20% the owners of property included in or immediately adjacent to the proposed change and within 500 feet of the proposed change and refers to the provisions regarding notice and publication of public hearings in Section 335.6.

Section 335.8 establishes when the Zoning Commission should hold public hearings for zoning ordinance adoption, text amendments, and rezonings. The Zoning Commission's procedures for comprehensive plan adoption and amendment refer to Section 335.5. The Zoning Commission should follow the same public hearing notice and publication requirements as the Board of Supervisors."

Mailing notices to the owners of property within 500 feet of a proposal is not a requirement in Chapter 335. It is recommended, however, that the Zoning Commission continue to mail courtesy notices to inform those property owners most likely to be impacted by a proposal.

Section 335.12 directs the Board of Adjustment to adopt rules in accordance with any zoning regulations or ordinance adopted in accordance with Chapter 335, and to hold public meetings. While not explicit, we can assume that the intent is for the Board of Adjustment to adhere to the same notice and publication requirements as the Board of Supervisors.

Mailing notices to the owners of property within 500 feet of a proposal is not a requirement in Chapter 335. It is recommended, however, that the Board of Adjustment continue to mail courtesy notices to inform those property owners most likely to be impacted by a change.

In Chapter 331 COUNTY HOME RULE IMPLEMENTATION, Section 331.305 states that the Board of Supervisors shall publish the notice at least once, not less than four (4) nor more than twenty (20) days before the date of the hearing in one or more newspapers which meet the requirements of section 618.14.

The current Jackson County Zoning Ordinance has a different time frame: "Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the county."

The recommendation is to replace this current language with a reference to Iowa Code: "Notice shall be given in compliance with Iowa Code Section 331.305."

In Chapter 618 PUBLICATION AND POSTING OF NOTICES, Section 618.14 provides that the Board of Supervisors may publish the hearing notices in one or more newspapers having general circulation in the county.

Adoption of Iowa Code by Reference

In Chapter 335: COUNTY ZONING, Section 335.6 provides that the Board of Supervisors shall adopt regulations, amendments, and rezonings in compliance with Chapter 331.302.

In Chapter 331 COUNTY HOME RULE IMPLEMENTATION, Section 331.302 provides guidance for the Board of Supervisors to adopt by ordinance any portion of Iowa Code by reference as follows:

The ordinance shall describe the subject matter and identify the portion of the Iowa Code adopted by chapter, section, and subsection or other subpart, as applicable.

Amendments or other changes to those portions of the Code of Iowa which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.

Maximizing the adoption of Iowa Code provisions by reference in this Zoning Ordinance Update will minimize the number of future updates that will be triggered by amendments to the Iowa Code.

Moving on to Farm Definition & Related Items. The major updates are as follows:

In Chapter 1 General Provisions, Section 1.20 Farms exempt is revised to reference Iowa Code Section 335.2 and the County's Floodplain Management Ordinance.

In Chapter 2, Section 2.2 A-1 Agricultural District is amended in subsection C. Accessory Uses and Structures to:

Remove reference to home occupation (which will be replaced with Home-Based Business) and farm home occupation (which is farm exempt).

Remove reference and conditions for roadside stands (which are farm exempt).

In Chapter 6. Definitions:

NEW definition for Farm refers to relevant sections of Iowa Code and Iowa Administrative Code.

The definition for Home Occupation, Farm is deleted because it is covered under the proposed new definition for Farm.

Revised Home-Based Business & Home Industry major updates are as follows:

Home Occupation is allowed as an Accessory Use in the A-1 and R-1 Districts. It's replaced by Home- Based Business in accordance with Iowa Code Section 335.35 definitions and characteristics of a "no- impact home-based business." It is moved from being regulated in Chapter 6. Definitions to Section 2.9. Note: Iowa Code 335.35 restricts the number onsite employees and clients by occupancy limit. A proposed occupancy limit is for no more than 1 employee outside the family residing on the premises.

Farm Home Occupation is allowed as an Accessory Use in the A-1 District. It is proposed to be deleted as a Farm Exempt use in accordance with Iowa Code definitions and characteristics of "Farm."

Home Industry is proposed to be renamed from a Special Exception to a Conditional Use in the A-1 Agricultural District as a home-based business with 2 or more employees outside the family residing on the premises. It has a blend of characteristics from the current Ordinance and from Iowa Code. It is moved from being regulated in Chapter 6. Definitions to Section 2.9.

Carstens stated that the campground definitions and regulations have a little more regulations, with a little more clarity. Major updates proposed are as follows:

UPDATE: Revise the definitions of Campground and Travel Trailer to be more consistent with and to reference Iowa Code and Iowa Administrative Code.

NEW: Expand the number of definitions related to "campground," distinguish between commercial/private and public campgrounds, and incorporate the general land use categories related to recreation.

NEW: Provide more definitive conditions for campgrounds and similar conditional uses in the A-1 Agricultural and C-1 Highway Commercial Districts in Section 2.9 Supplemental Regulations.

Iowa Code definitions are included and Carstens put together a chart that includes the features of the different campgrounds.

Carstens moved on to the next draft: Cemetery and burial site. Major updates proposed are as follows:

The current parking requirement for a cemetery is 20 spaces off the right-of-way on drives or parking areas. In Iowa, there aren't specific statewide parking requirements for cemeteries. Typically, cemeteries will provide parking along roads, or in pull-offs, rather

than dedicated parking lots. 20 spaces is not based on any formula or research, and it could be too many or too few. The staff recommendation is to revise the parking requirements to read: "As per site plan approved by Zoning Administrator."

Burial site has been added as an accessory use in the A-1 District.

