

Current Structure

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CHAPTER 1. GENERAL PROVISIONS.

CHAPTER 2. DISTRICT REGULATIONS

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CHAPTER 1. GENERAL PROVISIONS

1.1 Title. This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Jackson County, Iowa.

1.2 Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas of Jackson County outside the incorporated limits of municipalities.

1.3 Purpose. This Ordinance is adopted in accordance with, and as authorized by, Iowa Code Chapter 335. Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.

1.4 Effective Date. This Ordinance shall be in full force and effect after its passage and publication as provided by law.

1.5 Relationship to the Land Use Policy Statement and Comprehensive Plan. In accordance with Iowa Code Section 335.5, the regulations in this Ordinance are made in accordance with the Jackson County Land Use Policy Statement and the Jackson County Comprehensive Plan adopted by the Jackson County Board of Supervisors.

It is the intention of this Ordinance to implement the goals and objectives reflected in the Land Use Policy Statement and the Comprehensive Plan. While Jackson County reaffirms its commitment that the provisions of this Ordinance and any amendments made to this Ordinance shall conform to adopted planning policies, Jackson County acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Land Use Policy Statement or the Comprehensive Plan.

1.6 Minimum Requirements Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. Where for specific land, the requirements of any other ordinances of the County are more stringent or restrictive than the requirements set forth in this Ordinance; nothing herein shall be construed to waive compliance with the provisions of such other Ordinance.

1.7 Separability Clause. Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

1.8 Not a Licensing Ordinance. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

1.9 Private Agreement. This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or

Commented [LC1]: Related to Iowa Code

Commented [LC2]: Moved from old Ch. 3

Commented [LC3]: Relates to Iowa Code

Commented [LC4]: Moved from old Ch. 3

requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this Ordinance shall govern.

1.10 Code References.

A. Any references herein to sections of the Jackson County Code of Ordinances are to those sections in force on the effective date of this Ordinance. Amendments or other changes to those portions of the County Code which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.

B. Iowa Code Section 335.6 provides that the Board of Supervisors shall adopt regulations, amendments, and rezonings in compliance with Iowa Code Section 331.302, which provides that the Board of Supervisors may adopt by ordinance any portion of Iowa Code by reference as follows:

1. 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.
2. Amendments or other changes to those portions of the Iowa Code which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.

1.11 Headings or Titles. Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

1.12 Cumulative Provisions. The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

3-5-1.13 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Commented [LC5]: Moved from old Ch. 3

1.14 Iowa Open Meetings Law. The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under Iowa Code Chapter 21. Wherever in this Ordinance a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.

Commented [LC6]: Relates to Iowa Code

1-1-1.15 Establishment of Districts. The following districts are hereby established for the unincorporated areas of the county:

Commented [LC7]: Renumbered Sections 1.15-1.20 are from old Ch. 1

- | | |
|-----|-----------------------------------|
| A-1 | Agricultural |
| R-1 | Residential |
| C-1 | Highway Commercial |
| M-1 | Limited Industrial |
| M-2 | General Industrial |
| PUD | Planned Unit Development District |

The locations and boundaries of these districts are shown on the Official Zoning Map.

1-2-1.16 Adoption of Official Zoning Map. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1-3-1.17 Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

"This is to certify that this is the Official Zoning Map referred to in ~~Chapter 1, Section 1.2, of the~~ Zoning Ordinance of Jackson County, Iowa, as adopted on the 26th day of April, 1976, A. D. and as amended thereafter."

The Official Zoning Map shall be on file in the office of the County Auditor and shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

1-4-1.18 Changes in Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this Ordinance under Section 3-25.4 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, with the signature of the Chair~~man~~ of the Board of Supervisors approving such change in the Official Zoning Map. No amendment to this Ordinance which involves ~~matter~~ information portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this Ordinance and be punishable as provided in Section 2-43.4 of this Ordinance.

1-5-1.19 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections ~~4-A~~ through ~~5-E~~ above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections ~~4-A~~ through ~~6-F~~ above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

1-6-1.20 Farms exempt. In accordance with Iowa Code Section 335.2, farms as defined in Chapter 6 of this Ordinance shall be exempt from any ~~No~~ regulation or requirement adopted under the provisions of this Ordinance; ~~however, this Ordinance shall be construed to may apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, construction, deposit or excavation in or on the flood plains of any river or stream which may be contained herein, or which may be subsequently adopted under this Ordinance shall apply equally to agricultural and nonagricultural lands, buildings, and structures in accordance with the Jackson County Flood Plain Management Ordinance.~~

~~No Construction Compliance Certificate or Occupancy Compliance Certificate shall be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used.~~

~~Any farm dwelling, building or structure, while not requiring a Construction Compliance Certificate or Occupancy Compliance Certificate, shall comply with the same flood plain zoning regulations as non-farm buildings and structures.~~

~~**1.7 Schedules of District Regulations.** The following schedules of district regulations are hereby adopted and declared to be a part of this ordinance:~~

_____	A 1	Agricultural
_____	R-1	Residential
_____	C 1	Highway Commercial
_____	M 1	Limited Industrial
_____	M 2	General Industrial

Commented [LC8]: Moved to new Chapter 2, Section 2.1.

CHAPTER 42. ZONING DISTRICT REGULATIONS

1-72.1 Schedules of District Regulations. The following schedules of zoning district regulations are hereby adopted and declared to be a part of this ordinance:

A. Schedule of Zoning Districts. A zoning district is a section of the unincorporated areas of Jackson County in which zoning regulations and standards are uniform. **Table A.1. Schedule of Zoning Districts** lists the symbol and name of each zoning district. The A-1, R-1, C-1, M-1 and M-2 zoning districts each include a statement of intent; regulations for allowed principal, accessory, conditional, and temporary uses and structures; development regulations; allowed signs; and required off-street parking, stacking and loading spaces. The PUD zoning district includes a statement of intent and special requirements. These symbols shall be used on the Official Zoning Map in accordance with **Chapter 1** of this Ordinance.

Table A.1. Schedule of Zoning Districts	
Symbol	Name
A-1	Agricultural
R-1	Residential
C-1	Highway Commercial
M-1	Limited Industrial
M-2	General Industrial
PUD	Planned Unit Development

B. Schedule of Land Uses and Structures.

1. Types of Land Uses and Structures. Land uses and structures in each zoning district are allowed as Farm Exempt, Principal, Accessory, Conditional, Temporary, or Not Allowed, subject to special standards and processes. **Table B.1. Schedule of Types Land Uses and Structures** lists the symbol, the name of each type of land use and structure, and examples of uses and structures.

Table B.1. Schedule of Land Uses and Structures			
Symbol	Type	Examples of Uses	Examples of Structures
F	Farm Exempt	Agriculture, Nursery	Barn, Greenhouse
P	Principal	Residential, Education	Single-family dwelling, School building
A	Accessory	Garden, Parking	Fence, Porch, Garage, Parking lot, Sign
C	Conditional	Bulk storage, Mining	Storage tanks, Processing equipment
T	Temporary	Construction site	Construction trailer
N	Not Allowed	Industry in R-1 district	Concrete plant in R-1 district

1. Categories of Major Land Uses and Structures. Land uses and structures are grouped into major land use categories for easier identification, regulation, and interpretation. **Table B.2. Schedule of Categories Major Land Uses and Structures** lists the name of each category with examples. The categories are listed in the order they will typically be found in this and other Sections of **Chapter 2** of this Ordinance.

Table B.2. Schedule of Categories Major Land Uses and Structures	
Name	Examples
Farm Exempt	Farm, Grain bin
Residential	Family home, Single-family dwelling
Lodging	Boarding or lodging house, Motel
Educational and Assembly	Elementary school, Adult and child day care centers
Commercial	Car wash, General retail, Event venue
Recreational	Campground, Golf course
Industrial	Batch plant, Solid waste facility
Other Uses	Solar and wind energy systems

2. Application. The standards listed in this Section apply to development on all parcels in the unincorporated areas of the County upon the effective date of this Zoning Ordinance. In accordance with **Section 2.10** of this Ordinance, existing uses and structures that do not comply shall be subject to the requirements of **Section 2.10**. Planned Unit Developments (PUDs) may have flexibility in these development requirements, subject to the PUD approval process.

3. Types of Uses and Structures. Within zoning districts in the unincorporated areas of County, different types of uses and structures are allowed with different conditions and levels of permission. These uses and structures are displayed in **Table B.3. Matrix of Principal and Conditional Uses and Structures**. Levels of permission include:

a. Farm Exempt Uses and Structures. In accordance with **Section 1.20** of this Ordinance, farms as defined in **Chapter 6** of this Ordinance shall be exempt from any regulation or requirement adopted under the provisions of this Ordinance; however, this Ordinance may apply to any structure, building, dam, construction, deposit or excavation in or on the floodplains of any river or stream in accordance with the Jackson County Floodplain Management Ordinance. Farm exempt uses and structures are indicated in **Table B.3. Matrix of Principal and Conditional Uses and Structures** and in **Table B.4. Matrix of Accessory and Temporary Uses and Structures** by a "F" in the applicable cell.

Commented [LC1]: New general category to more clearly identify farm exempt use and structures. Definition of Farm revised to refer to relevant Iowa Code and Iowa Administrative Code sections. See recommendations for Farm Definition

b. Principal Uses and Structures.

(1) A "principal use" refers to the primary or main purpose for which a particular piece of land, building, or structure is used. A "principal structure" refers to the main building on a property in terms of size, area, and function, or a building where the principal use of the site is conducted.

(2) Principal uses and structures are permitted by right, subject to compliance with all regulations of this Ordinance. "Permitted by right" means a property owner can use their land or structure for a specific purpose as outlined in the Zoning Ordinance, without needing special permission or discretionary approval, in contrast to conditional uses and structures, which require Board of Adjustment review and approval.

(3) Principal uses and structures may subject to issuance of a zoning permit by the Zoning Administrator, and other applicable regulations in the Jackson County Code of Ordinances. Principal uses and structures may be subject to additional regulations in

Chapter 6, Section 2.8, and Section 2.9 of this Ordinance. These uses and structures are indicated in Table B.3. Matrix of Principal and Conditional Uses and Structures by a “P” in the applicable cell.

c. Accessory Uses and Structures.

- (1) An “accessory use” is a subordinate and incidental use of land that is located on the same lot as the principal use or structure and customarily associated with it. It is a use that is supportive of, related to, and dependent on, the primary activity on the property. An “accessory structure” is a subordinate and incidental building or structure located on the same lot as the principal use or structure and devoted to an accessory use.
- (2) An accessory use or structure cannot exist independently; it relies on the presence and function of the principal use, except as provided otherwise, such as with Alternative Residential Regulations (see Subsection 2.1.B.2.g. below).
- (3) Accessory uses and structures are allowed subject to compliance with all regulations of this Ordinance. Accessory uses and structures may be subject to issuance of a zoning permit by the Zoning Administrator, and other applicable regulations in the Jackson County Code of Ordinances. Accessory uses and structures may be subject to additional regulations in Chapter 6, Section 2.8, and Section 2.9 of this Ordinance. These uses and structures are indicated in Table B.4. Matrix of Accessory and Temporary Uses and Structures by an “A” in the applicable cell.

Commented [LC2]: Notes the exception to the rule for pre-1976 residential subdivisions.

d. Conditional Uses and Structures.

- (1) These uses and structures are subject to a review process to ensure they are compatible with the surrounding area and comply with specific conditions outlined in this Ordinance. They require approval of a Conditional Use Permit by the Board of Adjustment following the procedure set forth in Section 4.5 of this Ordinance, and are subject to compliance with all regulations of this Ordinance.
- (2) Conditional uses and structures may be subject to issuance of a zoning permit by the Zoning Administrator, and other applicable regulations in the Jackson County Code of Ordinances. Conditional uses and structures may be subject to other additional regulations in Chapter 6, Section 2.8, and Section 2.9 of this Ordinance. These uses and structures are indicated in Table B.2. Matrix of Principal and Conditional Uses and Structures by a “C” in the applicable cell.

Commented [LC3]: New name for special exception uses and structures

- e. Temporary Uses and Structures.** These uses and structures are allowed only on a temporary basis subject to compliance with all regulations of this Ordinance. Temporary uses and structures may be subject to issuance of a zoning permit by the Zoning Administrator, and other applicable regulations in the Jackson County Code of Ordinances. Temporary uses and structures may be subject to other additional regulations in Chapter 6, Section 2.8, and Section 2.9 of this Ordinance. These uses and structures are indicated in Table B.4. Matrix of Accessory and Temporary Uses and Structures by a “T” in the applicable cell.

Commented [LC4]: Moved into new category for approval by Zoning Administrator instead of Board of Adjustment

f. **Not Allowed Uses and Structures.** These uses and structures are not allowed in the specific zoning district. These uses and structures are indicated in **Table B.3. Matrix of Principal and Conditional Uses and Structures** and in **Table B.4 Matrix of Accessory and Temporary Uses and Structures** by an “N” in the applicable cell.

Commented [LC5]: The Zoning Commission requested that this classification be added to the matrix.

g. **Standard and Alternative Residential Regulations.**

(1) Subdivisions and individual lots were platted in the County’s unincorporated areas prior to the effective date of the first Jackson County Zoning Ordinance on May 6, 1976. Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns. Some of these older subdivisions may have an active property owners’ association (POA).

(2) The following subcategories for levels of permission were developed to accommodate existing and future development on parcels platted before May 6, 1976. Residential - Standard regulations apply in all A-1 and R-1 Districts for principal and accessory uses and structures while Residential - Alternative regulations only apply to subdivisions and lots platted before May 6, 1976. Residential – Alternative regulations and Residential - Standard regulations are shown for principal uses and structures in **Table B.3. Matrix of Principal and Conditional Uses and Structures** and for accessory uses and structures in **Table B.3. Matrix of Accessory and Temporary Uses and Structures.**

5. **Matrix of Principal and Conditional Uses and Structures.** Table B.3. provides the Matrix of Principal and Conditional Uses and Structures. The following codes in a cell shall apply as follows: P = Principal, C = Conditional, and N = Not Allowed. Table B.3. does not replace or supersede the additional standards and/or supplemental regulations in this Zoning Ordinance that apply to any use and any zoning district.

Table B.3. Matrix of Principal and Conditional Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Farm Exempt					
Agriculture	F, P	N	N	N	N
Farms, farming and farm buildings	F, P	N	N	N	N
Farm dwelling, principal	F, P	N	N	N	N
Farm home occupation					
Grain storage bins	F, P	N	N	N	N
Horticulture	F, P	N	N	N	N
Plant Nursery	F, P	N	P	N	N
Residential - Alternative					
Mobile home	P	P	N	N	N
Mobile home converted to real estate	P	P	N	N	N
Mobile home park on tracts of five (5) acres or more	N	C	N	N	N
Mobile home subdivision on tracts of ten (10) acres or more	N	C	N	N	N
Multiple family dwelling, including residential condominium	C	C	P	N	N

Commented [LC6]: Deleted, part of Farm definition and therefore Farm Exempt

Table B.3. Matrix of Principal and Conditional Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
<u>Place of assembly</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>POA owned indoor commercial recreation facility</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>POA owned outdoor commercial recreation facility</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Seasonal dwelling, detached</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Single-family dwelling, detached</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
Residential - Standard					
Conversion of structure to two-family dwelling	C	N	N	N	N
<u>Family home</u>	<u>C</u>	<u>P</u>	<u>P</u>	N	N
Mobile home park on tracts of five (5) acres or more	N	C	N	N	N
Mobile home subdivision on tracts of ten (10) acres or more	N	C	N	N	N
Multiple family dwellings, including residential condominiums	C	C	<u>P</u>	N	N
<u>Seasonal dwellings, detached</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Single-family dwellings, detached</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
Lodging					
<u>Bed and breakfast home</u>	<u>P</u>	N	<u>P</u>	N	N
<u>Bed and breakfast inn</u>	N	N	<u>P</u>	N	N
<u>Boarding or lodging house</u>	N	N	<u>P</u>	N	N
Hotel/Motel	N	N	P	N	N
Educational and Assembly					
<u>Adult day care center</u>	<u>C</u>	<u>P</u>	<u>P</u>	N	N
<u>Child care center</u>	<u>C</u>	<u>C</u>	<u>P</u>	N	N
<u>Child development home</u>	<u>C</u>	<u>C</u>	<u>P</u>	N	N
Elementary school	P	P	N	N	N
Fairgrounds & and public exposition	P	N	<u>P</u>	N	N
<u>Place of assembly church, community meeting building</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Post high school</u>	<u>P</u>	<u>P</u>	<u>P</u>	N	N
<u>Preschool</u>	<u>C</u>	<u>C</u>	<u>P</u>	N	N
Secondary school	P	P	N	N	N
Commercial					
<u>Agricultural experiences</u>	<u>A</u>	N	N	N	N
<u>Agricultural sales, service, and supply businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; alfalfa dehydrating, the sale of feeds, feed supplements, and miscellaneous farm supplies; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; the storage, distribution and sale of petroleum products, including sale from tank trucks; the buying and temporary storage of wool or hides; trenching or well drilling; but not including the sale or display of farm machinery, building materials or appliances</u>	C	N	P	P	N

Commented [LC7]: Added use, definitions, and standards to comply with Iowa Code

Commented [LC8]: Included in broader, more inclusive definition of new general land use category: **Place of Assembly**

Commented [LC9]: Added accessory use to comply with Iowa Code

Commented [LC10]: Combine Agricultural service businesses in A-1 with Agricultural service and supply businesses in M-1 to create a new General Land Use Category and incorporate this list of uses into the definition: **Agricultural sales, service, and supply businesses**

Table B.3. Matrix of Principal and Conditional Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Airports and landing fields approved by the Federal Aviation Agency (FAA)	C	N	N	N	N
Animal hospital/Veterinary clinic	N	N	P	P	N
Building materials and distribution/Lumber yard sales & distribution	N	N	P	P	P
Car Wash	N	N	P	N	N
Cemeteries	P	P	N	N	N
Commercial cell communications stations and towers	C	N	C	C	C
Event venue	C	N	P	N	N
Financial institution Drive-in bank	N	N	P	N	N
Garden center	N	N	P	N	N
Garden center in conjunction with plant-nursery	C	N	P	N	N
Gas station Retail automotive fuel sales	N	N	P	N	N
General office	N	N	P	N	N
General retail Antique shops, art galleries and studios, bait shops, fishing and camping supply shops, convenience stores & liquor stores	N	N	P	N	N
General services	N	N	P	N	N
Greenhouse, commercial	N	N	P	N	N
Home industry	C	N	N	N	N
Kennel	P	N	P	P	N
Livestock market-market auction sales	C	N	P	N	N
Mini-warehouse/Rental storage units	N	N	P	P	N
Mobile home/Manufactured home sales, service or repair	N	N	C	N	N
Nightclub/Bar/Tavern	N	N	P	N	N
Personal services	N	N	P	N	N
Plumbing, heating, air conditioning, and sheet metal shops	N	N	P	P	N
Restaurants & nightclubs	N	N	P	N	N
Restaurant, drive-in Restaurants & refreshment areas	N	N	P	N	N
Riding stables	P	N	P	N	N
Tourism welcome center/Information booth	N	N	P	N	N
Automobile-Vehicle paint & and body shops	N	N	P	P	P
Vehicle sales, service, and repair Automobile and automotive sales, service and/or repair; Boat sales, service and/or repair; Construction equipment sales, service and/or repair; Farm implement sales, service and/or repair; Motorcycle sales, service, and repair; Motorcycle sales, service, and repair; Snowmobile, golf cart, personal watercraft, similar recreational vehicles sales, service, repair; Truck sales, service and/or repair	N	N	P	P	P
Recreational					

Commented [LC11]: new general land use category

Commented [LC12]: new general land use category

Commented [LC14]: Name and definition changed to match Iowa Code

Commented [LC15]: new general land use category

Commented [LC16]: Included in definition of new general land use category: Vehicle Sales, Service, and Repair

Table B.3. Matrix of Principal and Conditional Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Indoor commercial recreation, including recreational lodges with a maximum of ten (10) units recreation & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls, indoor theaters, community recreation building	C	N	P	N	N
Commercial campground and recreational vehicle park on sites of less than 5 acres	C	N	N	N	N
Commercial campground and recreational vehicle park on sites of at least five (5) acres	N	N	C	N	N
Golf courses and clubhouses not including miniature courses operated for a profit	C	N	P	N	N
Golf courses and clubhouses	P	N	N	N	N
Outdoor Commercial Recreation on site of less than five (5) acres drive-in theaters, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities;	C	N	P	N	N
Private campground on site of less than five (5) acres	C	N	N	N	N
Public campground	P	N	P	N	N
Public recreation lake, pond, hunting area, public park, public playground, public recreation area, wildlife preserves	P	P	P	N	N
Seasonal resorts	C	N	N	N	N
Tourist camp on sites of not less than five (5) acres	C	N	N	N	N
Youth or Summer Camps	C	N	N	N	N
Industrial					
Animal feeding operation Commercial feedlots	C	N	N	N	N
Ready mix Batch concrete plants	C	N	N	N	P
Bulk storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure	C	N	C	C	N
Bulk storage of oils, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anhydrous ammonia fertilizer and petroleum products under pressure	N	N	N	N	C
Concrete products	N	N	N	N	P
Contractor construction office, maintenance shop or storage yard	N	N	N	P	P
Data Center	?	?	?	?	?
Grain elevator	N	N	N	P	N
Junkyard on site of five (5) acres or more	N	N	N	N	C
Logging, storage only	P	N	N	P	N
Logging, production and storage	N	N	N	N	-P

Commented [LC17]: Included in definition of new general land use category: **Indoor Commercial Recreation**

Commented [LC18]: See recommendations for Campground Zoning

Commented [LC19]: Included in definition of new general land use category: **Outdoor Commercial Recreation**

Commented [LC20]: See recommendations for Campground Zoning

Commented [LC21]: Included in definition of new general land use category: **Public Recreation**

Commented [LC22]: Name and definition changed to match Iowa Code

Commented [LC23]: New definition for Bulk Storage, pulled out of agricultural service business as a separate Conditional Use with additional standards.

Commented [LC24]: To be determined

Table B.3. Matrix of Principal and Conditional Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Manufacturing and processing uses businesses that are contained within a building, and have no publicly visible external storage and create no offensive noise, dust, odor, vibration, electrical interference or other environmental nuisance . The area devoted to external storage shall not exceed the area of roofed structures on the parcel.	N	N	N	P	P
Manufacturing and processing, not restricted as conditional uses	N	N	N	N	P
Manufacturing and processing, except that certain uses shall be permitted only as restricted to special exceptions conditional use	N	N	N	N	C
Mining and extraction of minerals or raw materials, including necessary processing equipment	C	N	N	N	C
Solid waste facility	C	N	N	N	C
Truck & and freight terminals	N	N	N	N	P
Welding, machine and repair shops	N	N	N	P	N
Wholesaling and warehousing, but not including the bulk storage of anhydrous ammonia fertilizer under pressure, petroleum products under pressure, or highly volatile chemicals or materials	N	N	N	P	P
Other Uses					
Addition of accessory structure to principal structure devoted to legal nonconforming use	C	C	C	C	C
Solar energy system: consumer-scale freestanding	C	N	C	C	C
Solar energy system: utility-scale freestanding	?	?	?	?	?
Wind energy conversion system: commercial	C	N	C	C	C
Railroads, public utility utilities , and public maintenance facilities garages and equipment and materials storage yards, but not including administrative or sales offices; Public maintenance facilities including garage and administrative office, but not including equipment and materials storage yard; Railroads and public utilities but not including equipment storage or maintenance yards; Railroads, public maintenance garage, and public utility facilities including equipment and materials storage and maintenance yards and buildings, and administrative or sales offices	P	N	P	P	P
Railroads, public utility, and public maintenance garage, and public utility facilities ies , but not including equipment storage, or maintenance yards, and buildings or and administrative or sales offices		P			

Commented [LC25]: Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations combined in definition for new general use category of **Solid Waste Facility**

Commented [LC26]: Added definitions for Wholesaling and Warehousing; recommend using longer combined definition that includes "highly volatile chemicals or materials"

Commented [LC27]: To be determined

Commented [LC28]: Consolidation of similar descriptions; See recommendations for **Railroads and Utilities**

Commented [LC29]: Revised description; See recommendations for **Railroads and Utilities**

5-6. Matrix of Accessory and Temporary Uses and Structures. Table B.4. provides the Matrix of Farm Exempt, Accessory, and Temporary Uses and Structures. The following codes in a cell shall apply as follows: F = Farm Exempt, A = Accessory Use, C = Conditional Use, T = Temporary Use, and N = Not Allowed. Table B.4. does not replace or supersede the additional standards and/or supplemental regulations in this Zoning Ordinance that apply to any use and any zoning district.

Table B.4. Matrix of Accessory and Temporary Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Farm Exempt					
Farm dwellings, secondary	F, A	N	N	N	N
Farm market or roadside stands for the sale of produce	F, A	N	N	N	N
Residential – Alternative					
<u>Accessory structure related to a principal use or structure on a separate lot</u>	A	A	N	N	N
<u>Accessory structure related to a principal seasonal dwelling with no principal structure on lot</u>	A	A	N	N	N
Residential - Standard					
<u>Accessory dwelling unit (ADU)</u>	A	A	A	N	N
<u>Attached and/or detached private garage or carport</u>	A	A	A	N	N
<u>Child care home</u>	A	A	A	N	N
Deck, porch, balcony, carport , boat dock, and other similar structure	A	A	A	N	N
Dwelling units in a commercial structure	N	N	A	N	N
Dwelling units for <u>owners or persons watchmen or caretakers</u> employed on the premises	N	N	N	A	A
Fences, hedges, <u>and walls</u>	A	A	A	A	A
Home-based business occupation	A	A	A	N	N
<u>Non-commercial nursery</u> , garden and greenhouse	A	A	A	A	A
<u>Outdoor fixed fire pit and cooking equipment</u>	A	A	A	A	A
Private swimming pool, <u>sports court</u> , tennis court, <u>and playground equipment</u>	A	A	A	N	N
<u>Shed, gazebo, pergola, and other similar roofed freestanding structure</u>	A	A	A	A	A
Educational, Assembly and Commercial					
<u>Automated teller machine (ATM)</u>	N	N	A	N	N
<u>Agricultural experiences</u>	A	N	N	N	N
<u>Child care home</u>	A	A	A	N	N
Home occupation <u>Home-based business</u>	A	A	A	A	N
Storage warehouses <u>building</u> in conjunction with the permitted an allowed principal uses or structures of this district	N	N	A	A	A
Other Uses					

Commented [LC30]: Accessory use is part of Farm definition and therefore Farm Exempt

Commented [LC31]: Added use, definitions, and standards to comply with Iowa Code

Commented [LC32]: Storage building and Warehouse mean different types of services based on capacity, duration, etc. are now separate uses

Table B.4. Matrix of Accessory and Temporary Uses and Structures					
Land Uses and Structures by Major Category	Zoning Districts				
	A-1	R-1	C-1	M-1	M-2
Burial site	<u>A</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Solar energy system: consumer-scale building-mounted	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Temporary concrete batch plant	T	N	N	T	T
Temporary buildings used in conjunction with construction work	T	T	T	T	T
Temporary car crushers or similar equipment	N	N	N	T	T
Uses and structures clearly incidental to the allowed permitted principal uses and structures including home occupations and farm home occupations as defined	A	A	A	A	A
Wind energy conversion system: non-commercial	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>

C. Schedule of Required Off-Street Parking, Stacking, and Loading Requirements. Subject to **Section 1.20** and **Section 4.5** of this Ordinance, the following provisions, regulations, or exceptions shall apply equally to allowed land uses and types in all zoning districts as hereinafter provided as shown in **Table C.3 Matrix of Off-Street Parking, Stacking and Loading Requirements**. Additional regulations in **Chapter 6, Section 2.8**, and **Section 2.9** of this Ordinance. Planned Unit Developments (PUDs) may have flexibility in these requirements, subject to the PUD approval process.

1. Calculation of Off-Street Parking Requirements. The following provisions shall govern the computation of required off-street parking spaces:

- a. Computation.** Where computation of required off-street parking spaces results in a fractional number, the total required spaces for the use shall be rounded to the next higher whole number.
- b. Credit.** Where a lawful use exists at the time of adoption of this Ordinance that is deficient in the provision of required off-street parking, any new use hereafter established in its place shall conform to the parking requirements of this **Section 2.1**. However, in computing the off-street parking requirements for any new use, such new use shall be credited for the number of off-street parking spaces that the previous use was in deficit.
- c. Multiple Uses.** In cases of multiple uses on a single lot, the parking spaces required shall equal the sum of the requirements of the various uses computed separately unless a proposal for shared parking reduction is approved by the Zoning Administrator.
- d. Shared Use Parking Reduction.** Where more than one use is established on a single lot or within a single development in a non-residential district, the total number of off-street parking spaces required for each use may be combined and shared between uses. Where the uses have non-concurrent parking demands, a proposal for sharing a reduced number of off-street parking spaces may be presented to the Zoning Administrator as part of the site plan review process. Conditional use applications for which sharing a reduced number of off-street parking spaces is being proposed shall have shared parking approved as part of the conditional use permit.

e. **Expansion.** Whenever a building is enlarged in floor area, number of dwelling units, seating capacity or otherwise, an increase in the number of existing parking spaces shall be required. Whenever a building existing prior to the effective date of this Zoning Ordinance is enlarged to the extent of fifty percent (50%) or more in the floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth in this Ordinance.

f. **Unnamed Use.** The parking space requirement for a use not specifically mentioned in this Ordinance, is the same as required for a use of similar nature as determined by the Zoning Administrator.

2. **Off-Street Parking, Stacking, Loading and Storage Design Provisions.** The provisions of this Section 2.1 shall apply to uses and structures within all zoning districts of the County. No such use or structure shall be commenced, expanded, or enlarged in any manner unless the provisions of this Section 2.1 are met. These provisions shall be in addition to the requirements set forth in Subsection 2.1.C.5. of this Ordinance.

Commented [LC33]: Moved from Section 2.8 to keep all parking requirements are in one section.

a. **Site Plan Required.** A site plan shall be required for the construction or creation of any off-street parking, stacking, loading, or storage facility, or the expansion of any existing off-street parking, storage, or loading facility, in conjunction with the procedures for application for a zoning permit in Chapter 3 of this Ordinance.

b. **Design Standards.**

(1) **Driveways, Entrances and Exits.** All driveways, entrances and exits for off-street parking, stacking, loading, and storage spaces shall be surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material and shall comply with Subsection 2.8.G. of this Ordinance.

(2) **Parking Space.** An area surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material, enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways or drive aisles, permanently reserved for the temporary storage of one (1) automobile vehicle and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for automobiles vehicles.

Commented [LC34]: Based on current definition; moved from definitions to regulations

(3) **Stacking Space.** Stacking spaces shall be surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material, having a minimum dimension of not less than nine feet (9') wide by twenty feet (20') long and located in accordance with Subsection 2.1.C.3. of this Ordinance.

(4) **Loading Space.** A space within the main building or on the same lot providing for the standing, loading or unloading of trucks and other larger vehicles, surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material, having a minimum dimension of twelve (12) by thirty-five (35)

Commented [LC35]: Based on current definition; moved from definitions to regulations

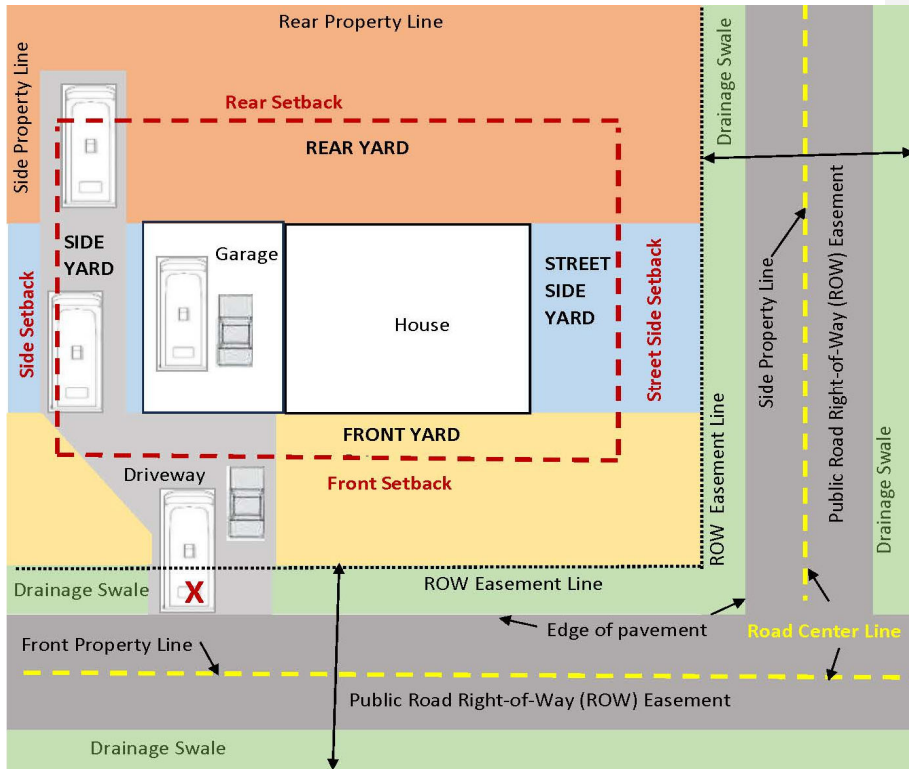
feet and vertical clearance of at least fourteen (14) feet, and located in accordance with Subsection 2.1.C.4. of this Ordinance.

- (5) Accessible Parking for Persons with Disabilities.** Parking for persons with disabilities shall be provided as required by Iowa Administrative Code 661.18. Such accessible parking spaces shall count toward meeting the off-street parking requirements of this Ordinance as set forth in Subsection 2.1.C.5. of this Ordinance.

c. Parking Location in Required Setbacks Allowed.

Commented [LC36]: Moved from Section 2.8 to keep all parking requirements in one section.

- (1) Residential District.** ~~No~~Any required parking space required by this Ordinance ~~shall~~ may be provided in any required front ~~yard~~ setback or in the first five (5) feet inside the property line of any required street side, side or rear setback in a residential district, but not in the public right-of-way as per Subsection 2.8.E. of this Ordinance (see Illustration). ~~and no~~
- (2) Non-Residential District.** Any required parking, stacking, or loading space, driveway, ~~nor~~ any allowed merchandise, display or exterior storage of vehicles, ~~shall~~ may be provided in any required front ~~yard~~ setback or in the first five (5) feet inside the property line of any required side or rear ~~yard~~ setback in a ~~commercial or non-residential industrial~~ district, but not in the public right-of-way as per Subsection 2.8.E. of this Ordinance.

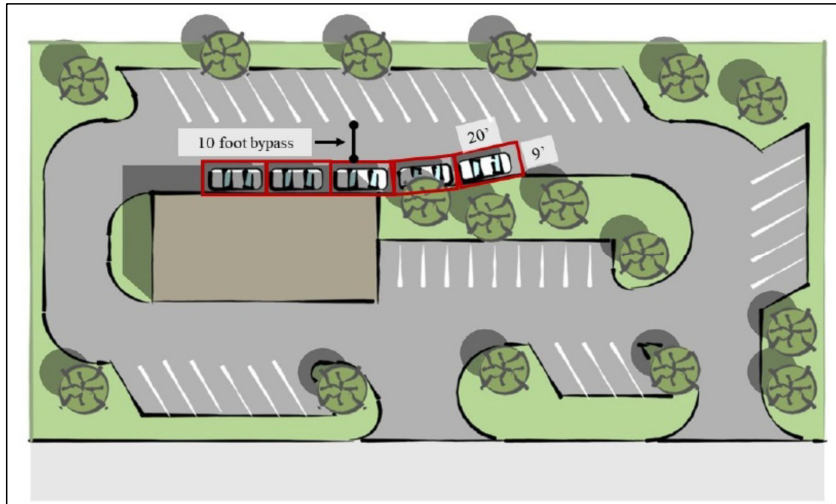


Allowable Setback Parking in Residential Districts (Source: ECIA)

- 3. Off-Street Stacking Regulations for Drive-Through Services.** Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distance, not including the vehicle at the window/station, by land use and type of operation as provided in Table C.1. All drive-through services must provide a ten-foot (10') bypass for vehicles not in a drive-through queue. Stacking spaces shall be nine feet (9') wide by twenty feet (20') long (see illustration).

Table C.1. Off-Street Stacking Requirements

General Land Use/Type of Operation	Minimum Stacking Space
Commercial uses with drive-through	Two (2) stacking spaces per service window or kiosk
Financial institution with drive-through and/or automated teller machine (ATM)	Two (2) stacking spaces per service window or ATM
Car wash, gas station with car wash	Two (2) stacking spaces per wash bay
Restaurant with drive-through	Two (2) stacking spaces per drive-through



Stacking Requirements for Drive-Through Services (Source: ~~City of~~ Dyersville, IA accessed 2023)

- 4. Off-Street Loading Requirements.** There shall be provided at the time any building is erected or structurally altered, off-street loading spaces in accordance with the following provisions. Floor area is shown in square feet (sf).

Table C.2. Off-Street Loading Requirements	
General Land Use/Type of Operation	Minimum Loading Space
<u>Child care center, Child development home, and Preschool</u>	<u>One (1) drop-off/pickup area</u>
<u>Elementary school, Secondary school</u>	<u>One (1) drop-off/pickup or bus queue area</u>
Bulk storage for retail and wholesale distribution	<u>One (1) loading space per ten thousand</u>
Manufacturing and processing businesses	<u>(10,000) sq ft of floor area</u>
Wholesaling and warehousing	

- 5. Minimum Off-Street Parking, Stacking and Loading Requirements.** At the time any building is erected or structurally altered, the minimum requirements for off-street parking, stacking, and loading spaces shall be provided for the allowed principal, accessory, conditional, and temporary uses and structures in all zoning districts in accordance with this Ordinance and with **Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements**. Table C.3 lists the minimum off-street parking, stacking and loading requirements for all types of land uses and structures grouped by general land use categories Table C.3. does not replace or supersede the additional standards and/or supplemental regulations in this Zoning Ordinance that apply to any use and any zoning district. In Table C.3. the symbol "sq ft" refers to "square feet."

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
Farm Exempt	
Agriculture	None; farm exempt
Farm, farming, and farm buildings	
Farm dwelling, principal	
Farm dwelling, secondary	
Farm market or roadside stand	
Grain storage bins	
Horticulture	
Plant Nursery	
Residential	
<u>Accessory Dwelling Unit (ADU)</u>	<u>See Subsection 2.8.K.</u>
<u>Child care home</u>	<u>As per Zoning Administrator</u>
<u>Conversion of existing dwelling or other structure to a two-family dwelling</u>	<u>See Subsection 2.8.K. 2 per unit</u>
Dwelling units in a commercial structure; provided that an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off-street parking spaces per unit be provided.	<u>Two (2) parking spaces per dwelling unit</u>
Dwelling units for watchmen-owners or caretakers-persons employed on the premises; provided that an open yard of at least 2,400 square feet is reserved and maintained by the occupants	
<u>Family home</u>	
Home-based business occupation	<u>As per Zoning Administrator</u>
Mobile home park	<u>Two (2) parking spaces per unit</u>
Mobile home subdivision	<u>Two (2) parking spaces per lot</u>
Multiple family dwellings, including residential condominiums	Two (2) parking spaces per dwelling unit
Seasonal dwelling, <u>detached</u>	
Single-family dwelling, <u>detached</u>	
Lodging	
<u>Bed and breakfast home</u>	<u>One (1) parking space per unit</u> guest room
<u>Bed and breakfast inn</u>	
<u>Boarding or lodging house</u>	
Hotel/Motel	
Educational and Assembly	
<u>Adult day care center</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
<u>Child care center</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
<u>Child development home</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area plus one (1) drop-off/pick-up area</u>

Commented [LC37]: This requirement moved to Development Regulations section of zoning district

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
Elementary school	<u>One and a half (1.5) parking spaces per employee on maximum shift plus one (1) drop-off/pickup or bus queue area 1 space per classroom or office</u>
Fairgrounds and public exposition	<u>One (1) parking space per three (3) seats at the main arena</u>
<u>Place of assembly</u>	<u>One (1) parking space for every 5 per four (4) seats in the main auditorium</u>
<u>Post high school</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
<u>Preschool</u>	<u>One parking space per four hundred (400) sq ft of floor area plus one (1) drop-off/pick-up area</u>
Secondary school	<u>One and a half (1.5) parking space per employee on maximum shift plus one (1) parking space per ten (10) students plus one (1) drop-off/pickup or bus queue area 1 space per classroom or office</u>
Commercial	
<u>Agricultural experiences</u>	<u>As per Zoning Administrator</u>
<u>Agricultural sales, service, and supply</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area 1 space for each employee plus 1 space for each company vehicle</u>
Airport and landing fields	<u>One (1) parking space per four hundred (400) sq ft of floor area 1 space for every 300 feet of sales, service or office floor area</u>
Animal hospital/ <u>Veterinary clinic</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area 1 space for every 300 feet of sales, service or office floor area</u>
Auto wrecking/Junkyard on site of five (5) acres or more	<u>As per Zoning Administrator</u>
<u>Building materials/Lumber yard</u>	<u>One (1) parking space for each per employee plus one (1) parking space for each per company vehicle or 5 spaces plus 1 space for each employee on the site plus 1 space for each company vehicle</u>
<u>Car Wash</u>	<u>One (1) parking space per wash bay plus two (2) stacking spaces per wash bay 4 spaces plus storage for 4 other vehicles in each service lane</u>
Cemetery <u>ies</u>	<u>As per Zoning Administrator 20 spaces off the right-of-way on drives or parking areas</u>
Commercial <u>cell</u> communications stations and towers	<u>As per Zoning Administrator</u>
<u>Event venue</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
<u>Financial institution/Drive-in bank, including automated teller machine (ATM)</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area plus two (2) stacking spaces per service</u>

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
	window or ATM 3 spaces plus storage for 3 vehicles outside each teller lane
Garden center	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
Garden center in conjunction with plant nursery	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
Gas station <u>Retail automotive fuel sales</u>	<u>One (1) parking space per four (4) pumps plus one (1) parking space per four hundred (400) sq ft of floor area (retail) plus two (2) stacking spaces per wash bay 4 spaces plus storage for 4 other vehicles in each service lane</u>
<u>General office</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
<u>General retail</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area 5 spaces for every 100 square feet of floor area</u>
<u>General services</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
Greenhouse, <u>commercial</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
Home industry	<u>As per Zoning Administrator</u>
Kennel	<u>One (1) parking space per four hundred (400) sq ft of floor area 1 space for every 300 feet of sales, service or office floor area or 2 spaces plus 2 spaces for every 100 square feet of floor area</u>
Livestock market <u>auction sales</u>	<u>One (1) parking space per employee, plus one (1) parking space per company vehicle, and plus one (1) parking space per every two (2) seats in the sales arena</u>
<u>Mini-warehouse/Rental storage unit</u>	<u>1 per 5,000 sq ft of floor area One (1) parking space per five thousand (5,000) sq ft of floor area 1 space for every 300 square feet of floor space</u>
<u>Mobile home/Manufactured home sales, service or repair</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area 1 per 400 sq ft of floor area</u>
Nightclub <u>Bar/Tavern</u>	<u>One (1) parking space per two hundred fifty (250) sq ft of floor area plus two (2) stacking spaces per drive-through 5 spaces for every 100 square foot of floor area</u>
<u>Personal service</u>	<u>One (1) parking space per four hundred (400) sq ft of floor area</u>
Plumbing, heating, air conditioning, and sheet metal shops	<u>One (1) parking space per employee and plus one (1) parking space per company vehicle</u>
Restaurant	<u>One (1) parking space per two hundred fifty (250) sq ft of floor area 5 spaces for every 100 square feet of floor area</u>

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
Restaurant, drive-in	One (1) parking space per two hundred fifty (250) sq ft of floor area plus two (2) stacking spaces per drive-through 5 spaces for every 100 square feet of floor area
Riding stable	One (1) parking space per four hundred (400) sq ft of floor area 2 spaces plus 2 spaces for every 100 square feet of floor area
Tourism welcome center/Information booth	One (1) parking space per five hundred (500) sq ft of floor area
Vehicle Automobile paint and body shops	One (1) parking space per four hundred (400) sq ft of floor area plus storage of vehicles
Vehicle sales, service, and repair	One (1) parking space per four hundred (400) 300- sq ft of floor area plus display of vehicles
Recreational	
Indoor commercial recreation, including recreational lodges with a maximum of ten (10) units	One (1) parking space per 400 two hundred fifty (250) sq ft of floor area Bowling: 5 spaces per lane Community recreation building: 1 space for every 50 square feet of floor area
Commercial campground and recreational vehicle park on sites of less than 5 acres	One (1) parking space per campsite
Commercial campground and recreational vehicle park on sites of at least five (5) acres	One (1) parking space per campsite
Golf courses and clubhouses not including miniature courses operated at a profit	Three (3) parking spaces per green or one (1) parking space per one hundred (100) sq ft of clubhouse floor area, whichever is greater
Golf courses and clubhouses	Three (3) parking spaces per green or one (1) per one hundred (100) sq ft of clubhouse floor area, whichever is greater
Outdoor commercial recreation, on site of less than five (5) acres	One (1) per four (4) occupants plus one (1) per employee on maximum shift
Private campground on site of less than five (5) acres	One (1) parking space per campsite
Public campground	One (1) parking space per campsite
Public recreation	Five (5) parking spaces for each acre developed for active and recreation areas usage
Seasonal resort	Two (2) parking spaces per dwelling unit
Storage warehouse building	None
Tourist camp on sites of not less than five (5) acres	One (1) parking space per campsite plus two (2) parking spaces per cabin
Youth or Summer Camps	One (1) parking space per campsite plus two (2) parking spaces per cabin
Industrial	
Ready mix concrete Batch plants	One (1) parking space per employee and plus one (1) parking space per company vehicle

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
Bulk storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure	One (1) parking space for each per employee and plus two (2) parking spaces for each per company vehicle be provided and at least 1 loading space be provided for each per ten thousand (10,000) square feet sq ft of floor space
Bulk storage of oils, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anhydrous ammonia fertilizer and petroleum products under pressure.	One (1) parking space for each per employee and plus two (2) parking spaces for each per company vehicle be provided and at least plus one (1) loading space be provided for each per ten thousand (10,000) square feet sq ft of floor space
Concrete products	One (1) parking space per employee and plus one (1) per company vehicle
Contractor construction office, maintenance shop or storage yard	One (1) parking space for each per employee on maximum shift on maximum shift and plus one (1) parking space for each per company vehicle
<u>Data Center</u>	<u>To be determined</u>
<u>Grain elevator</u>	<u>One (1) parking space per employee plus one (1) parking space per company vehicle</u>
<u>Logging, storage only</u>	<u>One (1) parking space per employee at the site plus one (1) parking space per company vehicle</u>
<u>Logging, production and storage</u>	<u>One (1) parking space per employee at the site plus one (1) parking space per company vehicle</u>
Manufacturing and processing, contained within a building	One (1) parking space for every per two (2) employees on the maximum shift plus one (1) parking space per company vehicle, and plus one (1) loading space per ten thousand (10,000) sq ft of floor area
Manufacturing and processing, not restricted as conditional uses	One (1) parking space per every two (2) employees on maximum shift, plus one (1) parking space per company vehicle, and plus one (1) loading space per ten thousand (10,000) sq ft of floor area
Manufacturing and processing, restricted as special exception conditional uses	One (1) parking space per every two (2) employees on maximum shift, plus one (1) parking space per company vehicle, and plus one (1) loading space per ten thousand (10,000) sq ft of floor area
Mining and extraction of minerals or raw materials	One (1) parking space per employee and plus one (1) parking space per company vehicle
<u>Solid waste facility</u>	<u>One (1) parking space per employee plus one (1) parking space per company vehicle</u>
Truck and freight terminals	One (1) parking space for each per employee and plus one (1) parking space for each per company vehicle
Welding, machine and repair shops	One (1) parking space for each per employee and plus one (1) parking space for each per company vehicle
Wholesaling and warehousing, but not including the bulk storage of anhydrous	One (1) parking space for each per employee, and plus one (1) parking space for each per company

Table C.3. Matrix of Off-Street Parking, Stacking and Loading Requirements	
Land Uses and Structures by Category	Minimum Requirements
ammonia fertilizer under pressure, petroleum products under pressure, <u>or highly volatile chemicals or materials</u>	vehicle, <u>and</u> 1 loading space per 10,000 sq ft of floor area
Other	
Addition of accessory structure to principal structure devoted to legal nonconforming use	<u>As per Zoning Administrator</u>
<u>Railroad, public utility and public maintenance facility</u>	<u>Two (2) parking spaces</u> per substation or <u>one (1) parking space</u> per employee at the site <u>plus one (1) per company vehicle</u>
<u>-Railroad, public utility, and public maintenance facility, but not including equipment storage, maintenance yards, buildings, or offices</u>	<u>Two (2) parking spaces</u> per substation or <u>one (1) parking space</u> per employee at the site <u>plus one (1) per company vehicle</u>
<u>Solar energy system: consumer-scale building-mounted</u>	<u>None</u>
<u>Solar energy system: consumer-scale freestanding</u>	<u>None</u>
<u>Solar energy system: utility-scale freestanding</u>	<u>To be determined</u>
Temporary concrete -batch plant	<u>One (1) parking space per employee and one (1) parking space per company vehicle</u>
Temporary buildings used in conjunction with construction work	<u>As per Zoning Administrator</u>
Temporary car crusher or similar equipment	<u>As per Zoning Administrator</u>
Uses and structures clearly incidental to the permitted principal uses and structures	<u>As per Zoning Administrator</u>
<u>Wind energy conversion system: non-commercial</u>	<u>None</u>
<u>Wind energy conversion system: commercial</u>	<u>None</u>

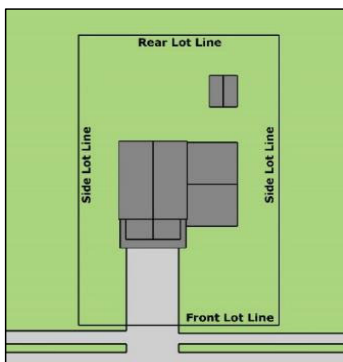
D. Schedule of Development Regulations. Development regulations refer to dimensional zoning requirements that control the size and placement of buildings, uses, and structures on a property for the underlying zoning district. They establish minimum lot area and width, minimum yards and setbacks from property lines, and maximum building height, subject to other required approvals in accordance with Chapter 3 of this Ordinance. They shape the physical dimensions of a structure and its relationship to the surrounding land. Development Regulations are set forth in each zoning district for principal, accessory, conditional, and temporary uses. Subject to Section 1.20, Section 4.5, and Chapter 6 of this Ordinance, the following provisions, regulations, or exceptions shall apply equally to allowed land uses and types in all zoning districts as hereinafter provided. Planned Unit Developments (PUDs) may have flexibility in these requirements, subject to the PUD approval process.