The next section to review was 2.3 R-1 Residential District. Major updates proposed are as follows:

Tables are used for Principal, Accessory, and Conditional Uses and Structures.

Land uses and parking requirements are revised according to the Matrix of Allowed Uses.

References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

Specific updates to address older subdivisions also have been proposed as follows: Subdivisions were platted in the County's unincorporated areas prior to the effective date of the first Zoning Ordinance on May 6, 1976. One of the planned Zoning Ordinance updates to accommodate these older subdivisions was creation of an R-2A Alternative Residential District.

Rather than create a new zoning district, County Zoning and ECIA staff have drafted a revised R-1 Residential District that we think can accomplish the same goals without having to rezone any parcels.

The report researched and prepared for the Leisure Lake Planned Unit Development (LLPUD) proposal formed the basis for the alternative recommendations. This report included input from the Leisure Lake Property Owners' Association (LLPOA).

Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns.

Statement of Intent seeks to: Establish zoning regulations that reflect the existing development pattern a

Allowable Uses and Structures are intended to reflect existing residential development.
Principal

Permitted principal uses and structures are a short list from the R-1 Residential district combined with LLPOA rules, such as required connection to a sanitary sewage disposal system for residential structures occupied for an extended period.

Accessory

The accessory structure related to a principal use or structure on a separate lot that has been the subject of zoning enforcement would be allowed in the pre-1976 subdivisions.

Accessory structures related to a principal use or structure may be permitted on the same lot as the principal use or structure or on a separate lot.

Accessory structures related to a principal seasonal dwelling use with no principal structure on the same lot are permitted.

Development Regulations are based on the regulations for dwellings in the R-1 Residential District, and the regulations governing a seasonal resort (special exception use in the A-1 Agricultural district). The minimums for lot area and street frontage are based on analysis of the 549 R-1 zoned parcels in Leisure Lake area.

Moving on to Section 2.8 Supplemental Regulations. Major updates proposed are as follows:

Visibility at intersections has been revised per discussion at the Commission's March meeting.

New language is proposed regarding more than one principal structure on a "residential lot."

A new subsection for Accessory Dwelling Units has been updated based on new Iowa Code (attached) and compliance with development regulations for single-family residences in A-1 and R-1 Districts.

A proposed subsection for Solar Energy Systems has been added.

References for Wind Energy Conversion System and Data Processing Centers Ordinances have been added.

References are highlighted for relevant sections of the Iowa Code, Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

In regards to more than one principal structure on a residential lot, McHugh stated that in her opinion if you're adding a second home on your property, what should really be the governance, especially in a rural area is your water and septic, can it support your residence. Carstens stated that if you're going to build a separate residence, unless it's an accessory dwelling unit as allowed under Iowa Code, you should have it on its own lot, so we know that it meets the requirements. Carstens pointed out that the ordinance states: "More Than One Principal Structure on a Lot. In any district, more than one (1) principal structure housing an allowed principal use may be erected on a single lot provided that the area, setback and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot." Carstens stated if you are in a single-family residential district the expectation is a single-family residential district will have one house per lot. McHugh stated she disagrees with that depending on the size of the lot. If you're in a rural area and you're on a lot that is big enough to have two houses on it then you should be able to put two houses on it, but the governing factor should be the septic and the well. There was discussion regarding whether the County Engineer should be involved and should dictate to the property owner on what they have to have for a private road. Carstens stated the change will be to take out, "shall be met for each structure as though it were on an individual lot, subject to and we'll reference the language regarding using the County Health Department guidelines for water and septic. More discussion followed. Roling stated typically the ownership is going to be by the underlying lot owner. Carstens stated those homes could all be short term rental or long-term rental. Venema questioned the lots in the future about being split up. Carstens stated they would have to meet the development regulations for the lot area and the setbacks for the buildings from the side or rear yard and hopefully that was thought about when they figured out if they have enough area to put the houses up with the sewer and water, which does have some separation requirements depending on what systems are used. McHugh stated that that's why we shouldn't look at the structure, we should look at the underlying that has more effect on the neighbors than the structures being there. Some discussion followed. There was consensus amongst the Commissioners to make the change suggested.

Moving on to 2.8 G., Carstens suggested to remove 1 through 4 and to instead reference that access is determined by either the Board of Supervisors or the County Engineer as opposed to the Zoning Administrator having to go through all of those things.

Carstens stated, after moving on to the Accessory Dwelling Unit, the Iowa Code says you can set up a size limit, so that's what we've suggested. Due to McHugh's suggestion previously, #5 will now be dropped, it had said, "5. Residential Restriction. An ADU shall be restricted to a residential lot. For purposes of this Section, a "residential lot" is a platted lot designated for building a single-family residence that complies with the development regulations of and is located in the A-1 Agricultural District or R- 1 Residential District."

Roling brought up Flag Lots and it was determined that due to the Jackson County Subdivision Ordinance being rewritten that Flag Lots will now be referenced to the Jackson County Subdivision Ordinance.

There was some discussion regarding Accessory Dwelling Units.

Carstens pointed out the chart she created that shows what has been completed with the Zoning Ordinance Update. She is giving the Commissioners the option to take July to continue to work through the regulations of the Districts and then set the hearing for August. Commission consensus is to set the Public Hearing in August. The ECIA contract will run out in August, and we will have to extend that.

ITEMS FROM Commission: Consensus from the Commission to extend the moratorium for the Data Processing Center Ordinance.

ITEMS FROM STAFF: Next Meeting July 21, 2025 at 7:00 p.m.

ADJOURNMENT: Motion by Pfab, second by McHugh, to adjourn the June 11, 2025 Zoning Commission meeting. Motion carried unanimously.

The meeting adjourned at 9:11 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 7/21/2025