1. Measurement of Lot Area and Width. As defined in Chapter 6 of this Ordinance, a lot needs to be large enough to accommodate buildings and other structures while also meeting minimum

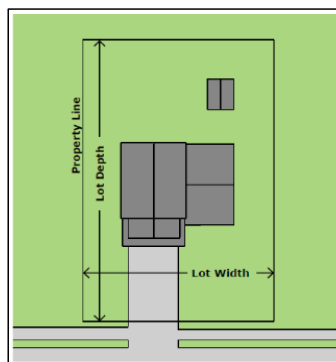
Commented [LC38]: New Subsection created to provide guidance on development regulations. Current regulations are scattered in definitions, merely implied, or entirely absent.

standards for setbacks, open space, and other zoning requirements. Minimum lot area and width are intended to manage land use and ensure public health with the provision of adequate water supply and sewage disposal systems. A lot served by a private well and septic system generally requires more lot area and width than a lot served by a community or municipal water supply and sewage disposal system. Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 49s and Iowa Administrative Code Chapter 69.

- a. **Lot Area** ~~The~~ is the total horizontal area included within the lot lines forming the boundaries of a lot, including area over which public or private easements have been granted, but excluding that portion of a flag lot which is used primarily for access (the flagpole portion). Lot area generally is determined by multiplying lot depth by lot width (see illustrations).
- b. **Lot Depth** ~~Of. The~~ is the mean horizontal distance between the front and rear lot lines.
- a.c. **Lot Width** ~~The~~ is the mean horizontal distance between the side lot lines. width of a lot measured at the front of the principal structure and at right angles to its depth.



Types of Lot Lines (Source: ECIA)



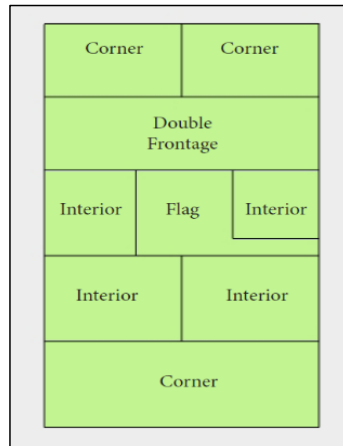
Lot Depth and Width (Source: ECIA)

d. Types of Lots. While standard lots are rectangular or square in shape, variations in lot shape and lot frontage can result in different types of lots. Lot frontage is all the sides of a lot that about a street right-of-way or roadway easement (see illustration).

(1) Corner Lot. A lot abutting upon two (2) or more streets at their intersection.

(2) Double Frontage Lot. A lot which fronts on two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

(2)(3) Flag Lot. A lot having no frontage or access to a street or place except by a narrow strip of land which is included within the lot.



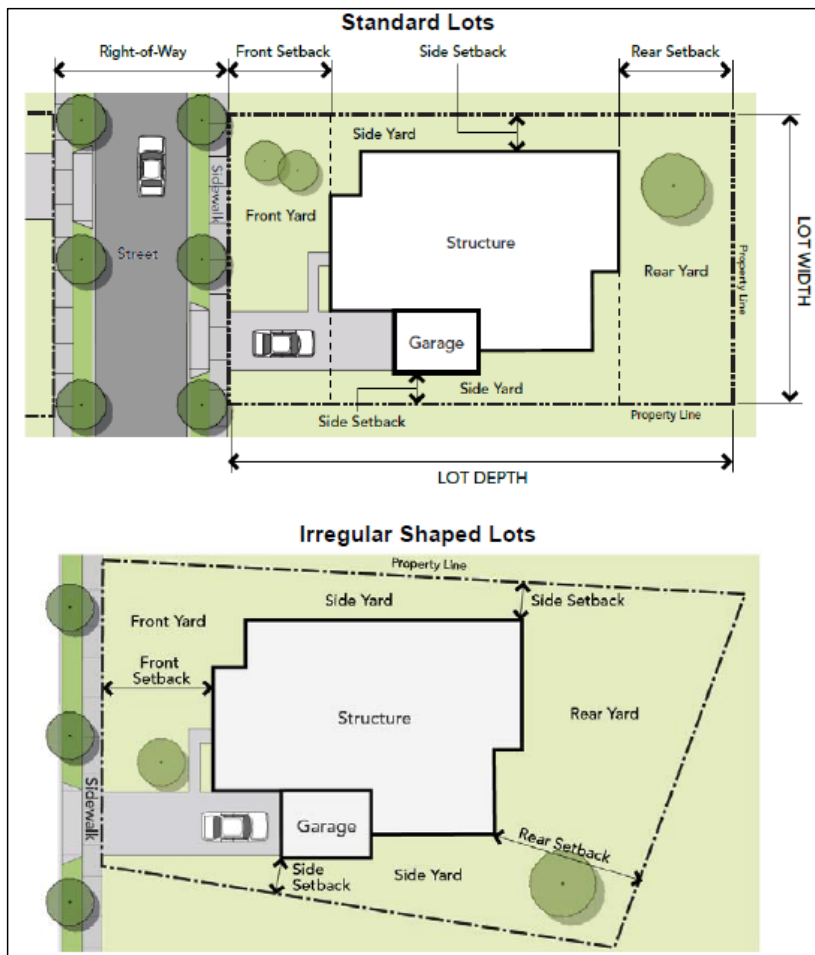
Types of Lots (Source: ECIA)

(4) Interior Lot. A lot other than a corner lot or a double frontage lot.

e. Area and Width Requirements for Flag Lots. Flag lots as defined shall be permitted in any district. That portion of the lot primarily suitable for access (the flagpole portion) shall have a minimum width of sixty (60) feet or, for lots in the A-1 Agricultural and R-1 Residential Zoning Districts having an area of less than double the minimum parcel area, thirty (30) feet. The minimum width established above may be reduced if supplemented by a recorded access easement in favor of the flag lot owner over adjacent land, to provide a total width of access right-of-way equal to the applicable minimum as stated above. The flagpole portion shall be excluded from the calculation of lot area for the purposes of this Ordinance only.

Commented [LC39]: Moved here from Section 2.8

2. Measurement of Required Setbacks. As defined in Chapter 6 of this Ordinance, a setback is the minimum horizontal distance between the closest part of a building or structure and a lot line. The *Diagrams of Measuring Setbacks on Standard and Irregular Lots* (see illustration below) provide examples of how front, side, and rear setbacks are measured. Specific provisions follow.



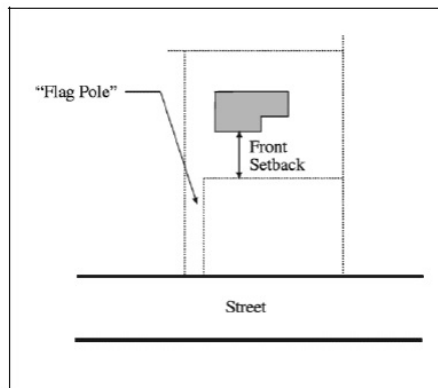
Diagrams of Measuring Setbacks on Standard and Irregular Lots
(Source: Arcadia, CA 2025)

a. **Front Setback** shall be measured at right angles from the nearest point on the front lot line of the parcel to the closest part of the structure, establishing a setback line parallel to the front lot line, which extends between the side yards, except as follows:

(1) **Corner and Double Frontage Lots.** The measurement shall be taken from the closest part of the structure to the nearest point of the lot line abutting the street which provides the street address of the site.

(2) **Owner's Choice -- Corner and Double Frontage Lots.** The front setback shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall elect to front their building on the street parallel to the lot line having the greater dimension. If these lot dimensions are equal, the owner may elect to front their building on either lot line.

(3) **Flag Lots.** For a parcel with a fee ownership strip extending from a street or right-of-way to the building area of the parcel, the front setback measurement shall be taken from the closest part of the structure to the point where the access strip ("flag pole") meets the bulk of the parcel along a continuous line, establishing a parallel setback line (see illustration).



Measuring Flag Lot Setbacks

(Source: Pismo Beach, CA 2025)

b. **Rear Setback** shall be measured at right angles from the nearest point on the rear lot line to the closest part of the structure, establishing a setback line parallel to the rear lot line which extends between the side yards, except there shall be no rear yard on a corner lot.

c. **Side Setback** shall be measured at right angles from the nearest point on the side lot line of the parcel to the closest part of the structure; establishing a setback line parallel to the side lot line, which extends between the front and rear setbacks.

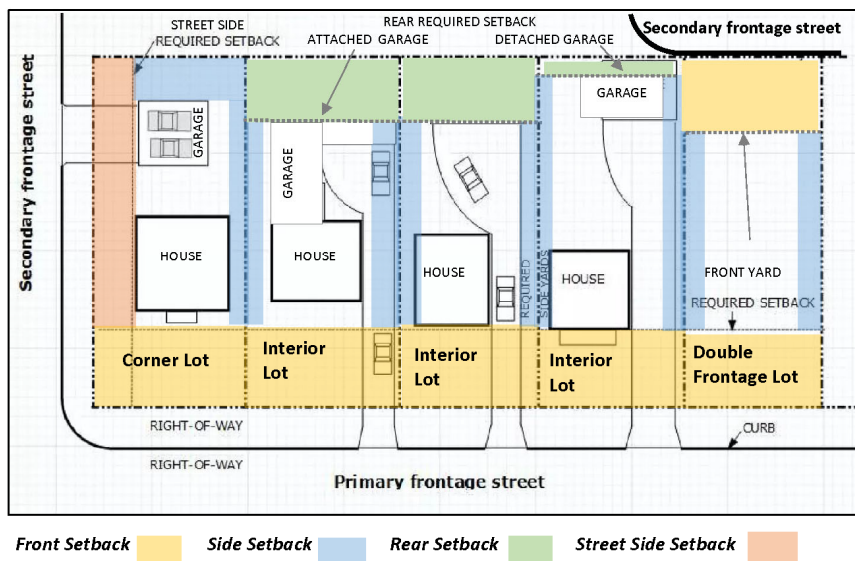
d. **Street Side Setback** shall be measured at right angles from the nearest point of the side lot line bounding the street, or the easement for a private road, to the nearest point of the structure as follows.

(1) On the street side of a corner lot, the **street side yard setback** shall extend from the required front **yard setback** to the rear lot line (see illustration).

(2) On the street sides of a double frontage lot, the side yards shall extend between the two (2) required front yards and there shall be no rear yard, unless the owner chooses a front yard as described above in Subsection 2.1.D.2.a.(1).

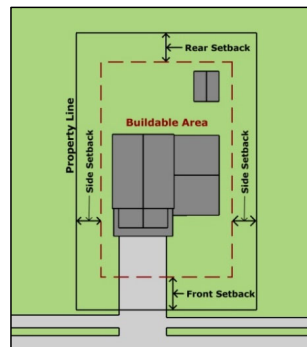
Types of Setbacks on Corner, Interior, and Double Frontage Lots

(Source: City of Columbus, OH accessed 2024)

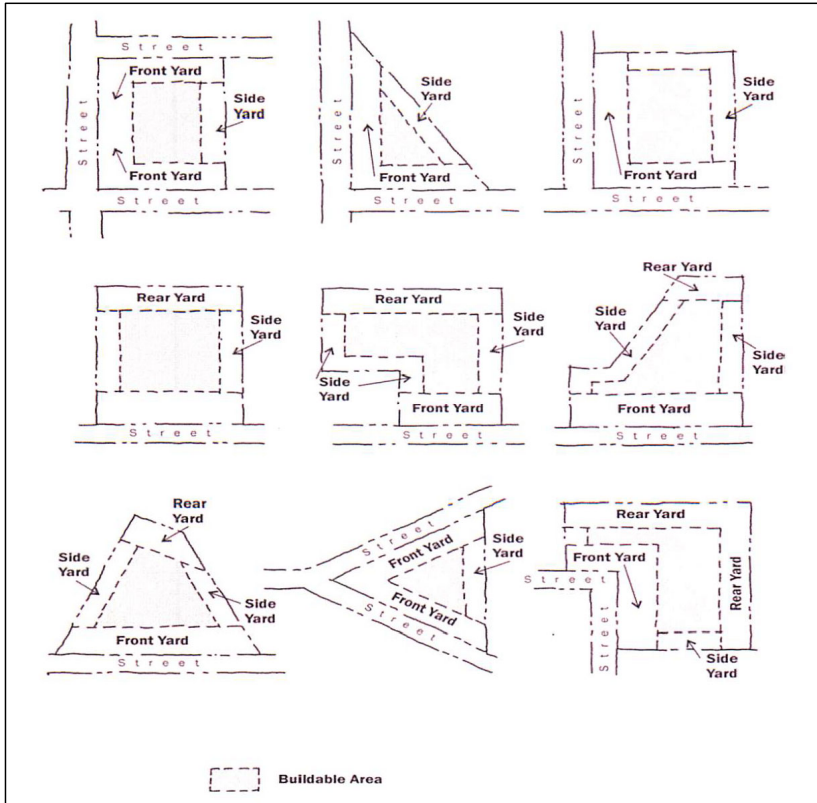


e. Special Setback for Lot. If a lot configuration is oriented so that neither the term "side setback" nor the term "rear setback" clearly applies, the Zoning Administrator shall require a "special setback" with minimum dimensions as generally required for a side setback or a rear setback in the district, determining which shall apply by the relation of the portion of the lot on which the setback is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas.

f. Buildable Area is the portion of a lot remaining after all required front, side, and rear setbacks have been provided (see illustration on right). On corner and double frontage lots, and lots with special setbacks, the buildable area can take many shapes (see illustration below).

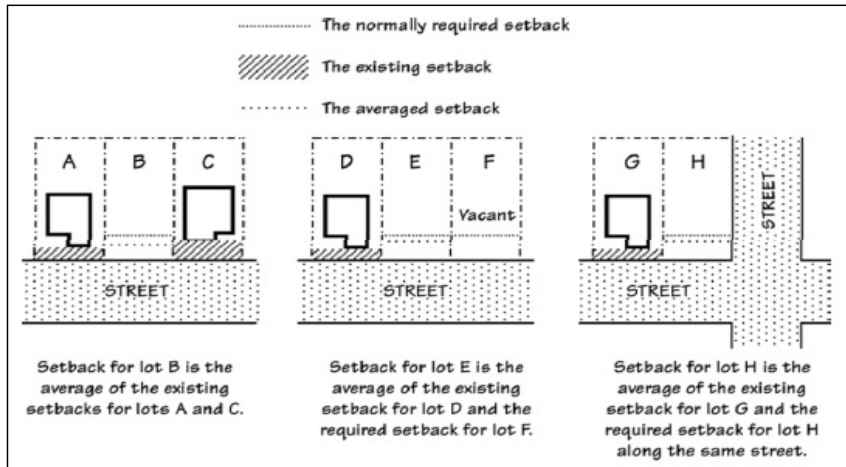


Buildable Area on Standard Lot
(Source: ECIA)



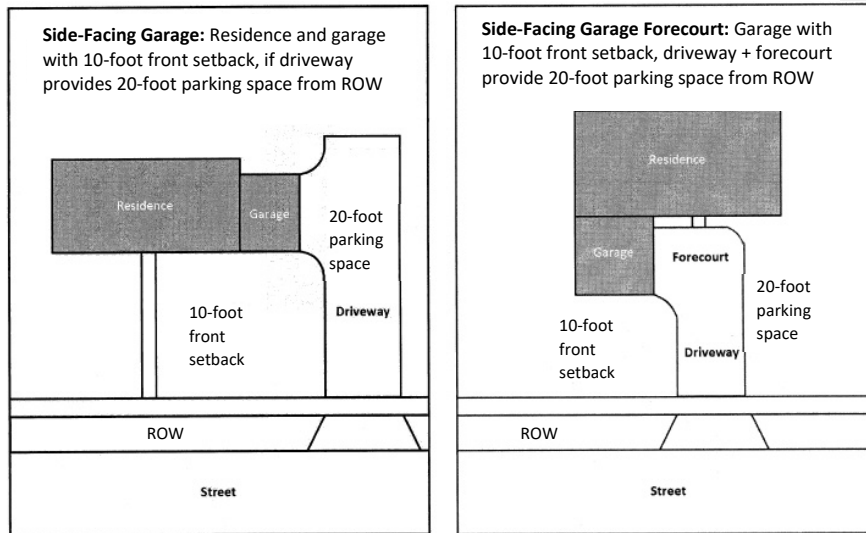
Types of Setbacks and Buildable Area on Corner and Double Frontage Lots, and Lots with Special Setbacks (Source: Gun Barrel City, TX accessed 2025)

- g. Average Front and Rear Setbacks:** Where legally existing front or rear yards-setbacks on adjacent parcels of continuous frontage are shorter than these minimums requirements, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred (500) feet on parcels of continuous frontage (see illustration).

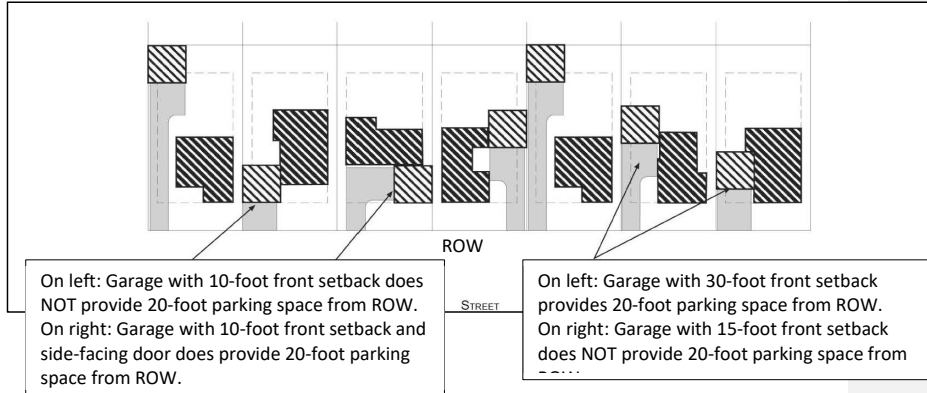


Examples: Calculation of Average Front Setback (Source: Sioux Falls, SD 2025)

h. Front Setback for Off-Street Parking: Attached and/or detached private garages or carports must maintain a setback of twenty (20) feet from the door or opening of the garage facing the public or private road right-of way. This setback is necessary to allow sufficient room for off-street parking. The sides of the garage or carport that do not face a public or private road right-of-way shall comply with the shorter setbacks listed in the applicable Development Regulations for the zoning district (see illustrations below).



Determining Front Setback with Side-Facing Garages (Source: City of Westlake, OH 2025)



Garage Locations and Front Setback for Off-Street Parking (Source: City of Baldwin Park, CA 2025)

4.3. Encroachments Allowed Within Required Setback Area. As defined in Chapter 6 of this Ordinance, a setback encroachment is the extension or placement of a structure or architectural feature into a required setback area. The following encroachments may be located within an otherwise required setback, provided they are used in conjunction with a use or structure

Commented [LC40]: Current ordinance: “the projection of the usual uncovered steps, uncovered balconies or uncovered porch.” Staff’s assumption is that “uncovered” means without a roof. No guidance is provided as to how to measure or regulate projections.

allowed in the underlying zoning district, and provided that their location complies with Section 2.8.A. of this Ordinance.

Table D.1. Allowable Encroachments By Zoning District and Land Use or Structure shows when principal, accessory, conditional, and temporary uses and structures in any Zoning District are allowed encroachments into required setbacks or must comply with the required setbacks. Table D.2. does not apply to Farm Exempt Uses. See Subsection 2.1.A. and Subsection 2.1.B. of this Ordinance for an explanation of symbols used in Table D.1. for zoning districts and land uses or structures.

Table D.1. Allowable Encroachments By Zoning District and Land Use or Structure			
Zoning District	Platted before May 6, 1976	Type of Land Use or Structure	Allowable Encroachments
A-1, R-1	Yes	P, C	Yes, see Table D.2.
A-1, R-1	Yes	A, T	No, must comply with required setbacks
C-1, M-1, M-2	Yes	P, C, A, T	No, must comply with required setbacks
All Districts	No	P, C, A, T	No, must comply with required setbacks

Table D.2. Allowable Encroachments in Required Setback by Type of Feature references the *Diagram of Setback Encroachments* (see illustration below), which shows how the setback is measured from the closest part of a structure to the lot line. The measurements impacting allowable setback encroachments are: A. Feature Encroaching into Required Setback, B. Maximum Encroachment into Required Setback, C. Minimum Distance from Lot Line, and D. Minimum Distance from Street Right-of-Way (ROW) or roadway easement.

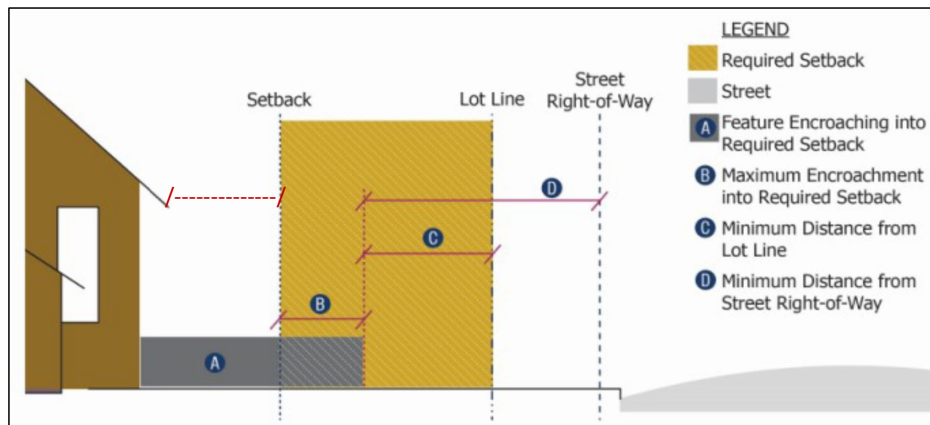


Diagram of Setback Encroachments (Source: Zebulon, NC 2025)

Table D.2. Allowable Encroachments in Required Setback by Type of Feature			
A. Feature Encroaching into Required Setback	B. Maximum Encroachment into Required Setback	C. Minimum Distance from Lot Line	D. Minimum Distance from Street ROW
Accessibility Features			
Fire escapes	Three (3) feet	Two (2) feet	Subsection 2.8.A.
Stairways that function as the principal means of access to dwelling units located on second floor or above	None	Required setbacks	Subsection 2.8.A.
Open-air access structures	Three (3) feet	Two (2) feet	Subsection 2.8.A.
Enclosed access structures	None	Required setbacks	Subsection 2.8.A.
Architectural Features	Three (3) feet	Two (2) feet	Subsection 2.8.A.
At-Grade Features	Three (3) feet	Two (2) feet	Subsection 2.8.A.
Driveways and Parking Features	Subsection 2.8.H.	Subsection 2.8.H.	Subsection 2.8.A.
Fences and hedges used as fences	Subsection 2.8.N.	Subsection 2.8.N.	Subsection 2.8.A.
Landscaping	No limit	No limit	Subsection 2.8.A.
Signs	Subsection 2.9.G.	Subsection 2.9.G.	Subsection 2.8.A.

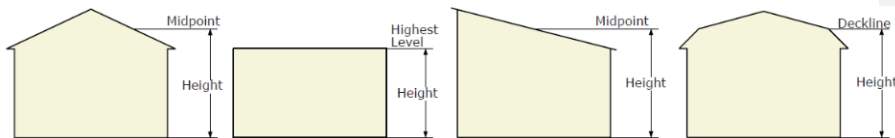
Table D.3. Examples of Allowable Encroachments by Type of Feature provides a range of examples for allowable encroachments for various types of features. Other examples not listed below may be allowed as determined by the Zoning Administrator.

Table D.3. Examples of Allowable Encroachments by Type of Feature	
Type of Feature	Examples
Accessibility Features	Steps, porch, stoop, deck, patio, stairway, fire escape, access ramp and similar features that function as a means of access to a structure.
Architectural Features	Awnings, shutters, canopies, arbors, trellises, balconies, bay windows, chimneys, cornices, sills, roof overhangs, eaves, gutters, and other similar features.
At-Grade Features	Play equipment, outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, HVAC equipment, mailboxes, outdoor fireplaces, grills, ornamental pools, planting boxes, sculptures, birdbaths, and other customary yard accessories.
Driveways and Parking Features	See Subsection 2.1.C.2.
Fences and hedges used as fences	See Subsection 2.8. N.
Landscaping	Other landscape plantings.
Signs	See Subsection 2.9.G.

1.4. Maximum Height. Maximum height regulations are established to promote a reasonable building scale and relationship between buildings. Exceptions are found in Subsection 2.8.D. of this Ordinance.

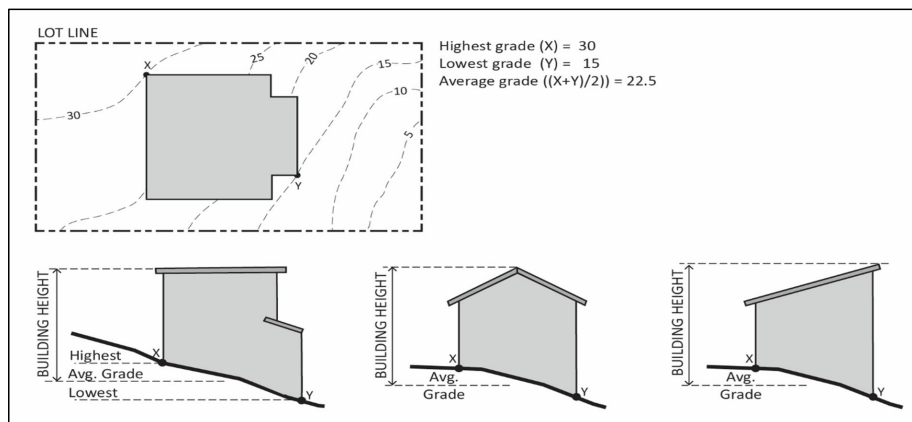
a. **Building Height.** As defined in Chapter 6 of this Ordinance, building or structure height is the vertical distance measured from the average of the highest and lowest points where the exterior walls intersect the existing or finished grade, whichever is lower, from the grade to

the highest point of the coping of a flat roof, ~~or to the deck line of a mansard roof,~~ or ~~to the~~ mean height level between eaves and ridge for gable, hip and gambrel roofs (see illustration).



Measuring Maximum Building Height by Roof Type (Source: ECIA)

a.b. Building Height on Sloped Ground. If a building or structure is on sloped ground, the average of the highest and lowest grades of the site should be used to calculate its height (see illustration).



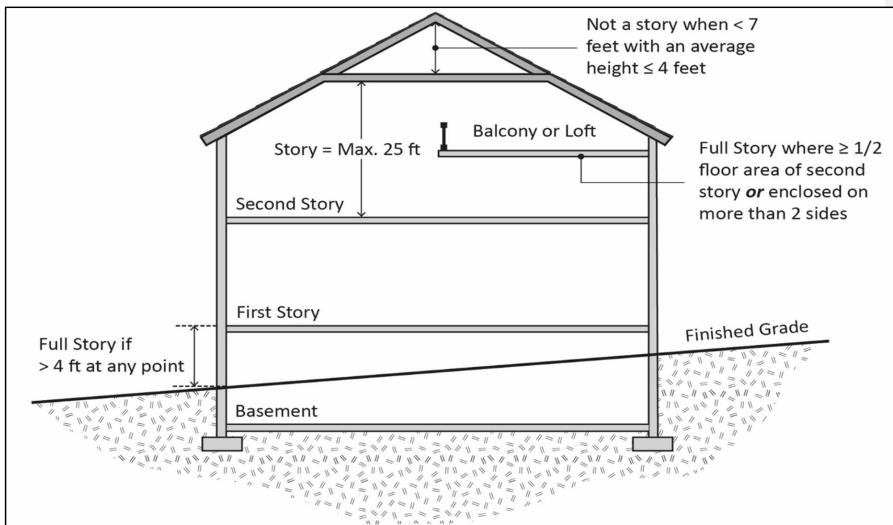
Measuring Maximum Building Height on Sloped Ground (Source: St. Helena, CA accessed 2025)

c. Building Height by Stories. In measuring the number of stories in a building as defined in Chapter 6 of this Ordinance, the following rules shall apply (see illustration):

- (1) An interior balcony or loft shall be counted as a full story if its floor area exceeds one-half of the total area of the nearest full floor directly below it or if it is enclosed on more than two (2) sides.
- (2) A basement shall be counted as a full story if the vertical distance between finished grade and the finished surface of the floor above the basement is more than four (4) feet at any point.

(3) A story shall not exceed twenty-five (25) feet in height from the upper surface of the floor to the ceiling above.

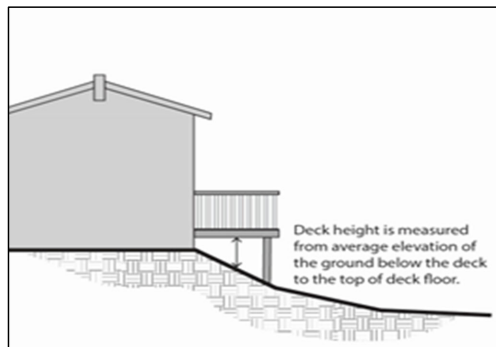
(4) An attic is not considered a story provided it is unconditioned, unfinished, and less than seven (7) feet at its highest point with an average height not exceeding four (4) feet.



Measuring Maximum Building Height by Stories (Source: St. Helena, CA accessed 2025)

d. Cell Tower Height. Commercial cell communications stations, towers and antennas are allowed without regard to the height limits of the applicable zoning district. Height shall be measured as defined Iowa Code Chapter 8C. See Section 2.9.H of this Ordinance.

e. Deck Height. Deck height shall be measured from the average elevation of the ground directly below the deck to the top of the deck floor immediately above that point (see illustration).



Measuring the Height of Decks (Source: St. Helena, CA accessed 2025)

f. Fence Height. Fence height is measured as defined in Section 2.8.N. of this Ordinance.

g. **Sign Height.** Sign height is measured as defined in Section 2.9.G. of this Ordinance.

5. Continuing Maintenance Required.

- a. All setbacks required by this Ordinance shall be provided and remain as open, unobstructed space.
- b. No part of a setback or open space required by this Zoning Ordinance for any structure shall be included as part of a setback or open space for any other structure, unless otherwise allowed by this Ordinance.
- c. The maintenance of any yard, setback, open space, minimum lot area, or off-street parking spaces required by this Ordinance shall be a continuing obligation of the owner of the property to which such requirements apply.
- d. No yard, setback, open space, lot area, or off-street parking area required by this Ordinance for any building, structure or use shall, by virtue of change of ownership or any other reason be used to satisfy any yard, setback, open space, lot area, or off-street parking area required for any other building, structure, or use, except as may be otherwise specifically provided in this Ordinance.
- ~~a-e.~~ In addition, no yard setback or lot existing at the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein for the underlying zoning district, except as may be otherwise specifically provided in this Ordinance.

CHAPTER 2. ZONING DISTRICT REGULATIONS**2.2 A-1 Agricultural District.**

- A. Statement of Intent.** The A-1 Agricultural District is intended to preserve areas appropriate for agricultural and related uses and to reserve areas suitable for the efficient development of other uses when and if there ~~is~~are a demonstrated need and intent to develop such areas in accordance with the ~~future land use policy~~Jackson County Land Use Policy Statement.

Subdivisions were platted in the County's unincorporated areas prior to the effective date of the first Jackson County Zoning Ordinance on May 6, 1976. Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns. Some of these older subdivisions have an active property owners' association (POA).

- B. ~~Permitted~~Allowed Principal Uses and Structures ~~and Required Parking~~.**
Table B.1. lists the standard principal uses and structures allowed in the A-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. ~~and their required off-street parking.~~
 Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all A-1 districts.

Commented [LC1]: Required parking moved to Section 2.1. Grouped by Land Use Categories used in Section 2.1, then arranged uses alphabetically

Table B.1. Standard A-1 District Principal Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
<u>Farm Exempt</u>	
Agriculture, horticulture, farms, farming and the usual farm buildings including farm dwelling	
Farms, farming and the usual farm buildings	
Farm dwellings, principal	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Grain storage bins	
Horticulture	
Plant Nursery	
<u>Residential and Lodging</u>	
Bed and breakfast home	
Seasonal dwelling, detached	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Single-family dwellings, detached	
<u>Educational and Assembly</u>	
Adult day care center	
Child care center	
Child development home	
Elementary school	Chapter 6; Section 1.20; Section 2.8; Section 2.9
ChurchesPlace of assembly	
Post high school	
Preschool	
Secondary school	
<u>Commercial and Recreational</u>	
Cemeteryies	

Table B.1. Standard A-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Fairgrounds and public exposition	
Kennels	
Public campground	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Public recreation parks, playgrounds, campgrounds	
Riding stables	
Industrial and Other	
Logging, storage only	
Railroads, utilities, public utility, and public maintenance facility garages and equipment and materials storage yards, but not including administrative or sales offices, and temporary concrete plants placed on active quarry sites	Chapter 6; Section 1.20; Section 2.8; Section 2.9

Commented [LC2]: There is obvious intent by the County that in the A-1 District, Public campgrounds are allowed by right as a principal permitted use, while Privately operated campgrounds, etc. are allowed only as Special Exception uses and structures (changing to Conditional uses and structures) with approval of the Board of Adjustment

Commented [LC3]: Moved temporary concrete plants placed on active quarry sites to Temporary Uses section under Temporary concrete plants

Commented [LC4]: Moved into Table B.1. above

PERMITTED PRINCIPAL USES AND STRUCTURES

1. Agriculture, horticulture, farms, farming and the usual farm buildings including farm dwelling	None
2. Grain storage bins	None
3. Single family dwellings	2 spaces per unit
4. Seasonal dwellings	2 spaces per unit
5. Elementary & secondary schools	1 space per classroom or office
6. Churches	1 space for every 5 seats in the main auditorium
7. Cemeteries	20 spaces off the right-of-way on drives or parking areas
8. Public exposition & fairgrounds	1 space for every 3 seats at the main arena
9. Intermittent or temporary commercial activity	50 spaces
10. Public parks, playgrounds, campgrounds and recreation areas	5 spaces for each acre developed for active usage
11. Wildlife preserves, hunting areas, lakes ponds	
12. Kennels and riding stables	2 spaces plus 2 space for every 100 square feet of floor area
13. Railroads, utilities and public maintenance garages and equipment and materials storage yards, but not including administrative or sales offices, and temporary concrete plants placed on active quarry sites	1 space for each employee on-site plus 1 space for each company vehicle

Table B.2. lists the alternative principal uses and structures allowed in the A-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Table B.2. Alternative A-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Residential and Lodging</u>	
<u>Mobile home</u>	
<u>Mobile home converted to real estate</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Seasonal dwelling, detached</u>	Section 2.9
<u>Single family dwelling, detached</u>	
<u>Educational, Assembly and Recreational</u>	
<u>Place of assembly</u>	
<u>POA owned indoor commercial recreation facility</u>	Chapter 6; Section 1.20; Section 2.8;
<u>POA owned outdoor commercial recreation facility</u>	Section 2.9

C. ~~Permitted~~Allowed Accessory Uses and Structures and Required Parking.

Table C.1. lists the standard and alternative accessory uses and structures clearly incidental to the allowed principal uses and structures of this district as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all A-1 districts. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Table C.1. Standard and Alternative A-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Farm Exempt</u>	
<u>Farm dwelling, secondary</u>	
<u>Farm market or roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.</u>	Chapter 6; Section 1.20; Section 2.8;
	Section 2.9
<u>Residential and Lodging</u>	
<u>Accessory dwelling unit (ADU)</u>	
<u>Attached and detached private garage or carport</u>	
<u>Deck, porch, balcony, boat dock, and other similar structure private garages</u>	
<u>Fences, walls, and hedges</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Non-commercial garden and greenhouse</u>	Section 2.9
<u>Outdoor fixed fire pit and cooking equipment</u>	
<u>Private swimming pool, sports court, tennis court, and playground equipment gardens and greenhouses</u>	
<u>Shed, gazebo, pergola, and other similar roofed freestanding structure</u>	
<u>Educational, Assembly and Commercial</u>	
<u>Agricultural experiences</u>	
<u>Child care home</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Home occupation Home-based business</u>	Section 2.9

Table C.1. Standard and Alternative A-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Farm home occupation	
Other Uses	
Burial site	
Solar energy system: consumer-scale, building mounted or freestanding	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Uses and structures clearly incidental to the permitted allowed principal uses and structures of this district	
Wind energy conversion system, non-commercial	
Alternative Regulations	
Accessory structure related to a principal use or structure on a separate lot	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Accessory structure related to a principal seasonal dwelling with no principal structure on lot	
Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.	

Commented [LC5]: Delete, Farm exempt

Commented [LC6]: Moved to new Temporary Uses section

Commented [LC7]: Moved list into chart

~~PERMITTED ACCESSORY USES AND STRUCTURES~~

- ~~1. ——— Uses and structures clearly incidental to the permitted principal uses and structures of this district including home occupations and farm home occupations as defined.~~
- ~~2. Secondary farm dwellings.~~
- ~~3. ——— Private garages.~~
- ~~4. Private swimming pools, tennis courts, gardens and greenhouses.~~
- ~~5. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.~~
- ~~6. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.~~

D. ~~Special Exception~~ Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the A-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. These uses and structures shall comply with A-1 district development regulations in **Subsection 2.2.F** of this Ordinance unless specified otherwise in their specific conditions for approval listed in **Section 2.9** of this Ordinance. Subject to **Section 2-15(2)4.5** of this Ordinance, and the other requirements contained herein, the Board of Adjustment may permit the following:

Table D.1. A-1 District Conditional Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Residential	
Family home	
Multiple family dwellings, including residential condominiums	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Educational and Assembly	
Adult day care center	
Child care center	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Child development home	
Preschool	
Commercial	
Agricultural sales, service, and supply businesses	
Airports and landing fields approved by the Federal Aviation Agency (FAA)	
Commercial cell communications stations and towers	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Event venue	
Garden centers in conjunction with plant nurseries	
Home industry	
Livestock auction sales market	
Recreational	
Privately operated commercial recreational lodges, campgrounds and recreational vehicle park, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities provided, however, that the applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Golf courses and clubhouses	
Indoor commercial recreation, including recreational lodge with a maximum of ten (10) units	
Outdoor commercial recreation on site of less than five (5) acres	
Seasonal resorts	
Tourist camp on site of less than five (5) acres	
Youth or summer camp	
Industrial and Other	
Addition of accessory structure to principal structure devoted to legal nonconforming use	
Commercial feedlots/Animal feeding operation	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Ready mix concrete Batch plant, permanently placed on quarry sites	

Commented [LC8]: These various uses are included in the definition of the new general land use category of **Outdoor Commercial Recreation**. Uses that provide commercial amusement outdoors and that have higher traffic demands, space requirements, and external effects, including but not limited to: miniature golf; batting cages; go-carts; bumper cars or boats; skateboard parks; BMX or mountain bike courses; ski slopes; ice skating rinks; golf driving ranges; rodeo facilities; gun clubs; drive-in and outdoor theaters; marinas; docking facilities; tennis courts; ball fields; other outdoor athletic facilities; and other functionally similar uses; but not including campgrounds, resorts, youth or summer camps, tourist camps, or golf courses.

Commented [LC9]: Moved to section 2.9

Commented [LC10]: Recreational lodges are included in the definition of a new general land use category of **Indoor Commercial Recreation**. Uses that provide recreational opportunities indoors for the public (open to the community) or residents of a subdivision or development which commercial in nature, including but not limited to: recreational lodges, community recreation centers; health and exercise clubs; bowling alleys; indoor theaters; dance halls; arcades; skating rinks; swimming pools; country club; private club or lodge; other indoor athletic facilities; and other functionally similar use.

Table D.1. A-1 District Conditional Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Bulk storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure	
Mining and extraction of minerals or raw materials, including necessary processing equipment	
<u>Solid waste facility</u>	
<u>Wind energy conversion system: commercial</u>	

1. Agricultural sales, service, and supply businesses ~~involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; alfalfa dehydrating, the sale of feeds, feed supplements, and miscellaneous farm supplies; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; the storage, distribution and sale of petroleum products, including sale from tank trucks; the buying and temporary storage of wool or hides; trenching or well drilling; but not including the sale or display of farm machinery, building materials or appliances;~~ provided that:
 - a. ~~T~~the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
 - b. ~~The foregoing includes~~

Commented [LC11]: The following list of specific requirements for the allowed conditional uses and structures other than parking, moved to Section 2.9.

Commented [LC7]: This common language is used for several of the conditional uses; it will be addressed in Section 2.9

2. ~~Bulk stations for the storage for and~~ retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure, provided that:

a. ~~The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.~~

b. ~~Such use is located not closer than one thousand (1,000) feet to any school, church or place of public assembly, and~~

c. ~~It is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity.~~

a.

Commented [LC8]: New definition for Bulk Stations, pulled out as separate Conditional Use with additional standards.

Commented [LC9]: These conditions will be addressed in Section 2.9

2. Livestock auction sales, provided that:

a. ~~The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.~~

a.b. ~~that 1 parking space for each employee, and 1 space per company vehicle, and 1 parking space for every 2 seats in the sales arena are provided.~~

Commented [LC10]: These conditions will be addressed in Section 2.9

3. Commercial feedlots provided that:

a. ~~Such use is not closer than one thousand (1,000) feet to any dwelling unit other than that of the owner or operator, and any park, school, church or place of public assembly.~~

b. ~~That adequate provision for drainage, sanitation and waste disposal are provided.~~

c. ~~It that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity.~~

b.d. ~~that 1 parking space for each employee and 1 space for each company vehicle be provided.~~

Commented [LC11]: These conditions will be addressed in Section 2.9

4. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that:

a. ~~The extraction site shall be located at least fifty (50) feet 50' from any property line or public road right-of-way and no closer than five hundred (500) feet 500' to any dwelling, park, or school.~~

b. ~~that Access to a public road shall not cause a real or potential traffic hazard.~~

c. ~~In addition, any person seeking a special exception for the mining or extraction of minerals or other raw materials shall submit a plan is submitted to the Zoning Administrator whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operations.~~

d. ~~and that 1 off street parking space for each employee plus 1 off street space for each company vehicle, be provided.~~

e. ~~The Board of Adjustment shall prescribe additional site restrictions if deemed necessary for the protection of life and property and~~

Commented [LC12]: These conditions will be addressed in Section 2.9

Commented [LC13]: This phrase applies to any Board of Adjustment action, so it can be removed as redundant.

5. Ready mix concrete plants, permanently placed on quarry sites, provided that:

- a. ~~The plant is located at least fifty (50) feet from the nearest property line or public road right-of-way and at least one thousand (1,000) feet~~ ~~from any dwelling, park or school;~~ ~~that sufficient off-street parking area be provided;~~
b. ~~that~~ ~~Facilities be provided for controlling air and water pollution;~~ ~~and~~
c. ~~that~~ ~~Access to a public road shall not create a real or potential traffic hazard as determined by the Jackson County Engineer.~~
d. ~~—~~

Commented [LC14]: These conditions will be addressed in Section 2.9

6. ~~Solid waste facilities~~ ~~Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations~~ ~~provided that:~~
a. ~~that~~ ~~No such operation shall be located closer than one-thousand (1,000) feet to any dwelling, park or school;~~
b. ~~Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.~~
e. ~~—~~

Commented [LC15]: Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations combined under new general use category of Solid Waste Facility

Commented [LC16]: These conditions will be addressed in Section 2.9

2. ~~Temporary concrete plants,~~ ~~provided that the area be restored to a suitable condition free of refuse and debris.~~

Commented [LC17]: Temporary concrete plants moved to Temporary Use section.

7. ~~Privately operated recreational lodges, campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities~~ ~~Privately operated campgrounds, indoor and outdoor commercial recreation~~ ~~provided, however, that:~~
a. ~~The applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.~~

Commented [LC18]: Privately and nonprofit operated recreational lodges, campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities have been combined under new general use categories of Indoor Commercial Recreation and Outdoor Commercial Recreation

- 3.8. ~~Seasonal~~ ~~resorts~~ ~~which include three (3) or more seasonal dwellings~~ ~~are-is~~ ~~herein defined which are rented or leased or located on land that is rented or leased for such seasonal dwellings including uses and structures clearly accessory and incidental thereto, providing that the following requirements be met:~~

Commented [LC19]: These conditions will be addressed in Section 2.9

- a. ~~Where served by a central sewage collection and treatment system or a central water distribution system, an area of not less than ten thousand (10,000) square feet shall be provided for each dwelling unit, with a minimum lot width of fifty (50) feet, and the minimum yard-setback requirements shall be ten (10) feet for all yards~~ ~~setbacks.~~
a.b. ~~Where neither central sewage collection or central water systems are provided, or where an individual lot or dwelling is severed from the development, such lot shall meet the yard, area and width requirements of the A-1 Agricultural District Development Regulations as a separate lot.~~
c. ~~The applicant shall submit a plan for the proposed development showing the locations of seasonal dwellings, required off-street parking spaces, proposed~~

utilities and other facilities including an all-weather road designed to serve the development during its season of use including emergency vehicles.

- ~~b.~~ The plan shall be accompanied by a statement from the applicant that the development is for seasonal dwellings only and not for dwellings for year-round occupancy other than that of the owner or operator of the resort.

Commented [LC20]: These conditions will be addressed in Section 2.9

9. New Commercial communications (cell) stations and towers provided that:

- a. ~~In accordance with Iowa Code 8C Iowa Cell Siting Act~~, the request is for *"Initial placement or installation"* means the first time that transmission equipment is placed or installed on a wireless support structure.
- b. ~~They~~ are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the ~~one and a half (1.5) times the~~ height of the tower.
- c. ~~that They~~ will not interfere with the operation of any airport or landing strip, ~~and~~
- d.
- e. ~~Base screening and camouflage techniques are used unless prohibited by Federal Aviation Agency (FAA) F.A.A. regulations.~~
- e. The maximum total height of the tower shall be four-hundred (400) feet above average ground level (AGL).
- f. Towers and transmission equipment shall not be illuminated unless required to conform to Federal Communications Commission (FCC), FAA, or other State or federal requirements. If lighting is required, the lighting alternative or design chosen shall cause the least disturbance to surrounding views and/or surrounding properties. Security lighting may be provided around the base of a tower if zero cut-off luminaries with a maximum mounting height of twelve (12) feet are used to limit lighting to the tower site. Aircraft detection lighting system (ADLS) shall be provided unless prohibited by FAA regulations.
- g. The Discontinuation, Catastrophic Failure, and Decommissioning regulations in the Jackson County WECS Ordinance #314 shall apply to new station and tower sites.
- h. The Zoning Administrator shall provide direct notification to all landowners within one (1) mile of the of the property lines of the cell station and/or tower sites.
- i. Review by the Board of Adjustment shall comply with the Iowa Code 8C Iowa Cell Siting Act.
- j. The Board of Adjustment may approve a tower over the height of four-hundred (400) feet above AGL upon a showing of good cause and with FCC and FAA approval if required.
- k. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.

Commented [LC21]: Cell tower regulations are under further review. These conditions will be addressed in Section 2.9

Commented [LC22]: These conditions will be addressed in Section 2.9

10. Existing Commercial communications (cell) stations and towers: In accordance with Iowa Code 8C Iowa Cell Siting Act, the request is for the following

- a. "Existing tower" or "existing base station" means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. "Existing tower" includes a tower that was not reviewed and approved because it was not in a zoned area when it was built and lawfully constructed.
- b. "Substantial change" means a change in the existing support structure which results in one or more of the following:
 - (1) Increase in the height of a tower
 - (2) Increase in the height of existing support structures
 - (3) Addition of an appurtenance to the body of the tower
 - (4) Addition of an appurtenance to an existing support structure
 - (5) Installation of any new equipment cabinets
 - (6) Installation of ground cabinets that are more than ten percent larger
 - (7) Excavation or deployment outside the current site
 - (8) Defeat of concealment elements of the existing support structure
 - (9) Noncompliance with conditions associated with the siting approval
- c. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the one and a half (1.5) times the height of the tower
- d. They will not interfere with the operation of any airport or landing strip.
- e. The Zoning Administrator shall provide direct notification to all landowners within one (1) mile of the of the property lines of the cell station and/or tower sites.
- f. Review by the Board of Adjustment shall comply with the Iowa Code 8C Iowa Cell Siting Act.
- g. The Board of Adjustment may approve a tower over the height of four-hundred (400) feet above AGL upon a showing of good cause and with FCC and FAA approval if required.
- h. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.

Commented [LC23]: Cell tower regulations are under further review. These conditions will be addressed in Section 2.9

4.11. Airports and landing fields approved by the Federal Aviation Agency (FAA).

- a. Temporary permits not to exceed 60 days for the location of car crushers or similar equipment used in the processing, removal or disposal of junk. Such permit may be granted for the purpose of facilitating the removal of junk from nonconforming junkyards, but shall not be granted for the purpose of establishing new junkyards or serve as a basis for the permanent expansion of nonconforming junkyards. In considering such permit, the Board of Adjustment shall determine the positive and negative effects on the environment anticipated both during and after the

Commented [LC24]: These conditions will be addressed in Section 2.9

Commented [LC25]: Temporary permits not to exceed sixty (60) days for the location of car crushers moved to Temporary Uses section.

~~conclusion of such operation. Upon appeal, the Board of Adjustment may grant an extension not to exceed 30 days.~~

- ~~b. Conversion of existing dwellings or other structures to a two family dwelling, provided that a permit is obtained from the Jackson County Health Department for the sanitary system, and that the property meets the requirements for lot area and width and yards in the district, and that there be two parking spaces for each dwelling in the unit.~~

Commented [LC26]: These conditions are basic code compliance. They are similar to state code proposed for Accessory Dwelling Unit (ADU) . Recommend deletion, replace with internal ADU as an accessory use.

12. Golf courses and clubhouses, provided that:

- a. parking shall include 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater.
- ~~e.b.~~ In deciding such appeals, the Board of Adjustment shall consider the suitability of the proposed site for agricultural production.

Commented [LC27]: These conditions will be addressed in Section 2.9

5.13. Home industries as defined.

Commented [LC28]: The conditions will be addressed in Section 2.9

6.14. Garden centers in conjunction with plant nurseries provided that one (1) off-street parking space per four hundred (400) square feet of floor area be provided.

Commented [LC29]: Conditions will be addressed in Section 2.9

7.15. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

Commented [LC30]: Conditions will be addressed in Section 2.9

16. Multiple family dwellings, including residential condominiums, provided that:

- a. ~~Such units abut a hard surfaced road,~~
- b. Are located no further than five (5) miles by normal travel routes from the nearest fire station, ~~and,~~
- c. maintain a maximum density of one (1) dwelling unit per two (2) acres.
- d. The maximum number of dwelling units per structure shall not exceed eight (8).
- e. Two (2) off-street parking spaces per dwelling unit shall be provided.
- f. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

Commented [LC31]: These conditions will be addressed in Section 2.9

17. Event venues provided that:

- a. One (1) off-street parking space per four hundred (400) square feet of floor area be provided.
- b. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

Commented [LC32]: These conditions will be addressed in Section 2.9

17. Commercial wind energy conversion systems (C-WECS) provided that the application and review process shall comply with the Jackson County WECS Ordinance #314.

Commented [LC33]: These conditions will be addressed in Section 2.9

E. Temporary Uses and Structures Allowed by Zoning Administrator.

Table E.1. lists the allowed temporary uses and structures in the A-1 District as defined in Chapter 6 of this Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with A-1 district development regulations unless specified otherwise below.

Commented [LC12]: Moved temporary uses and structures to a new section for approval by the Zoning Administrator.

Table E.1. A-1 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary buildings	Used in conjunction with construction work provided that such building is are removed promptly upon completion of the work.
Temporary concrete -batch plants	<ol style="list-style-type: none"> Prior to the issuance of <u>a</u> compliance certificates for <u>a</u> temporary concrete-batch plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the County Engineer shall be posted to ensure repair of damage to the haul route. The area be restored to a suitable condition free of refuse and debris.
Temporary permits not to exceed sixty (60) days for the location of <u>a</u> car crushers or similar equipment used in the processing, removal or disposal of junk	<ol style="list-style-type: none"> Such permit may be granted <u>not to exceed sixty (60) days</u> for the purpose of facilitating the removal of junk from <u>a</u> nonconforming junkyards, but shall not be granted for the purpose of establishing <u>a</u> new junkyards or serve as a basis for the permanent expansion of <u>a</u> nonconforming junkyards. In considering such permit, the Board of Adjustment <u>Zoning Administrator</u> shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation. Upon a showing of good cause, the Board of Adjustment <u>Zoning Administrator</u> may grant an extension not to exceed thirty (30) days.

Commented [LC13]: Moved from Accessory Uses

Commented [LC14]: Moved from Special Requirements

MINIMUM LOT AREA MINIMUM YARD MAXIMUM HEIGHT AND WIDTH REQUIREMENTS

Non-farm dwellings and	Front	40 feet	2 and one-half stories
institutional uses	Rear	30 feet	or 35 feet
Area	Side	15 feet	
Width	Street side,		
	corner lot	30 feet	

Other Uses: None; except as may be required by the County Health Department to provide adequate sewage disposal facilities.

Commented [LC15]: Moved into chart below

F. **Development Regulations.**

Table F.1. lists the standard development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 district unless specified otherwise in this

Ordinance. See Table F.3. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.1. Standard A-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Farm Exempt Uses and Structures							
All	See Note 1		None, except see Note 7				None
Principal Uses and Structures							
Non-farm Dwellings and Education and Assembly Institutional Uses	2 acres per DU or use	200 feet	40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
All others	See Note 1		40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K. for specific development regulations						
Private garage or carport (see Note 6)	See Note 1		10 or 20 feet	5 feet	10 feet; 5 feet if detached	10 or 20 feet	2.5 stories or 35 feet
All others	See Note 1		40 feet	30 feet; 5 feet if detached	15 feet; 5 feet if detached	30 feet	2.5 stories or 35 feet
Conditional Uses and Structures							
Seasonal resort (see Note 2)	2 acres per DU	200 feet	40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Seasonal resort (see Note 3)	10,000 sq ft per DU	50 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Multiple family dwellings	2 acres per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

None except as may be required by the County Health Department to provide adequate sewage disposal facilities. Where legally existing front or rear yard on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred (500) feet n parcels of continuous frontage. For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.

Table F.2. lists the alternative development regulations that shall be met for all principal, accessory, and conditional uses and structures in the A-1 District located in subdivisions or on lots platted before May 6, 1976 that do not comply with A-1 standard development regulations for lot area, lot width, and/or setbacks, unless specified otherwise in this Ordinance. See Table F.3. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.2. Alternative A-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side	
Principal Uses and Structures							
Dwellings and POA uses (see Note 2)	20,000 sq ft per DU or use	100 feet per DU or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Dwellings and POA uses (see Note 3)	12,000 sq ft per DU or use	80 feet per DU or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K for specific development regulations						
Private garage or carport (see Note 6)	See Note 1		10 feet	5 feet	10 feet; 5 feet if detached	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	5 feet	10 feet; 5 feet if detached	10 feet	2.5 stories or 35 feet
Conditional Uses and Structures							
Seasonal resort (see Note 2)	20,000 sq ft per DU	100 feet per DU	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Seasonal resort (see Note 3)	10,000 sq ft per DU	50 feet per DU	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Multiple-family dwelling	20,000 sq ft per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

Table F.3. lists the A-1 District Notes for Table F.1 Standard Development Regulations and Table F.2 Alternative Development Regulations above.

Table F.3 A-1 District Notes for Standard and Alternative Development Regulations
Note 1. Minimum lot area and width None except as may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative

Table F.3 A-1 District Notes for Standard and Alternative Development Regulations

Code Chapter 69 and Iowa Administrative Code Chapter 49. Private Wells.
Note 2. Served with private well and septic systems.
Note 3. Served by central sewage collection and treatment system or central water distribution system.
Note 4. See Subsection 2.1.D.2.g. Average Front and Rear Setbacks.
Note 5. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be <u>five (5) feet</u> .
Note 6. Subsection 2.1.D.2.h. Front Setback for Off-Street Parking.
Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.

G. ~~Permitted~~ Allowed Signs. The sign regulations shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 District in accordance with **Subsection 2.9.G.** of this Ordinance unless specified otherwise in this Ordinance.

H. Required Off-Street Parking, Loading, and Stacking Spaces. The required off-street parking, loading, and stacking spaces shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 District in accordance with **Subsection 2.1.C.** of this Ordinance unless specified otherwise in this Ordinance.

- ~~Directional signs as defined not to exceed one hundred fifty (150) square feet in area only along U. S. Highway 61 or thirty two (32) square feet in area elsewhere in the county, provided that no business shall have more than three (3) such signs in all districts combined.~~
- ~~Church or public bulletin boards not to exceed sixteen (16) square feet in area.~~
- ~~Identification signs for permitted principal uses, accessory uses and special exception uses of this district identifying the business or service on the premises not to exceed thirty two (32) square feet in area.~~
- ~~Temporary signs advertising the sale or lease of the premises not to exceed sixteen (16) square feet in area.~~
- ~~No use shall have more than one (1) of each type of sign permitted for that use on each street or road frontage; however, each sign may be a double faced or back to back sign.~~
- ~~Directional signs may be placed in required front yards. Other permitted signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.~~
- ~~Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.~~
- ~~All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.~~

Commented [LC16]: Moved to Section 2.9

G. Special Requirements.

1. ~~The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment, shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Iowa Code Chapter 455B.~~
2. ~~Prior to the issuance of Compliance Certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the Jackson County Engineer shall be posted to ensure repair of damage to the haul route.~~

Commented [LC17]: Special requirements are moved to Section 2.9 Supplemental regulations

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.3 R-1 Residential District.

A. Statement of Intent. The R-1 Residential District is intended to provide for limited residential development in the rural areas of the county where such use is compatible with surrounding land uses and where residential development will result in the most appropriate permanent use of the land with particular regard to agricultural land, woodlands and other natural resources in accordance with the Jackson County Land Use Policy Statement.

Subdivisions and individual lots were platted in the County's unincorporated areas prior to the effective date of the first Jackson County Zoning Ordinance on May 6, 1976. Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns. Some of these older subdivisions may have an active property owners' association (POA).

A. B. Permitted Allowed Principal Uses and Structures and Required Parking.

Table B.1. lists the standard principal uses and structures allowed in the R-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts.

Table B.1. Standard R-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential and Lodging	
Family home	Chapter 6; Section 2.8; Section 2.9
Seasonal dwellings, detached	
Single family dwellings, detached	
Educational and Assembly	
Adult day care center	Chapter 6; Section 2.8; Section 2.9
Elementary school	
Churches, Place of assembly	
Secondary school	
Commercial and Recreational	
Cemeteries	Chapter 6; Section 2.8; Section 2.9
Golf courses and clubhouses but not including miniature courses operated for a profit	
Indoor commercial recreation Community meeting or recreation buildings	
Public recreation parks, playgrounds and recreation areas	
Industrial and Other	
Railroads and public utilities and public maintenance facility, but not including equipment storage or maintenance yards and buildings or administrative and sales office	Chapter 6; Section 2.8; Section 2.9

Table B.2. lists the alternative principal uses and structures allowed in the R-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Commented [LC1]: Required Parking moved to Section 2.1

Commented [LC2]: New general use category of Indoor Commercial Recreation

Commented [LC3]: Combined public parks, playgrounds, and recreation areas under new general use category Public Recreation

Table B.2. Alternative R-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential and Lodging	
Family home	Chapter 6; Section 2.8; Section 2.9
Mobile home	
Mobile home converted to real estate	
Seasonal dwelling, detached	
Single family dwelling, detached	
Educational and Assembly	
Place of assembly	Chapter 6; Section 2.8; Section 2.9
POA owned indoor commercial recreation facility	
POA owned outdoor commercial recreation facility	

PERMITTED PRINCIPAL USES AND STRUCTURES – REQUIRED PARKING

1. Single family dwellings	2 spaces per unit
2. Seasonal dwellings	2 spaces per unit
3. Public parks, playgrounds and recreation areas	5 spaces for each acre developed for active use
4. Community meeting or recreation buildings	1 space for every 50 square feet of floor area
5. Golf courses and clubhouses but not including miniature courses operated for a profit	3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater
6. Elementary and secondary schools	1 space per classroom or office
7. Churches	1 space for every 5 seats in the main auditorium
8. Cemeteries	20 spaces off the public right of way on drives and parking areas

Commented [LC4]: Moved to Table B.1. above

C. Permitted/Allowed Accessory Uses and Structures.

Table C.1. lists the standard and alternative accessory uses and structures clearly incidental to the allowed principal uses and structures of this district as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Table C.1. Standard and Alternative R-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential - Standard	
Accessory Dwelling Unit (ADU)	Chapter 6; Section 2.8; Section 2.9
Attached and/or detached private garage or carport	
Deck, porch, balcony, carport , boat dock, and other similar structure	
Fences, walls , and hedges Hedges and fences shall not exceed 4 feet in a required front yard and fences shall not exceed 6 feet in a required side or rear yard	

<u>Non-commercial nursery, garden and greenhouse</u>	
<u>Outdoor fixed fire pits and cooking equipment</u>	
Private swimming pool, <u>sports court</u> , tennis court, <u>and</u> <u>playground equipment</u>	
<u>Shed, gazebo, pergola, and other similar roofed freestanding structure</u>	
<u>Educational, Assembly and Commercial</u>	
<u>Child care home</u>	Chapter 6; Section 2.8; Section 2.9
<u>Home-based business occupation</u>	
<u>Other</u>	
<u>Solar energy system: consumer-scale, building mounted</u>	
Uses and structures clearly incidental to the allowed principal uses and structures of this district	Chapter 6; Section 2.8; Section 2.9
Temporary building used in conjunction with construction work provided that such building is removed promptly upon completion of the work.	
<u>Alternative Accessory Uses and Structures</u>	
<u>Accessory structure related to a principal use or structure on a separate lot</u>	Chapter 6; Section 2.8; Section 2.9
<u>Accessory structure related to a principal seasonal dwelling with no principal structure on lot</u>	

Commented [LC5]: Moved to new Section 2.3.E.

PERMITTED ACCESSORY USES AND STRUCTURES

- ~~1. Uses and structures clearly incidental to the permitted principal uses and structures of this district including home occupations as defined.~~
- ~~2. Private garages.~~
- ~~3. Private swimming pools, tennis courts, gardens and greenhouses.~~
- ~~4. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.~~
- ~~5. Addition of accessory structures to principal structures devoted to legal nonconforming uses.~~

Commented [LC6]: Moved into Table C.1. above

Commented [LC7]: Delete #5 Addition of accessory structures to principal structures devoted to legal nonconforming uses; required to be a special exception in current ordinance

D. Allowed ~~Special Exception~~ Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the R-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. These uses and structures shall comply with R-1 district development regulations in **Subsection 2.2.F** of this Ordinance unless specified otherwise in their specific conditions for approval in **Section 2.9** of this Ordinance and as listed below. Subject to **Section 2.15(2), 4.5** of this Ordinance and the other requirements contained herein, the Board of Adjustment may issue a **Conditional Use** Permit **for** the following:

Table D.1. R-1 District Conditional Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Residential and Lodging</u>	
Mobile home parks on tracts of <u>five (5)</u> acres or more	Chapter 6; Section 2.8; Section 2.9;
Mobile home subdivisions on tracts of <u>ten (10)</u> acres or more	Section 4.5

Table D.1. R-1 District Conditional Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Multiple-family dwellings, including residential condominiums	
Educational and Assembly	
Child care center	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Child development home	
Preschool	
Other	
Addition of accessory structures to principal structures devoted to legal nonconforming uses	Chapter 6; Section 2.8; Section 2.9; Section 4.5

SPECIAL EXCEPTION USES AND STRUCTURES

1. ~~Railroads and public utilities~~ but not including equipment storage or maintenance yards and buildings or administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that 2 parking spaces per substation or 1 per employee at the site be provided.

Commented [LC8]: Moved to principal uses

2. Mobile home parks on tracts of **five (5) acres or more**, provided that:

- a. ~~That~~ Each mobile home space has a minimum area of **three thousand five hundred (3,500) square feet**;
- b. ~~That~~ The mobile home park has a maximum density of **eight (8) units per acre**;
- c. ~~That~~ No mobile home, addition thereto or structure shall be closer than **twenty-five (25) feet** to any property line of the mobile home park nor closer than **twenty (20) feet** to another mobile home or any building in the park except where mobile homes are parked end to end, the end clearance shall be at least **fifteen (15) feet**;
- d. ~~That~~ **Two (2) parking spaces per unit** be provided;
- e. ~~That~~ All mobile home spaces shall abut on a hard-surfaced roadway of not less than **twenty-four (24) feet** in width which shall be adequately lighted and drained, and which shall have unobstructed access to a public street or highway.
- f. In addition to the requirements listed elsewhere in this Ordinance, the Board of Adjustment shall also consider:
 - i. The effect of the proposed mobile home park and density of population on adjacent property values and the health, safety, and general welfare of future inhabitants of the mobile home park as well as residents of the surrounding area;
 - ii. The suitability of the site for the proposed development with special attention to topography, subsurface conditions and the availability of necessary utility services;
 - iii. The availability of schools, police protection, fire protection and other community services; ~~and~~
 - iv. The adequacy of streets and highways serving the area.

3. Mobile home subdivisions on tracts of **ten (10) acres or more**, provided that:

- a. The subdivision complies with applicable subdivision ordinances and platting laws;
- b. Each lot contains not less than **six thousand (6,000) square feet** of area and has a width of not less than **forty-five (45) feet**;
- c. Each lot is connected to a community or municipal water supply and sewage disposal system;
- d. No lot sold or leased may be used for other than an independent mobile home or mobile home converted to real estate;
- e. That two **(2) off-street parking** spaces per lot shall be provided.

~~4. Home industries as defined, provided the applicant shall demonstrate that the residential character of the neighborhood will be preserved.~~

Commented [LC9]: Delete #4 Home Industries from R-1, still allowed in A-1 (see matrix of uses)

54. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

65. Multiple-family dwellings, including residential condominiums, provided that:

- ~~a. Such units abut a hard surfaced road,~~
- ~~b-a.~~ Are located no further than five (5) miles by normal travel routes from the nearest fire station, and
- ~~c-b.~~ Maintain a maximum density of one (1) dwelling unit per twenty thousand (20,000) square feet.
- ~~d-c.~~ The maximum number of dwelling units per structure shall not exceed eight (8).
- ~~e-d.~~ Two (2) off-street parking spaces per dwelling unit shall be provided.
- ~~e.~~ Additionally, The side yard requirement shall be at least ten (10) feet per dwelling unit up to a maximum requirement of forty (40) feet.
- f. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

Commented [LC10]: These conditions will be moved to Section 2.9 CUPs

E. Temporary Uses and Structures Allowed by Zoning Administrator.

Table E.1. lists the allowed temporary uses and structures in the R-1 District as defined in Chapter 6 of this Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with R-1 district development regulations unless specified otherwise below.

Table E.1. R-1 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary buildings	Used in conjunction with construction work provided that such building is are removed promptly upon completion of the work.
<u>Reserved.</u>	

Commented [LC11]: Moved from Accessory Uses

~~E.F.~~ Development Regulations.

Table F.1. lists the standard development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the R-1 District platted on or after May 6, 1976 unless specified otherwise in this Ordinance. See Table F.3. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.1. Standard R-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Principal Uses and Structures							
Dwellings and Institutional Education & Assembly Uses (see Note 2)	20,000 sq ft per DU or use	100 feet	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Dwellings and Education &	12,000 sq ft per DU or	80 feet	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet

Table F.1. Standard R-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Assembly Institutional Uses (see Note 3)	use						
Railroad, public utility & -public maintenance facility	See Note 1		30 feet	35 feet	25 feet	25 feet	2.5 stories or 35 feet
All others	See Note 1		30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K. for specific development regulations						
Private garage or carport (see Note 6)	See Note 1		10 or 20 feet	5 feet	10 feet; 5 feet if detached	10 or 20 feet	2.5 stories or 35 feet
All others	See Note 1		30 feet	5 feet	10 feet; 5 feet if detached	25 feet	2.5 stories or 35 feet
Conditional Uses and Structures							
Mobile home park or subdivision	See Subsection 2.9.H. for specific development regulations						
Multiple-family dwelling	20,000 sq ft per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		30 feet	5 feet	20 feet	30 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

~~None except as may be required by the County Health Department to provide adequate sewage disposal facilities. Where legally existing front or rear yards on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred 500' on parcels of continuous frontage. For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be 5'.~~

Table F.2. lists the alternative development regulations that shall be met for all principal, accessory, and conditional uses and structures in the R-1 District located in subdivisions or on lots platted before May 6, 1976 that do not comply with R-1 standard development regulations for lot area, lot width, and/or setbacks, unless specified otherwise in this Ordinance. See Table F.3. below for Notes.

Table F.2. Alternative R-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side	
Principal Uses and Structures							
Dwellings and POA uses (see Note 2)	20,000 sq ft per DU or use	100 feet per dwelling unit or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Dwellings and POA uses (see Note 3)	12,000 sq ft per DU or use	80 feet per dwelling unit or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Railroad, public utility & public maintenance facility	See Note 1		30 feet	35 feet	25 feet	25 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K for specific development regulations						
Private garage or carport (see Note 6)	See Note 1		10 or 20 feet	5 feet	10 feet	10 or 20 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	5 feet	10 feet	10 feet	2.5 stories or 35 feet
Conditional Uses and Structures							
Mobile home park or subdivision	See Subsection 2.9.H for specific development regulations						
Multiple-family dwelling	20,000 sq ft per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

Table F.3. lists the R-1 District Notes for Table F.1 Standard Development Regulations and Table F.2 Alternative Development Regulations above.

Table F.3. Notes for R-1 District Standard and Alternative Development Regulations
Note 1. Minimum lot area and width None except as may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 69 and Iowa Administrative Code Chapter 49 .
Note 2. Served with private well and septic systems.
Note 3. Served by community or municipal water supply and sewage disposal systems.
Note 4. See Subsection 2.1.D.2.g. Average Front and Rear Setbacks .
Note 5. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5') feet .
Note 6. See Subsection 2.1.D.2.h. Front Setback for Off-Street Parking .
Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.

MINIMUM LOT AREA AND WIDTH REQUIREMENTS **MINIMUM YARD** **MAXIMUM HEIGHT**

Dwellings and institutional uses except as provided elsewhere in this ordinance: Front: 30 feet 2 and one-half stories or 35 feet
Rear: principal structure 35 feet

Area 20,000 sq. ft.
Width 100 sq. ft. Side: 10 feet
Street side,
Corner lot: 25 feet

Where served by community or municipal water supply and sewage disposal systems, the minimum lot area and width for dwellings shall not be less than:

Area 12,000 square feet Width 80 feet

Other Uses: None except as may be required by the County Health Department to provide adequate sewage disposal facilities.

Where legally existing front or rear yards on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred 500' on parcels of continuous frontage.

For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be 5'.

G. Permitted-Allowed Signs. The sign regulations shall be met for all principal, accessory, conditional, and temporary uses and structures in the R-1 District in accordance with **Subsection 2.9.G** of this Ordinance unless specified otherwise in this Ordinance.

H. Required Off-Street Parking, Loading, and Stacking Spaces. The required off-street parking, loading, and stacking spaces shall be met for all principal, accessory, conditional, and temporary uses and structures in the R-1 District in accordance with **Subsection 2.1.C** of this Ordinance unless specified otherwise in this Ordinance.

1. Identification signs not to exceed 4 square feet in area.
2. Church or public bulletin boards not to exceed 16 square feet in area.
3. Home occupation signs identifying the business or service on the premises not to exceed 6 square feet in area.
4. Directional signs as defined not to exceed 3 square feet in area, provided that no business shall have more than 2 such signs in all districts combined and that effective traffic guidance cannot be attained without sign placement in an R-1 zone.
5. Temporary signs advertising the sale or lease of the premises not to exceed 16 square feet in area.
6. No use shall have more than 1 of each type of sign permitted for that use on each street or road.

Commented [LC12]: Moved into table format

~~frontage; however, each sign may be a double faced or back to back sign.~~

~~7. Directional signs may be placed in required front yards. Other permitted signs shall be located at least 20 feet from any lot line or not more than 5 feet from the main building.~~

~~8. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.~~

Commented [LC13]: Moved to Section 2.9 Signs

~~All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.~~

~~H. Special Requirements.~~

~~Hedges and fences shall not exceed four (4) feet in a required front yard and fences shall not exceed six (6) feet in a required side or rear yard, subject to further restriction of subsection 1.8 (1)~~

Commented [LC14]: Moved to Section 2.8

CHAPTER 2. ZONING DISTRICT REGULATIONS**2.4 C-1 HIGHWAY COMMERCIAL DISTRICT**

A. Statement of Intent. The C-1 Highway Commercial District is intended to provide areas for commercial development which primarily serve the travelling public. This district is also intended to accommodate certain other commercial uses which ordinarily require access to a major street or highway in accordance with the Jackson County Land Use Policy Statement.

B. ~~Permitted-Allowed~~ Principal Uses and Structures and ~~Required Parking~~.

Table B.1. lists the allowed principal uses and structures in the C-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table B.1. C-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Residential and Lodging</u>	
<u>Bed and breakfast home</u>	Chapter 6; Section 2.8; Section 2.9
<u>Bed and breakfast inn</u>	
<u>Boarding or lodging house</u>	
<u>Hotels and motels</u>	
<u>Multiple family dwelling, including residential condominium</u>	
<u>Educational and Assembly</u>	
<u>Adult day care center</u>	Chapter 6; Section 2.8; Section 2.9
<u>Child care center</u>	
<u>Child development home</u>	
<u>Family home</u>	
<u>Place of assembly</u>	
<u>Post high school</u>	
<u>Preschool</u>	
<u>Commercial</u>	
<u>Agricultural sales, service, and supply business</u>	Chapter 6; Section 2.8; Section 2.9
<u>Animal hospital/veterinary clinic</u>	
<u>Building materials/Lumber yard sales & distribution</u>	
<u>Event venue</u>	
<u>Fairgrounds and public exposition</u>	
<u>Drive-in banks/Financial institution</u>	Chapter 6; Section 2.8; Section 2.9
<u>Retail automotive fuel sales/Gas station and car wash</u>	
<u>General office</u>	
<u>Antique shops, art galleries and studios, bait shops, fishing and camping supply shops, convenience stores & liquor stores/General retail</u>	
<u>General services</u>	
<u>Kennel</u>	
<u>Livestock market</u>	

Commented [LC1]: Required Parking moved to Section 2.1

Commented [LC2]: New general use category of Place of Assembly

Commented [LC3]: Combine Agricultural service businesses in A-1 with Agricultural service and supply businesses in M-1 to create new general land use

Commented [LC4]: Allow in C-1 as Principal use, with veterinary clinic

Commented [LC5]: Combined Building material sales, distribution, storage with Lumber yard

Commented [LC6]: Rename to Gas station

Commented [LC7]: These various uses are combined in to new general category use of General Retail

Commented [LC8]: New general use category of General Services

Table B.1. C-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Mini-warehouse/Rental storage units	
Nightclub/Bar/Tavern	
Plant Nursery,ies and garden center, and greenhouse	
Personal services	
Plumbing, heating, air conditioning, and sheet metal shops	
Restaurants & nightclubs	
Drive-in-Restaurants, drive-in & refreshment areas	
Tourism welcome centers/Information booths	
Automotive, truck, farm implement or mobile home sales, service or repair. Motorcycle, boat, and recreation Vehicle sales, service or and repair	
Recreational	
Recreational Indoor commercial recreation & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls	Chapter 6; Section 2.8; Section 2.9
Drive-in theaters	
Outdoor commercial recreation	
Public campground	
Public recreation	
Industrial and Other	
Railroads, and public utilities-utility, and public maintenance facility but not including equipment storage or maintenance yards, provided that any substation or building shall meet the front and rear yard requirements for this district and shall provide side yards of not less than 25 feet, and that 2 off-street parking spaces per substation or 1 per employee at the site be approved.	Chapter 6; Section 2.8; Section 2.9

Commented [LC9]: New general use category of Personal Services

Commented [LC10]: Part of new Vehicle Sales, Service, and Repair; allow in C-1, M-1, and M-2 as Principal use

Commented [LC11]: These various uses are included in the definition of the new general land use category of **Indoor Commercial Recreation**.

Commented [LC12]: New general use category of Outdoor Commercial Recreation

Commented [LC13]: New general use category of Public Recreation

Commented [LC14]: Moved to Table F.1.

~~PERMITTED PRINCIPAL USES AND STRUCTURES REQUIRED PARKING~~

Commented [LC15]: Moved into Table B.1.

- ~~Automotive, truck, farm implement or mobile home sales, service or repair.~~ 1 space for every 300 square feet of floor space
- ~~Motorcycle, boat, and recreation vehicle sales, service or repair~~
- ~~Rental storage units~~ 1 space for every 300 square feet of floor space
- ~~Retail automotive fuel sales~~ 4 spaces plus storage for 4 other vehicles in each service lane
- ~~Drive in banks~~ 3 spaces plus storage for 3 vehicles outside each teller lane
- ~~Hotels and motels~~ 1 space per unit
- ~~Plant nurseries and garden centers~~ 1 space for every 100 square foot of floor area

8. ~~Antique shops, art galleries and studios, bait shops, fishing and camping supply shops, convenience stores & liquor stores~~
9. ~~Restaurants & nightclubs~~
10. ~~Drive in restaurants & refreshment areas~~ 5 spaces for every 100 square foot of floor area
11. ~~Recreational & amusement activities such as bowling alleys~~ Bowling: 5 spaces per lane
~~miniature golf courses, driving ranges, skating rinks, dance halls~~ Miniature golf: 3 spaces per green; other: 1 space per 100 sq. ft. of floor area
12. ~~Drive in theaters~~ Storage lanes outside ticket booth to accommodate 10% of theater
13. ~~Building material sales & distribution~~ 5 spaces plus 1 space for each employee on the site plus 1 space for each company vehicle
14. ~~Tourism welcome centers and information booths~~

C. ~~Permitted-Allowed~~ Accessory Uses and Structures.

Table C.1. lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of the C-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table C.1. C-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential	
Dwelling units in a commercial structure; each unit provided that with an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off street parking spaces per unit be provided.	Chapter 6; Section 2.8; Section 2.9
Commercial	
Automated teller machine (ATM)	Chapter 6; Section 2.8; Section 2.9
Child care home	
Home-based business	
Storage warehouses building in conjunction with the an allowed permitted principal uses or structures of this district.	
Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work	
Other	
Solar energy system: consumer-scale, building-mounted	
Uses and structures clearly incidental and necessary to the permitted-allowed principal uses or structures of this district.	Chapter 6; Section 2.8; Section 2.9

Commented [LC16]: Moved to new Section 2.4.E. Temporary Uses and Structures

Table C.1. C-1 District Accessory Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Wind energy conversion system: non-commercial	

PERMITTED ACCESSORY USES AND STRUCTURES

1. ~~Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.~~
2. ~~Storage warehouses in conjunction with the permitted principal uses or structures of this district.~~
3. ~~Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.~~
4. ~~Dwelling units in a commercial structure provided that an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off-street parking spaces per unit be provided.~~

Commented [LC17]: Moved into Table C.1.

D. Allowed Special Exception Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the C-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed in Section 2.9 of this Ordinance. These uses and structures shall comply with C-1 District development regulations in Subsection 2.4.F of this Ordinance unless specified otherwise in their specific conditions for approval listed below. Subject to Section 2.15(2) 4.5 of this Ordinance, and the other requirements contained herein, the Board of Adjustment may issue a Conditional Use Permit for the following:

Table D.1. C-1 District Conditional Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Commercial and Recreational	
Commercially operated campgrounds, recreational vehicle park or tourist camps on site of not less than five (5) acres	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Commercial cell communications station and tower	
Other	
Addition of accessory structure to principal structure devoted to legal non-conforming use	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Wind energy conversion system: non-commercial	

SPECIAL EXCEPTION USES AND STRUCTURES

1. ~~Railroads and public utilities but not including equipment storage or maintenance yards, provided that any substation or building:~~
~~shall meet the front and rear yard requirements for this district and~~
~~shall provide side yards of not less than 25 feet, and~~
~~that 2 off-street parking spaces per substation or 1 per employee at the site be approved.~~
2. ~~Commercial communications stations and towers provided that:~~

Commented [LC18]: Moved to Principal Uses and Structures

- a. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the height of the tower;
 - b. That they will not interfere with the operation of any airport or landing strip; and
 - That base screening and camouflage techniques are used unless prohibited by Federal Aviation Agency (FAA) regulations.
- 3. ~~Commercially operated campgrounds or tourist camps~~ on sites of not less than 5 acres provided that:**
- a. no campsite shall be located within 50 feet of a Residential District and
 - b. that water and sewage disposal facilities shall be approved by County and State Health Departments.
- 4. ~~Addition of accessory structures to principal structures devoted to legal non-conforming uses~~**

Commented [LC19]: See Ch. 6 Definitions relating to campground and section 2.9 for new regulations.

Commented [LC20]: Moved to Section 2.9 CUPs

E. Temporary Uses and Structures Allowed by the Zoning Administrator.

Table E.1. lists the allowed temporary uses and structures in the C-1 District as defined in **Chapter 6** of this Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with C-1 district development regulations unless specified otherwise below.

Table E.1. C-1 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary buildings	Used in conjunction with construction work provided that such building is removed promptly upon completion of the work.
Reserved.	

Commented [LC21]: Moved from Accessory Uses

F. Development Regulations.

Table F.1 lists the development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the C-1 District unless specified otherwise in this Ordinance. See Table F.2. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.1. C-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot <u>Size</u>		Minimum Yard-Setback Requirements (see Notes 4, 5, 6, and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
<u>Principal Uses and Structures</u>							
<u>Railroad, public utility and public maintenance facility</u>	See Note 1 None, except as may be required by the County Health Department to provide sewage		30 feet	25 feet	25 feet	30 feet	<u>2.5 stories or 35 feet</u>
<u>All others</u>			30 feet	25 feet	20 feet	30 feet	<u>2.5- and one-half stories or 35 feet</u>
<u>Accessory Uses and Structures</u>							

Table F.1. C-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot <u>Size</u>		Minimum Yard <u>Setback</u> Requirements (see Notes 4, 5, 6, and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
<u>Dwelling unit (see Note 2)</u>	<u>20,000 sq ft per DU</u>	<u>100 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Dwelling unit (see Note 3)</u>	<u>12,000 sq ft per DU</u>	<u>80 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Private garage or carport (see Note 6)</u>	<u>See Note 1</u>		<u>10 or 20 feet</u>	<u>5 feet</u>	<u>10 feet; 5 feet if detached</u>	<u>10 or 20 feet</u>	<u>2.5 stories or 35 feet</u>
<u>All others</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>30 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Conditional Uses and Structures</u>							
<u>All</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>30 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Temporary Uses and Structures</u>							
<u>All</u>	<u>See Note 1</u>		<u>As per Zoning Administrator</u>				

Table F.2. lists the C-1 District Notes for Table F.1. Development Regulations above.

Table F.2. Notes for C-1 District Development Regulations
Note 1. Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 69 and Iowa Administrative Code Chapter 49 .
Note 2. Served with private well and septic systems.
Note 3. Served by community or municipal water supply and sewage disposal systems.
Note 4. See Subsection 2.1.D.2.g , Average Front and Rear Setbacks.
Note 5. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.
Note 6. See Subsection 2.1.D.2.h , Front Setback for Off-Street Parking.
Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.

MAXIMUM YARD AREA	MINIMUM YARD	MAXIMUM HEIGHT
	AND WIDTH	REQUIREMENTS
None, except as may be required by the County Health Department to provide Sewage	Front	30 feet
	Rear	25 feet
	Side	20 feet
	Street side,	
	Corner lot	30 feet

Commented [LC22]: Moved into Table F.1. above.

G. ~~Permitted~~Allowed Signs. The sign regulations shall be met for all principal, accessory, conditional, and temporary uses and structures in the C-1 District in accordance with **Subsection 2.9.G.** of this Ordinance unless specified otherwise in this Ordinance.

H. Required Off-Street Parking, Loading, and Stacking Spaces. The required off-street parking, loading, and stacking spaces shall be met for all principal, accessory, conditional, and temporary uses and structures in the C-1 District in accordance with **Subsection 2.1.C** of this Ordinance unless specified otherwise in this Ordinance.

- ~~1. Temporary signs advertising the sale or lease of the premises not to exceed 16 square feet in area.~~
- ~~2. Trade, business or industry identification signs for the business located on the site provided that:~~
 - ~~a. One free standing sign per business not exceeding 25 feet in height and 100 square feet per face;~~
 - ~~b. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the wall of the building in which they are located, or 100 square feet, whichever is smaller;~~
 - ~~c. The total combined area of all signs shall not exceed 200 square feet per business or more than 1 square foot of sign area for every lineal foot of lot frontage, whichever is greater.~~
- ~~3. No sign shall be located in, overhang or project into a required side or rear yard, but permitted signs may be placed in a required front yard.~~
- ~~4. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.~~
- ~~5. Billboards and advertising signs provided that:~~
 - ~~a. They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building,~~
 - ~~b. They are not within 300 feet of another billboard or advertising sign facing the same direction.~~
 - ~~c. No billboard or advertising sign shall exceed 750 square feet in area per face or 25 feet in height.~~

Commented [LC23]: Moved to Section 2.9

H. Special Requirements

- ~~H. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property.~~
- ~~2. Prior to the issuance of a Certificate for any use in this district, the applicant shall submit plans for water supply and sewage disposal including anticipated water usage and shall provide satisfactory evidence to the Administrator that such facilities, including sewage lagoons, where needed, are adequate for the proposed development. Water supply and sewage disposal facilities shall be approved by the County and State Health Departments where required.~~

Commented [LC24]: Move to Section 2.9, revise with reference to Iowa DNR regulations

CHAPTER 2. ZONING DISTRICT REGULATIONS**2.5 M-1 LIMITED INDUSTRIAL DISTRICT**

A. Statement of Intent. The M-1 Limited Industrial District is intended principally for manufacturing, processing, storage, wholesaling, distribution and related uses that are generally contained within a building. It is further the intent of this district to accommodate such uses in appropriate locations which will not adversely affect existing and future land uses in other districts in accordance with the Land Use Policy Statement.

B. ~~Permitted-Allowed~~ Principal Uses and Structures ~~and Required Parking.~~

Table B.1. lists the allowed principal uses and structures in the M-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table B.1. M-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Commercial</u>	
Agricultural sales, service and supply businesses engaged in any or all of the following: Retail sales of agricultural fertilizers, chemicals, seeds, feed and feed supplements, buildings, supplies or fuels, or the buying, storing, processing and sale of grains and other non-animal farm products, but not to include the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure	
Animal hospital/Veterinary clinic or kennels	
Building materials/Lumber yards and building material sales & storage	Chapter 6; Section 2.8; Section 2.9
Kennels	
Mini-warehouse/Rental storage units	
Plumbing, heating, air conditioning, and sheet metal shops	
Automobile-Vehicle paint & and body shops	
Vehicle sales, service, and repair of farm implements, construction equipment, trucks, automobiles, recreational vehicles, boats, and motorcycles, snowmobiles, golf carts, personal watercraft, and similar recreational machines	
<u>Industrial and Other</u>	
Contractor construction office, maintenance shop or storage yard	Chapter 6; Section 2.8; Section 2.9
Grain elevator	
Logging, storage only	

Commented [LC1]: Required parking moved to Section 2.1.

Commented [LC2]: Combine Agricultural service businesses in A-1 with Agricultural service and supply businesses in M-1 to create new general land use of Agricultural Sales, Service, and Supply business

Commented [LC3]: Combined Building material sales, distribution, storage with Lumber yard

Commented [LC4]: Part of new Vehicle Sales, Service, and Repair; allow in C-1, M-1, and M-2 as Principal use

Manufacturing and processing uses businesses that are contained within a building, and have no publicly visible external storage and create no offensive noise, dust, odor, vibration, electrical interference or other environmental nuisance. The area devoted to external storage shall not exceed the area of roofed structures on the parcel.	
Railroads, and public utility ies and public maintenance facility including storage and maintenance yards	
Truck & and freight terminals	
Welding, machine, and repair shops	
Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure, or highly volatile chemicals or materials	
Loading space (all uses): 1 space per 10,000 sq. ft. of floor area or fraction thereof	

Commented [LC5]: Added definitions for Wholesaling and Warehousing; recommend using longer combined definition that includes "highly volatile chemicals or materials"

Commented [LC6]: Not all uses require loading spaces, so this requirement was limited to select uses as shown

Commented [LC7]: Moved into Table B.1.

PERMITTED PRINCIPAL USES & STRUCTURES**REQUIRED PARKING**

1. ~~Manufacturing and processing uses that are contained within a building, have no publicly visible external storage and create no offensive noise, dust, odor, vibration, electrical interference or other environmental nuisance. The area devoted to external storage shall not exceed the area of roofed structures on the parcel~~ 1 space for every 2 employees on the maximum shift plus 1 space for each company vehicle
2. ~~Animal hospitals or kennels~~ 1 space for every 300 feet of sales, service or office floor area
3. ~~Rental storage units~~ 1 space for every 300 square feet of floor space
4. ~~Contract construction office, maintenance shop or storage yard.~~
5. ~~Sales, service, and repair of farm implements, construction equipment, trucks, automobiles, recreational vehicles, boats, and motorcycles, snowmobiles, golf carts, personal watercraft, and similar recreational machines~~
6. ~~Lumber yards and building material sales & storage~~
7. ~~Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure~~ 1 space for each employee plus 1 space for each company vehicle
8. ~~Truck & freight terminals~~
9. ~~Agricultural service and supply businesses engaged in any or all of the following: Retail sales of agricultural fertilizers, chemicals, seeds, feed and feed supplements, buildings, supplies or fuels, or the buying, storing, processing and sale of grains and other non animal farm products, but not to include the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure~~

10. ~~Welding machine and repair shops~~
11. ~~Automobile paint & body shops~~ Loading space (all uses): 1
12. ~~Plumbing, heating, air conditioning, and sheet metal shops~~ space per 10,000 sq. ft. of floor area or fraction thereof
13. ~~Railroads and public utilities including storage and maintenance yards~~

C. ~~Permitted~~ Allowed Accessory Uses and Structures.

Table C.1. lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of the M-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table C.1. M-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential	
Dwelling units for watchmen or caretakers owners or persons employed on the premises; each unit shall be provided with an open yard of at least 2,400 square feet.	Chapter 6; Section 2.8; Section 2.9
Commercial	
Home-based business	
Storage warehouses buildings in conjunction with the permitted allowed principal uses or structures of this district.	Chapter 6; Section 2.8; Section 2.9
Other	
Solar energy system: consumer-scale, building-mounted or freestanding	
Uses and structures clearly incidental and necessary to the permitted allowed principal uses or structures of this district	Chapter 6; Section 2.8; Section 2.9
Wind energy conversion system: non-commercial	

PERMITTED ACCESSORY USES AND ~~STRUCTURES~~

1. ~~Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.~~
2. ~~Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.~~
3. ~~Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.~~

Commented [LC8]: Moved into Table C.1.

D. ~~Allowed Special Exception~~ Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the M-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. These uses and structures shall comply with M-1 District development regulations in **Subsection 2.5.F** of this Ordinance unless specified otherwise in their specific conditions for approval listed in **Section 2.9** of this Ordinance. Subject to **Section 2.15 (2) 4.5** of this Ordinance and the requirements contained herein the Board of Adjustment may **issue** a **Conditional Use** Permit **for** the following:

Table D.1. M-1 District Conditional Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Commercial and Industrial	
Bulk storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Commercial cell communications station and tower	
Other	
Addition of accessory structure to principal structure devoted to legal nonconforming use	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Wind energy conversion system: commercial	

~~SPECIAL EXCEPTION USES AND STRUCTURES~~

- ~~1. The Bulk storage of anhydrous ammonia fertilizer under pressure and petroleum products under pressure; provided that:~~
- ~~2. Such use is located not closer than 1,000 feet to any existing dwelling other than that of the owner or operator or any park, school, church or place of public assembly;~~
- ~~3. that it is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity;~~
- ~~4. that 1 parking space for each employee and 2 spaces for each company vehicle be provided and at least 1 loading space be provided for each 10,000 square feet of floor space.~~
- 5.1. Commercial communications (cell) stations and towers new and existing** provided that:
 - a. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to **one and a half (1.5) times** the height of the tower;
 - b. ~~that~~ They will not interfere with the operation of any airport or landing strip; ~~and~~
 - c. ~~that~~ Base screening and camouflage techniques are used unless prohibited by F.A.A. regulations.
 - d. **The maximum total height of the tower shall be four-hundred (400) feet above average ground level (AGL).**
 - e. **Towers and transmission equipment shall not be illuminated unless required to conform to Federal Communications Commission (FCC), FAA, or other State or federal requirements. If lighting is required, the lighting alternative or design chosen must cause the least disturbance to surrounding views and/or surrounding properties. Security lighting may be provided around the base of a tower if zero cut-off luminaires with a maximum mounting**

height of 12 feet are used to limit lighting to the tower site. Aircraft detection lighting system (ADLS) may be provided unless prohibited by FAA regulations.

- f. The Discontinuation, Catastrophic Failure, and Decommissioning regulations in the Jackson County WECS Ordinance shall apply to new station and tower sites.
- g. The Zoning Administrator shall provide direct notification to all landowners within one (1) mile of the of the property lines of the cell station and/or tower sites.
- h. Review by the Board of Adjustment shall comply with the Iowa Code 8C Iowa Cell Siting Act.
- i. The Board of Adjustment may approve a tower over the height of four-hundred (400) feet above AGL upon a showing of good cause and with FCC and FAA approval if required.
- j. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.

- 2. **Wind energy conversion system: Commercial** in accordance with the regulations for the placement of Wind Energy Conversion Systems (WECS) and substations on property located in the unincorporated areas of Jackson County are set for in Jackson County Ordinance #314.

6.3. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

E. Temporary Uses and Structures Allowed by the Zoning Administrator.

Table E.1. lists the following temporary uses and structures in the M-1 District as defined in **Chapter 6** of the Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with M-1 district development regulations unless specified otherwise below.

Table E.1. M-1 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary building	Used in conjunction with construction work provided that such building is removed promptly upon completion of the work.
Temporary batch plant	<ul style="list-style-type: none"> a. Prior to the issuance of compliance certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the County Engineer shall be posted to ensure repair of damage to the haul route. b. The area be restored to a suitable condition free of refuse and debris.
Temporary permit for the location of a car crusher or similar equipment used in the processing, removal or disposal of junk	<ul style="list-style-type: none"> a. Such permit may be granted not to exceed sixty (60) days for the purpose of facilitating the removal of junk from a nonconforming junkyard, but shall not be granted for the purpose of establishing a new junkyard or serve as a basis for the permanent expansion of a nonconforming junkyard. b. In considering such permit, the Zoning Administrator shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation. c. Upon a showing of good cause, the Zoning Administrator may grant an extension not to exceed thirty (30) days.

Commented [LC9]: List of uses and parking requirements moved to Table D.1 and conditions moved to Section 2.9 CUPs

Commented [LC10]: Matches Table E.1 in A-1 District

Commented [LC11]: Moved here from Accessory Uses

F. Development Regulations.

Table F.1. lists the development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the M-1 District unless specified otherwise in this Ordinance.

See Table F.2. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.1. M-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard -Setback Requirements				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Principal Uses and Structures							
<u>All</u>	<u>See Note 1</u>	<u>None</u>	30 feet	25 feet	20 feet	25 feet	4 stories or 50 feet
Accessory Uses and Structures							
<u>Dwelling unit (see Note 2)</u>	<u>20,000 sq ft per DU</u>	<u>100 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Dwelling unit (see Note 3)</u>	<u>12,000 sq ft per DU</u>	<u>80 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>All others</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>25 feet</u>	<u>4 stories or 50 feet</u>
Conditional Uses and Structures							
<u>All</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>25 feet</u>	<u>4 stories or 50 feet</u>
Temporary Uses and Structures							
<u>All</u>	<u>See Note 1</u>		<u>As per Zoning Administrator</u>				

Table F.2. lists the M-1 District Notes for Table F.1. Development Regulations above.

Table F.2. Notes for M-1 District Development Regulations	
<u>Note 1. Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 69, and Iowa Administrative Code Chapter 49.</u>	
<u>Note 2. Served with private well and septic systems.</u>	
<u>Note 3. Served by community or municipal water supply and sewage disposal systems.</u>	
<u>Note 4. See Subsection 2.1.D.2.g. Average Front and Rear Setbacks.</u>	
<u>Note 5. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.</u>	
<u>Note 6. See Subsection 2.1.D.2.h. Front Setback for Off-Street Parking.</u>	
<u>Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.</u>	

MINIMUM LOT AREA ——— MINIMUM YARD ——— MAXIMUM HEIGHT
AND WIDTH ——— REQUIREMENTS

None ——— Front ——— 30 feet ——— 4 stories or 50 feet
——— Rear ——— 25 feet ———
——— Side ——— 20 feet ———

Commented [LC12]: Moved to Table F.1.

~~2.1. In granting special uses which pose a potential threat to the health, safety and well-being of persons or property in the area, the Board of Adjustment shall take into account the location and proximity of existing and proposed residential areas, schools, places of public assembly and any other pertinent factors and shall require that adequate safeguards be taken to minimize the potential danger. In the event adequate safeguards and precautions cannot be met or complied with, the Board of Adjustment shall not grant approval for such use.~~

Commented [LC14]: Moved to Section 2.9, will revise to refer to county, state, federal regulations

CHAPTER 2. ZONING DISTRICT REGULATIONS**2.6 M-2 GENERAL INDUSTRIAL DISTRICT**

A. Statement of Intent. The M-2 General Industrial District is intended primarily for heavy manufacturing and closely related uses while providing protection against harmful effects to existing and future uses in other districts in accordance with the Land Use Policy Statement.

B. ~~Permitted-Allowed~~ Principal Uses and Structures ~~and Required Parking.~~

Table B.1. lists the allowed principal uses and structures in the M-2 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table B.1. M-2 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Commercial	
Ready-mix Batch plants	Chapter 6; Section 2.8; Section 2.9
Building materials/Lumber yard Lumber yards and building materials—sales and storage	
Concrete products	
Contract or construction office, maintenance shop or storage yard	
Automobile-Vehicle paint & and body shops	
Farm implement or truck Vehicle sales, service and repair	Chapter 6; Section 2.8; Section 2.9
Industrial	
Logging, production and storage	
Manufacturing and processing, except that certain uses shall be permitted only as special exceptions <u>conditional uses (see Section 2.6.D.)</u>	
Manufacturing and processing uses-businesses that are contained within a building, and have no publicly visible external storage and create no offensive noise, dust, odor, vibration, electrical interference or other environmental nuisance. -The area devoted to external storage shall not exceed the area of roofed structures on the parcel.	
Truck and freight terminals	
Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure, petroleum products under pressure, explosives or highly volatile chemicals or materials	Chapter 6; Section 2.8; Section 2.9
Other	
Railroads, and public utility ies and public maintenance facility including storage and maintenance yards	Chapter 6; Section 2.8; Section 2.9

Commented [LC1]: Required parking moved to Section 2.1

Commented [LC2]: Combined Building material sales, distribution, storage with Lumber yard

Commented [LC3]: Part of new Vehicle Sales, Service, and Repair; allow in C-1, M-1, and M-2 as Principal use

~~Loading space (all uses); 1 space per 10,000 square feet of floor area or fraction thereof~~

Commented [LC4]: Not all uses require loading spaces, so this requirement was limited to select uses as shown

PERMITTED PRINCIPAL USES AND STRUCTURES **REQUIRED PARKING**

Commented [LC5]: Moved into Table B.1.

- ~~1. Manufacturing and processing, except that certain uses shall be permitted only as special exceptions~~ ~~1 space for every 2 employees on the maximum shift, plus 1 space for each company vehicle~~
- ~~2. Lumber yards and building materials sales and storage, concrete products, ready mix plants~~ ~~1 space for each employee plus 1 space for each company vehicle~~
- ~~3. Contract construction office, maintenance shop or storage yard~~
- ~~4. Railroads and public utilities including storage and maintenance yards~~
- ~~5. Farm implement or truck sales, service and repair~~ ~~1 parking space for every 300 square feet of sales, service, or office floor space~~
- ~~6. Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure, petroleum products under pressure, explosives or highly volatile chemicals or materials~~ ~~Loading space (all uses); 1 space per per 10,000 square feet of floor area or fraction thereof~~

C. ~~Permitted-Allowed~~ Accessory Uses and Structures.

Table C.1. lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of the M-2 District, as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance.

Table C.1. M-2 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
<u>Residential</u>	
Dwelling units for watchmen or caretakers <u>owners or persons</u> employed on the premises; <u>each unit shall be provided that with</u> an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.	Chapter 6; Section 2.8; Section 2.9
<u>Commercial and Other</u>	
<u>Solar energy system: consumer-scale, building-mounted or freestanding</u>	Chapter 6; Section 2.8; Section 2.9
Storage warehouses <u>buildings</u> in conjunction with the permitted <u>an allowed</u> principal uses or structures of this district.	
Uses and structures clearly incidental and necessary to the permitted-allowed principal uses or structures of this district.	
<u>Wind energy conversion system: non-commercial</u>	

PERMITTED ACCESSORY USES AND STRUCTURES

1. ~~Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.~~
2. ~~Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.~~
3. ~~Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.~~

Commented [LC6]: Moved to Table C.1.

Commented [LC7]: Moved to new section E

D. Allowed ~~Special Exception~~ Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the M-2 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. These uses and structures shall comply with M-2 District development regulations in **Subsection 2.6.F** unless specified otherwise in their specific conditions for approval listed in **Subsection 2.9** of this Ordinance. Subject to **Section 2-15 (2), 4.5** of this Ordinance and the requirements contained herein, the Board of Adjustment may issue a Conditional Use Permit for the following:

Table D.1. M-2 District Conditional Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Commercial	
Commercial <u>cell</u> communications stations and towers	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Industrial	
Auto wrecking /Junkyards on site of <u>five (5)</u> acres or more	Chapter 6; Section 2.8; Section 2.9; Section 4.5
Bulk storage of oils, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anhydrous ammonia fertilizer and petroleum products under pressure	
Mining and extraction of minerals or raw materials including necessary processing equipment	
Restricted manufacturing and processing <u>uses industries as listed in Section 2.9.H</u> of this Ordinance.	
<u>Solid waste facility</u>	
Other	
Addition of accessory structures to principal structures devoted to legal nonconforming uses.	Chapter 6; Section 2.8; Section 2.9; Section 4.5
<u>Solar energy system: consumer-scale, freestanding</u>	
<u>Wind energy conversion system: commercial</u>	

Commented [LC8]: New general use category of Solid waste facility includes sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations, etc.

SPECIAL EXCEPTION USES AND STRUCTURES

1. The following **restricted manufacturing and processing ~~uses~~ businesses** provided that:
 - a. **No such operation shall be located** ~~They are not~~ closer than **one thousand (1,000)** feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly.

- b. ~~that~~ One (1) off-street parking space ~~for every~~ per two (2) employees ~~on the maximum shift,~~ and ~~plus one (1) off-street parking space for each~~ per company vehicle, ~~plus one (1) loading space per 10,000 square feet of floor area is be~~ provided:
- i. Chemical plants
 - ii. Explosives manufacture or storage
 - iii. Fertilizer manufacturing
 - iv. Garbage, offal, or dead animal reduction or dumping
 - v. Gas manufacture
 - vi. Refining of petroleum and natural gas and their products
 - vii. Stockyard ~~(as principal use)~~ or slaughter ~~house of animals~~
 - viii. Asphalt plants ~~(permanently placed)~~
2. ~~Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations~~ Solid waste facility provided that:
- a. No such operation shall be located closer than one thousand (1,000) feet to any dwelling, park or school.
- ~~a.b.~~ One (1) off-street parking space per two (2) employees plus one (1) off-street parking space per company vehicle be provided.
- ~~b.c.~~ Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.
3. ~~Auto wrecking and junkyards on sites of 5 acres or more~~ provided that:
- a. ~~The site shall be a minimum of five (5) acres.~~
- ~~a.b.~~ The front yard shall be maintained as an open space free of weeds and debris.
- ~~b.c.~~ ~~that~~ The site shall be enclosed with a fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas and residential properties, ~~and~~
- ~~c.d.~~ ~~that~~ A minimum of two (2) off-street parking space ~~for each~~ per employee and one (1) off-street parking space ~~for each~~ per vehicle used by the facility be provided.
4. ~~The Bulk storage of oils, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anhydrous ammonia fertilizer and petroleum products under pressure~~ provided that:
- a. ~~When stored underground in tanks located no closer to any property line than the greatest depth to the bottom of such tanks or above ground in tanks located at least 150 feet from any property line.~~
- b. ~~No such operation shall be located closer than one thousand (1,000) feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly.~~
- c. ~~It is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity~~
- e. One (1) off-street parking space per two (2) employees on the maximum shift, plus one (1) off-street parking space per company vehicle, plus one (1) loading space per 10,000 square feet of floor area be provided.

Commented [LC9]: These conditions match M-1 district

4. **Commercial communications (cell) stations and towers, new and existing,** provided that:
 - a. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to one and a half (1.5) times the height of the tower~~;~~
 - b. ~~That~~ They will not interfere with the operation of any airport or landing strip~~;~~ and
 - c. ~~That~~ Base screening and camouflage techniques are used unless prohibited by F.A.A. regulations.
 - d. The maximum total height of the tower shall be four-hundred (400) feet above average ground level (AGL).
 - e. Towers and transmission equipment shall not be illuminated unless required to conform to Federal Communications Commission (FCC), FAA, or other State or federal requirements. If lighting is required, the lighting alternative or design chosen must cause the least disturbance to surrounding views and/or surrounding properties. Security lighting may be provided around the base of a tower if zero cut-off luminaries with a maximum mounting height of 12 feet are used to limit lighting to the tower site. Aircraft detection lighting system (ADLS) may be provided unless prohibited by FAA regulations.
 - f. The Discontinuation, Catastrophic Failure, and Decommissioning regulations in the Jackson County WECS Ordinance #314 shall apply to new station and tower sites.
 - g. The Zoning Administrator shall provide direct notification to all landowners within one (1) mile of the of the property lines of the cell station and/or tower sites.
 - h. Review by the Board of Adjustment shall comply with the Iowa Code 8C Iowa Cell Siting Act.
 - i. The Board of Adjustment may approve a tower over the height of four-hundred (400) feet above AGL upon a showing of good cause and with FCC and FAA approval if required.
 - d.i. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.
5. **Mining and extraction of minerals or raw materials** including necessary processing equipment provided that:
 - a. Any such operation shall be located at least fifty (50) feet from the right-of-way line of any public road~~;~~
 - b. ~~that~~ Such operation shall not be closer than fifty (50) feet to any dwelling, park or school~~;~~
 - c. ~~that~~ Access to a public road shall not cause a real or potential traffic hazard~~;~~
 - d. ~~that~~ One 1 off-street parking space ~~for each~~ per employee plus 1 off-street space ~~for each~~ per company vehicle be provided.
 - e. ~~in addition, any person seeking a special exception for mining or extraction of minerals or other raw materials~~ The applicant shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.
6. **Solar Energy System: consumer-scale, freestanding** in accordance with:
 - a. The Development Regulations for principal uses and structures in the underlying zoning district set forth in Chapter 2. Zoning District Regulations.
 - b. The provisions set forth in Sections 2.8 Supplemental Regulations, 2.9 Application of District Regulations, and 2.10 Nonconformities.

7. Wind energy conversion system: Commercial in accordance with the regulations for the placement of Wind Energy Conversion Systems (WECS) and substations on property located in the unincorporated areas of Jackson County are set for in Jackson County Ordinance #314.

6-8. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

E. Temporary Uses and Structures Allowed by the Zoning Administrator.

Table E.1. lists the following temporary uses and structures in the M-2 District as defined in **Chapter 6** of the Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with M-2 ~~district-District~~ development regulations unless specified otherwise below.

Table E.1. M-2 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary building	Used in conjunction with construction work provided that such building is removed promptly upon completion of the work.
Temporary concrete batch plant	<ol style="list-style-type: none"> Prior to the issuance of compliance certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the County Engineer shall be posted to ensure repair of damage to the haul route. The area be restored to a suitable condition free of refuse and debris.
Temporary permit for the location of a car crusher or similar equipment used in the processing, removal or disposal of junk	<ol style="list-style-type: none"> Such permit may be granted not to exceed sixty (60) days for the purpose of facilitating the removal of junk from a nonconforming junkyard, but shall not be granted for the purpose of establishing a new junkyard or serve as a basis for the permanent expansion of a nonconforming junkyard. In considering such permit, the Zoning Administrator shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation. Upon a showing of good cause, the Zoning Administrator may grant an extension not to exceed thirty (30) days.

Commented [LC10]: List of uses and parking requirements moved to Table D.1 and conditions moved to Section 2.9 CUPs

Commented [LC11]: Matches Table E.1 in A-1 District

Commented [LC12]: Moved here from accessory uses

F. Development Regulations.

Table F.1. lists the development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the M-2 District unless specified otherwise in this Ordinance. See Table F.2. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.1. M-2 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard Requirements				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Principal Uses and Structures							
<u>All</u>	<u>See Note 1</u> None		30 feet	25 feet	20 feet	25 feet	4 stories or 50 feet
Accessory Uses and Structures							

4 stories or
50 feet

Table F.1: M-2 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard Requirements				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
<u>Dwelling unit (see Note 2)</u>	<u>20,000 sq ft per DU</u>	<u>100 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Dwelling unit (see Note 3)</u>	<u>12,000 sq ft per DU</u>	<u>80 feet</u>	<u>30 feet</u>	<u>35 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>All others</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>25 feet</u>	<u>4 stories or 50 feet</u>
<u>Conditional Uses and Structures</u>							
<u>All</u>	<u>See Note 1</u>		<u>30 feet</u>	<u>25 feet</u>	<u>20 feet</u>	<u>25 feet</u>	<u>4 stories or 50 feet</u>
<u>Temporary Uses and Structures</u>							
<u>All</u>	<u>See Note 1</u>		<u>As per Zoning Administrator</u>				
<u>Where adjacent to an operating railroad, no yard shall be required along such lot line</u>							

Commented [LC13]: Recommend deletion. If railroad ceases operation, setbacks would be required.

Table F.2. lists the M-2 District Notes for Table F.1. Development Regulations above.

Table F.2. Notes for M-2 District Development Regulations
<u>Note 1. Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 69 and Iowa Administrative Code Chapter 49.</u>
<u>Note 2. Served with private well and septic systems.</u>
<u>Note 3. Served by community or municipal water supply and sewage disposal systems.</u>
<u>Note 4. See Subsection 2.1.D.2.g, Average Front and Rear Setbacks.</u>
<u>Note 5. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.</u>
<u>Note 6. See Subsection 2.1.D.2.h, Front Setback for Off-Street Parking.</u>
<u>Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.</u>

MINIMUM LOT AREA AND WIDTH **MINIMUM YARD REQUIREMENTS** **MAXIMUM HEIGHT**

None Front 30 feet 4 stories or 50 feet
 Rear 25 feet
 Side 20 feet
 Street side, corner lot 25 feet
 Where adjacent to an operating railroad, no yard shall be required along such lot line

Commented [LC14]: Moved to Table F.1.

G. ~~Permitted-Allowed~~ Signs. The sign regulations shall be met for all principal, accessory, conditional, and temporary uses and structures in the M-2 District in accordance with **Subsection 2.9.G.** of this Ordinance unless specified otherwise in this Ordinance.

H. Required Off-Street Parking, Loading, and Stacking Spaces. The required off-street parking, loading, and stacking spaces shall be met for all principal, accessory, conditional, and temporary uses and structures in the M-2 District in accordance with **Subsection 2.1.C.** of this Ordinance unless specified otherwise in this Ordinance.

- ~~1. Temporary signs advertising the sale or lease of the premises not to exceed 24 square feet in area.~~
- ~~2. Billboards and advertising signs, provided that:~~
 - ~~a. They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.~~
 - ~~b. They are not within 300 feet of another billboard or advertising sign facing the same direction.~~
 - ~~c. No billboard or advertising sign shall exceed 750 square feet in area per face or 24 feet in height.~~
- ~~3. Trade, business or industry identification signs for the firms located on the site provided that:~~
 - ~~a. Free standing signs shall not exceed 100 square feet in area or 35 feet in height.~~
 - ~~b. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the face of the building on which they are located or 200 square feet, whichever is smaller.~~
 - ~~c. Signs attached to a building shall not project above the height of the building, or more than 4 feet from the wall of the building and shall not have more than 100 square feet of area.~~
 - ~~d. Not more than one sign of each category above may be provided for any single use, although each sign may be a double faced or back to back sign.~~
- ~~4. No sign shall be located in, overhang, or project into a required side or rear yard, but permitted signs may be placed in a required front yard.~~
- ~~5. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.~~

Commented [LC15]: Moved to Section 2.9

Special Requirements.

1. ~~4.~~ Requirements for Issuance of Permit.

- ~~a.~~ Prior to the issuance of a **Zoning** Permit for any use in this district, the applicant shall submit plans for water supply and sewage disposal including anticipated water usage and shall provide satisfactory evidence to the **Zoning** Administrator that such facilities, including sewage lagoons, where needed, are adequate for the proposed development.
- ~~a-b.~~ **No Construction Compliance Certificate shall be issued until evidence is provided that the** water supply and sewage disposal facilities shall be approved by the County and **for** State Health Departments where applicable.

2. ~~2.~~ Where applicable, proposed uses shall comply with the requirements of the appropriate division of the Iowa Department of ~~Environmental Quality~~ **Natural Resources as provided for in Iowa Code Section 455B of the Code of Iowa.**

3. ~~Location and Proximity Considerations.~~

- ~~a.~~ In granting special exceptions for uses which pose a potential threat to the health, safety and well-being of persons or property in that area, the Board of Adjustment shall ~~take into account~~ **consider** the location and proximity of existing and proposed residential areas,

schools, places of public assembly and any other pertinent factors and shall require that adequate safeguards be taken to minimize the potential danger.

~~a-b.~~ In the event adequate safeguards and precautions cannot be met or complied with, the Board of Adjustment shall not grant approval for such use.

~~b-c.~~

Commented [LC16]: Moved to Section 2.9 CUPs

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.7 PUD Planned Unit Development District

- A. Statement of Intent.** The Planned Unit Development (PUD) District is intended to provide flexibility in exchange for long-term community benefits in the development of planned residential, commercial, office, or industrial complexes or combinations of such uses in which each unit is an integral part of an overall concept and all development occurs in conformance with a site-specific, pre-approved plan. Land shall be reclassified to this district only in exceptional situations, on request of the owner, and in response to a specific development proposal. The process will generally involve simultaneous reclassification and subdivision.

Permitted uses, minimum lot dimensions, required yards, height restrictions, parking, signage, and other regulations will be determined for each planned unit district as applicable in light of its unique characteristics, the Jackson County Land Use Policy Statement, the purpose and intent of this Ordinance, and the rules applying to the other zoning districts.

B. Special Requirements

- 1. Preliminary Application.** The owners of contiguous property comprising ten (10) acres or more may apply to have their land classified “PUD Planned Unit Development” on the Official Zoning Map. Smaller districts may be created where extraordinary public benefit is demonstrated. The written preliminary application shall be made to the Zoning Administrator and shall include the following information:

- a. The legal description and local address of the property.
- b. The present zoning classification and the zoning classification requested for the property.
- c. The existing use and proposed use of the property.
- d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
- e. A plat showing the locations, dimensions and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features.
- ~~a-f.~~ A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- ~~b-g.~~ Twelve (12) copies of a plan showing existing conditions on the property, to include at least the topography, all buildings and other structures, present uses and recorded lot lines.
- ~~e-h.~~ Twelve (12) copies of a conceptual plan of the proposed development showing at least all proposed buildings with exterior dimensions, parking areas, points of connection to the public road system, water and wastewater facilities to be provided, and other proposed uses of land.
- ~~d-i.~~ A preliminary plat to comply with the Jackson County Subdivision Ordinance if division of the land is proposed for purposes of sale, lease, or taxation.
- ~~e-j.~~ A written statement describing the concept of the proposed development and substantiating that:
 - (1) It is in accord with the Land Use Policy Statement;

Commented [LC1]: This language matches the application procedures for a Rezoning in Section 5.5.A.1.

- (2) It will be more beneficial to the general public than development that could be accomplished under the provisions of any other zoning district;
- (3) The design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering, resource conservation, and related fields.
- (4) A written statement proposing all allowed uses and required yards, height restrictions, parking, lighting, landscaping and signage for the district if not specified elsewhere in the application

2. Fee. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

Commented [LC2]: This language matches the application procedures for a Rezoning in Section 5.5.A.2.

3. Review of Preliminary Application.

- a. Review of the preliminary application shall follow the procedure for notification, review and action on Map Change of Zoning District Boundaries (Rezoning) set forth in Section 5.5. preliminary subdivision plats

- b. whether or not If the application calls for includes a preliminary plat for the division of land, review and approval of said plat shall follow the Preliminary Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance and shall include at least a public hearing on the preliminary application.

- c. The Zoning Commission, after holding the its public hearing in accordance with Section 5.5, subsections A. Procedures, B. Standards for Review, and C. Recommendation, shall state its recommendations for action on the concept presented and for the level of detail required for the final version of the plan.

- d. The Board of Supervisors, after holding a public hearing in accordance with Section 5.5.C. Recommendation, shall likewise approve or disapprove the preliminary application as submitted or amended and, if approved, shall state the level of detail required for the final application. The Board of Supervisors also may impose conditions in accordance with Section 5.5.D. Conditional Rezoning.

- ~~a-e.~~ Approval of a preliminary application shall not constitute a commitment on the part of the County to approve a final application or a final plat. The requirements of Section 5.5.E. Change of Official Zoning Map shall not apply to approval of a preliminary application.

- 3.4. Final Application.** Following the Board of Supervisors approval of a preliminary application, the applicant shall have twelve (12) months to submit a final application. The written final application shall be made to the Zoning Administrator and shall include the same information as a preliminary application, as well as meeting all specifications of the preliminary approval and, when land is being subdivided, all requirements for the subdivision final plat. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

4.5. Review of Final Application. A final application shall be reviewed according to the procedures for ~~final subdivision plats~~ a preliminary application, except that final action by the Board of Supervisors, if approved, must include the passage of an ordinance reclassifying the land in accordance with Section 5.5.E. Change of Official Zoning Map. ~~-If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Final Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures in Section 5.5. and~~ The County shall have at least ninety (90) days from the date of final application submission to take their final action.

5.6. Burden of Proof. It is expected that most development will occur in the regular zoning districts. In all requests for reclassification to this PUD district the burden of proof shall be fully on the applicant to establish that the proposed development will be more beneficial to the general public than development that is permitted within any of the regular zoning districts.

6.7. Recording. The ordinance creating a specific PUD district shall be recorded concurrently with other relevant documents such as a subdivision plat, covenants, and the approved development plan and/or agreement.

7.8. Permits. The Zoning Administrator shall issue permits only for buildings and uses shown on the approved and recorded final plan, and only in accordance with all specific provisions in the plan and/or agreement.

8.9. Amendments. A proposed amendment to the approved and recorded plan for a PUD district will be subject to all regulations and procedures of an original proposal.

9.10. Modification. The Zoning Commission and the Board of Supervisors may choose to review preliminary and final applications in a single procedure for simple applications or minor amendments. However, at a minimum both the Zoning Commission and the Board of Supervisors must hold a ~~proper~~ public hearing before taking their final action on the matter.

10.11. Fees. Fees for requests to create or amend a PUD district will be determined by resolution of the Board of Supervisors and may differ from the fees charged for other reclassification requests. If a PUD application includes a preliminary or final plat, fees for plat review in conjunction with a PUD application will be determined by the Board of Supervisors and may differ from the fees charged for other subdivision requests.

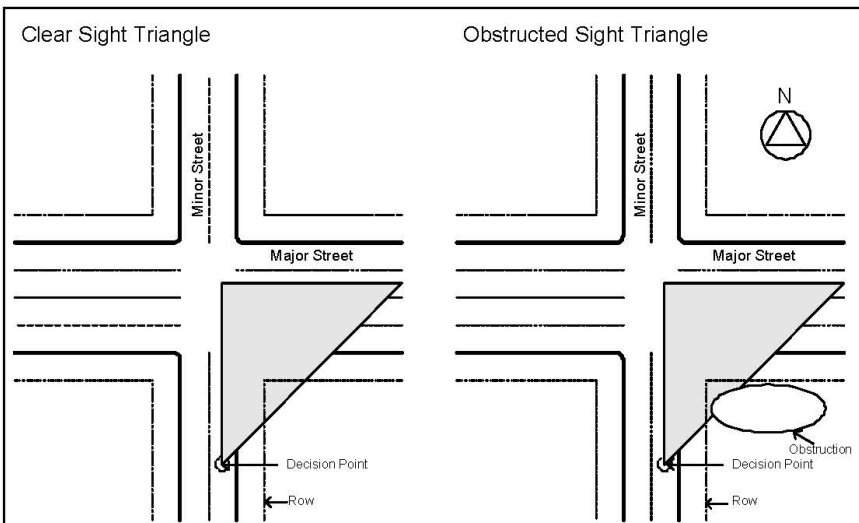
11.12. Map Designation. Each such PUD district created shall be designated on the Official Zoning Map as "PUD" and a sequential number (see Section 1.18 of this Ordinance).

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.8 Supplemental District Regulations. Subject to Section 1.620, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

A. Visibility at Intersections and Entrances. ~~On a corner lot~~ In any district, no fence, wall, hedge or other planting or structure that will obstruct vision ~~at intersections or entrances between a height of two and one-half (2 1/2) feet and ten (10) feet above the centerline grades of the intersecting streets~~ shall be erected, placed or maintained within the ~~triangular area~~ sight triangle as determined by the County Engineer in accordance with the Jackson County Secondary Roads Department Entrance Policy, formed by connecting the right-of-way lines at points which are twenty five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines, or within the triangular area formed by connecting the centerlines of the intersecting streets at points which are one hundred (100) feet from their point of intersection, whichever is greater.

Commented [LC1]: Recommend removing conflicting zoning regulations, and instead refer to the County Engineer, who enforces the Jackson County Secondary Roads Department Entrance Policy.



Clear versus Obstructed Sight Triangles (Source: Iowa Project TR-455 Handbook of Simplified Practice Traffic Studies: Iowa State University, 2002; p. 59)

A.B. Accessory Buildings. No accessory building shall be erected in any required front or side setback and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also development regulations for each zoning district in Chapter 2 of this Ordinance.

B.C. More Than One Principal Structure on a Lot. In any district, more than one (1) principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements development regulations for each zoning district in Chapter 2 of this Ordinance shall be met for each structure as though it were on an individual lot, and any required

water and sewage disposal facilities shall be installed as approved by the County Health Department. See also Subsection 2.8.K of this Ordinance.

G.D. Height Regulation Exceptions. The height limitations contained in the Schedules of development regulations for each zoning district in Chapter 2 of this Ordinance District Regulations do not apply to grain storage bins, grain elevators, feed mills or to spires, belfries, cupolas, chimneys, antennas, water tanks, utility poles or towers, ventilators, elevator housing, commercial cell communications stations, towers, and antennas, or other structures placed above the roof level and not intended for human occupancy.

D.E. Use of Public Right-of-Way. The Jackson County Secondary Road Department possesses an easement in order to maintain the road for public usage. The amount of right-of-way varies from road to road. No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes or to provide any parking or loading space required by this Ordinance or for any other purpose that would obstruct the use or maintenance of the public right-of-way as determined by the County Engineer and in accordance with Iowa Code Chapter 318.

E.F. Proposed Use or Structure Not Covered in Ordinance. Any proposed use or structure not covered in this Ordinance as a permitted principal, accessory, use or special exception conditional, or temporary use or structure shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use or structure should be permitted and the Ordinance amended as provided in Section 3-25.4 of this Ordinance before a permit is issued for such proposed use or structure.

F.G. Buildings to have Access. Unless alternate access is specifically approved by official action of the Board of Supervisors, every building hereafter erected shall be on a lot or parcel having access to the public road system as determined by the County Engineer as follows:

1. Direct access to a public road via an entrance constructed in accordance with a permit issued by the appropriate authority or via a legally established entrance already in use for a residence;
2. Direct access to a private road established and approved as part of an approved and recorded subdivision plat; or
3. Access as in items "a" or "b" above, but indirectly by means of an individual private access easement, as defined.

For subdivision lots created by plats filed after October 21, 1999, no permit for construction shall be issued without submittal of an inspection report signed by the County Engineer indicating the driveway entrance has been constructed in accordance with applicable plans and specifications or that the inspection requirement was waived for this lot by the Board of Supervisors.

H. Burial Site Protection.

1. **Purpose.** In accordance with the Land Use Policy Statement and Resolution #184-12-07-99 adopted by the Board of Supervisors, it is the policy of Jackson County to identify and protect ancient burial sites in accordance with the following Iowa burial site protection laws summarized below:

- a. Iowa Code Section 263B, subsections 7-9, which protects ancient burials(over 150 years old) from unlawful disturbance and designates the State Archaeologist as having authority for ancient burial site and human remains protections and investigations.
- b. Iowa Code Section 566.33, which make counties responsible for burial sites for which protection or preservation is not otherwise provided.
- c. Iowa Code Section 716.5, which provides criminal penalties for disturbing burial sites.
- d. Iowa Code Section 523I.316, which provides criminal penalties for failure to report discovery of human remains.

2. Screening Procedure. Property owners and applicants are responsible for compliance with Iowa burial site protection laws. To assist with their compliance, the County shall provide a screening procedure as follows:

- a. The official Mound Potential Map shall be maintained on file in the Zoning Department and on the County's Geographic Information System (GIS). Information concerning the nature and location of any archaeological resource or site shall remain confidential in accordance with Iowa Code Section 22.7, subsection 20. Information available to the public shall identify areas with mounds potential by section of land as per the Public Land Survey System (PLSS).
- b. All floodplain development permits, rezonings, subdivisions, and conditional use permits, shall include review of the official Mound Potential Map as part of the pre-application checklist. In addition, zoning permits located within or adjacent to recorded burial site areas shall be reviewed in consultation with the Office of the State Archaeologist prior to permit approval.
- c. All development applications noted above shall be reviewed by the Zoning Administrator against the official Mound Potential Map and confidential locationally specific information as needed.
- d. Where mound potential is indicated, the Zoning Administrator shall:
 - (1) Notify the applicant of their obligations under Iowa burial site protection laws;
 - (2) Refer the applicant to the Bioarchaeology Director at the Office of the State Archaeologist (OSA) for consultation and guidance;
 - (3) Notify the County Engineer, County Health Administrator, and any other pertinent County staff;
 - (4) Notify the Jackson County Historic Preservation Commission; and
 - (5) Document such notice in the Zoning Department case file.

3. Condition of Approval.

No permit, rezoning, or subdivision approval shall relieve any applicant or property owner of their responsibility to comply with Iowa burial site protection laws. Compliance with state law is a condition of any County approval.

~~**Off-Street Parking in Required Setbacks Allowed.**~~

~~No parking space required by this Ordinance shall be provided in any required front yard in a residential district and no required parking space, driveway nor any merchandise,~~

Commented [LC2]: Moved to section 2.1.C.

~~display or exterior storage shall be provided in any required front yard or in the first five (5) feet inside the property line of any required side or rear yard in a commercial or industrial district.~~

I. Existing Farm Dwellings. Nothing in this Ordinance shall require any person or persons occupying a farm dwelling at the date of passage of this Ordinance to vacate the dwelling or involuntarily sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm to be used and maintained as a non-farm residence by the occupant or for sale or lease to others, it shall conform to the lot area and yard requirements of the district in which it is located.

J. Flag Lots. Flag lots as defined shall be regulated by Subsection 2.1.D. ~~permitted in any district. That portion of the lot primarily suitable for access (the flagpole portion) shall have a minimum width of sixty (60) feet or, for lots in the A-1 Agricultural and R-1 Residential Zoning Districts having an area of less than double the minimum parcel area, thirty (30) feet. The minimum width established above may be reduced if supplemented by a recorded access easement in favor of the flag lot owner over adjacent land, to provide a total width of access right of way equal to the applicable minimum as stated above. The flagpole portion shall be excluded from the calculation of lot area for the purposes of this Ordinance only.~~

~~**Compliance With Other County Development Requirements.** Applications for Construction and/or Occupancy Compliance Certificates shall not be considered complete until the Zoning Administrator has ascertained that the development proposed is in compliance with other County development requirements as noted below:~~

- ~~1. Provisions of Jackson County Ordinances relating to Flood Plain Management and Tall Structures near airports have been fully met.~~
- ~~2. The land parcel cited in the application was created in compliance with the Jackson County Subdivision Ordinance.~~
- ~~3. All permits required by the County Health Department for water wells and wastewater treatment systems have been properly applied for and means of compliance have been identified.~~
- ~~4. Proper application has been made for a rural address, where appropriate.~~

K. Accessory Dwelling Unit. The siting, design, and construction of an attached or detached accessory dwelling unit (ADU) on the same lot as a single-family residence in the A-1 Agricultural District and the R-1 Residential District shall be regulated in accordance with Iowa Code Section 331.301, Subsection 27 and the County regulations in this Section. For purposes of this Section 2.8, attached ADUs shall include interior (upper level or lower level), above garage (or other attached accessory structure) and attached garage conversion (*see illustration*).

Commented [LC3]: Recommend this be moved to Chapter 3. Admin and Enforcement, where it's a better fit.

Commented [LC4]: Iowa Code Chapter 331 County Home Rule Implementation, Section 301 General powers and limitations, NEW SUBSECTION 27.

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Types of Accessory Dwelling Units (Source: Iowa State University Extension and Outreach, 2025)

1. **Definitions.** For purposes of this subsection, the definitions set forth in Iowa Code Section 331.301, Subsection 27.e, and in Chapter 6 of this Ordinance shall apply.
2. **Maximum Number.** A maximum of one (1) ADU shall be allowed on the same lot as a single-family residence in accordance with Iowa Code Section 331.301, Subsection 27.a.(1) and Subsection 2.8.C, of this Ordinance.
3. **Maximum Size.** An ADU shall be no larger than floor area of the single-family residence on the same lot or one thousand (1,000) square feet, whichever is smaller, in accordance with Iowa Code Section 331.301, Subsection 27.b.(1) and Subsection 2.8.C of this Ordinance.
4. **Development Regulations.** An ADU shall comply with the development regulations in related to the placement or height of a single-family residence as determined in accordance with Subsection 2.8.C of this Ordinance and in accordance with Iowa Code Section 331.301, Subsection 27. b.
5. **ADU Permit Application.** The Zoning Administrator shall review and approve an ADU permit application in accordance with Iowa Code Section 331.301, Subsection 27.c, and in accordance with Chapter 3 of this Ordinance.
- 4-6. **Timing of Construction.** If the construction of an ADU is prior to the timing of the construction of the single-family residence on the same lot, the size and placement of the planned single-family residence must be reviewed by the Zoning Administrator and County Health Department. Before a Construction Compliance Certificate is issued for the ADU, all required permits for the planned single-family residence must be on file with the Zoning Administrator in accordance with Chapter 3 of this Ordinance.

Commented [LC5]: Iowa Code Section 331.301, Subsection 27.e. For the purposes of this subsection:

- (1) "Accessory dwelling unit" means an additional residential dwelling unit located on the same lot as a single family residence that is either attached to or detached from the single family residence.
- (2) "Detached" includes being part of any accessory structure such as a detached garage.
- (3) "Dwelling unit" means the same as defined in section 562A.6, subsection 3.
- (4) "Single family residence" means the same as defined in section 562A.6, subsection 15, except to the extent that a single family residence may share utility lines with the accessory dwelling unit if full utility access that includes a separate metering system for billing purposes can be provided to the accessory dwelling unit.

Commented [LC6]: Iowa Code Section 331.301, Subsection 27.b. Except as otherwise provided in paragraph "a" or by state law, a county shall not impose any of the following limitations or restrictions:

- (1) A requirement that an accessory dwelling unit be smaller than one thousand square feet. However, a county may prohibit the accessory dwelling unit from being larger than the single family residence.

~~K.L. Conversion of Existing Dwelling or Other Structure to a Two-Family Dwelling. Conversion of an existing dwelling or other structure to a two-family dwelling shall comply with Section 2.8.K. of this Ordinance.~~

Commented [LC7]: Currently a conditional use (special exception) in A-1 District. Recommend move to accessory use subject to ADU regulations for review and approval by Zoning Administrator.

M. Home-Based Business.

~~1. For purpose of this Ordinance, a home-based business shall operate as a “no impact home-based business” as defined and regulated by this Ordinance and Iowa Code Section 335.35.~~

~~4-2. For purposes of this Ordinance only, the County occupancy limit for the total number of employees and clients for the residential property shall be: does not employ more than one (1) person outside the immediate family on the premises, and.~~

Commented [LC8]: Note: Iowa Code for HBB restricts # of onsite employees and clients by occupancy limit. A proposed occupancy limit is set forth here using current County regulations.

~~2-3. 30. Home Occupation. A The business activities shall be characterized by all of the following: which~~

Commented [LC9]: Moved from Ch. 6 Definitions

- a. is conducted entirely within a dwelling unit or its customary accessory structures, and
- b. is carried on by a member of the family residing in the dwelling unit, and
- c. is clearly secondary to the use of the dwelling unit for residential purposes, and
- d. ~~does not employ more than one (1) person outside the immediate family on the premises, and~~
- e. ~~has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and~~
- f. ~~does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and~~
- g. ~~is compatible with residential use of the property and surrounding residential use. produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.~~

Commented [LC10]: Moved to 2. above to serve as County occupancy limit.

~~4. A home-based business is prohibited from:~~

- a. ~~Operating as any business prohibited by Iowa Code Section 335.35.~~
- b. ~~Operating a junk yard, salvage and/or recycling operation.~~

Commented [LC11]: This somewhat subjective language is replaced by Iowa Code Section 335.35 Subsection 4.b.(1).

Commented [LC12]: This last prohibited use is in addition to the Iowa code's list of possible prohibited use. It is recommended due to its potential impacts on adjacent property.

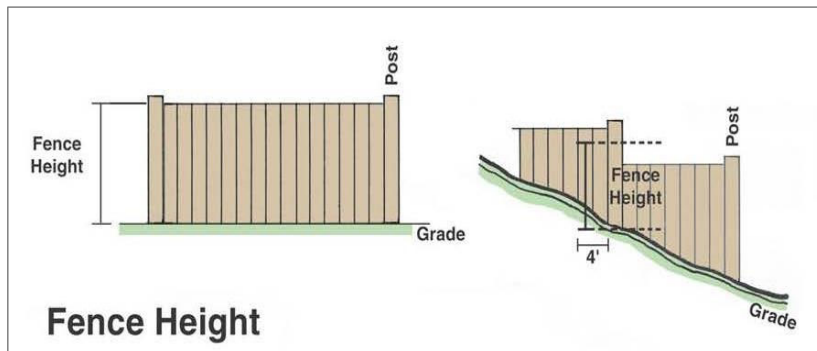
N. Fences and Hedges. Except as otherwise provided herein, all fences and hedges as defined that are located within the unincorporated areas of the County shall be subject to the following provisions:

1. Definitions.

- a. **Fence.** A structure more than eighteen (18) inches in height, constructed of any material or combination of materials erected as a barrier, boundary, or enclosure to screen a property or an area of land, including open, semi-open, and closed fences.
- b. **Hedge.** A solid and unbroken visual screen of self-supporting shrubs, bushes, or similar continuous plantings more than eighteen (18) inches in height.

2. Visibility at Intersections and Entrances. No fence or hedge shall be allowed within the sight triangle at street intersections and entrances in accordance with Subsection 2.8.A. of this Ordinance.

3. **Placement on Public Right-of-Way.** No fence or hedge shall be placed on or extend into the public right-of-way in accordance with Subsection 2.8 E. of this Ordinance and Iowa Code 318.
4. **Placement on Access and Utility Easements.** No fence or hedge shall be placed on or extend into an access or utility easement in accordance with Iowa Code Chapter 564.
5. **Partition Fences.** Partition fences, which are fences that divide adjacent properties, are governed by Iowa Code Chapter 359A and this Subsection. If a partition fence is a hedge, the hedge shall be trimmed and cut in accordance with Iowa Code Chapter 359As.
6. **Survey.** A certificate of survey may be required by the Zoning Administrator for all fences and hedges to be installed on the boundary line of an access or utility easement, on the public right-of-way, or on a property line, unless corner property stakes are in place and marked and a survey is filed with the County.
7. **Measurement of Fence and Hedge Height.** Fence and hedge height shall be measured from ground level adjacent to the highest point of the fence or hedge. Fill shall not be used for the purpose of achieving a higher fence or hedge than otherwise permitted. Variations in height shall be allowed between fence support posts or hedge plantings to account for undulating, sloping, or otherwise uneven terrain. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

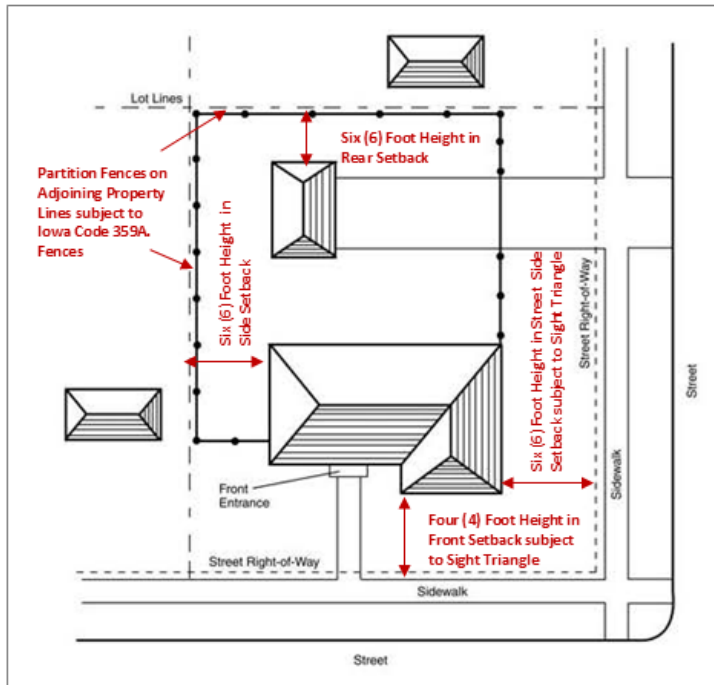


Measurement of Fence Height (Source: City of Sandusky, MI accessed 2023)

8. **Maintenance.** Both sides of any fence or hedge shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
9. **Damage.** No physical damage of any kind shall occur to abutting property during installation of a fence or hedge unless it is allowed under agreement with the abutting property owner(s).
10. **R-1 Residential District Special Requirements.**

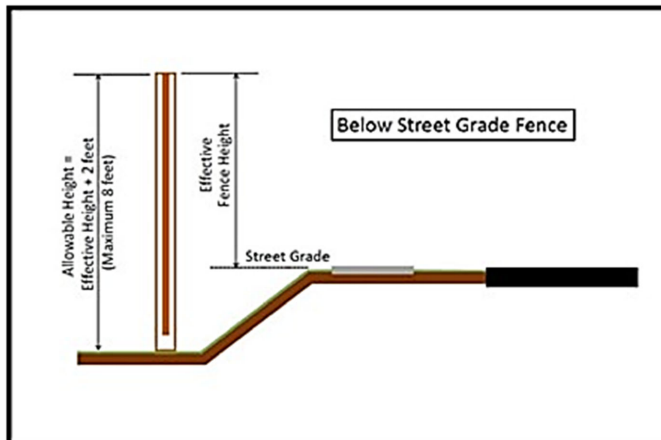
- a. **Height and Setback.** Hedges and fences shall not exceed four (4) feet in height in a required front setback; and fences and hedges shall not exceed six (6) feet in height in a required side, street side, or rear setback; subject to further restriction of Subsection 2.8 A. of this Ordinance (see illustration).

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Heights and Setbacks for Fences and Hedges in R-1 Residential Districts
(Source: City of Sandusky, MI accessed 2023)

- b. **Waiver of Allowable Height due to Slope.** Where a fence or hedge is to be installed below street grade, the Zoning Administrator is authorized to allow a fence or hedge to be higher than the allowable height in a required front, side, rear, or street side yard setback where a slope exists with the adjacent lot or street right-of-way. Up to an additional two (2) feet of height may be allowed to achieve an effective height that equals the maximum allowable height for the zoning district, subject to further restriction of Subsection 2.8 A. of this Ordinance (see illustration).



Allowable and Effective Fence Heights due to Slope
(Source: City of West Des Moines, IA accessed 2023)

11. Fence Permit.

a. R-1 Residential Districts.

- (1) Permit Required.** Except as otherwise provided herein, no person shall erect, alter or relocate any fence within the County without first having been issued a fence permit.
- (2) Permit Fee.** There shall be no permit fee for fences that are six feet (6') in height or lower. A fence permit application and related fence permit fee, in accordance with the fee schedule approved by the County, shall be required for fences that exceed six feet (6') in height or are requests for a waiver of allowable height due to slope, an administrative waiver, or a dimensional variance.
- (3) Application Procedures.** Each application for a fence permit shall be submitted to the Zoning Administrator on forms provided by the County. Each application shall include a site plan drawn to scale and showing the location of the principal uses and structures, accessory uses and structures, other improvements on the lot, and the location of the fencing to be erected, altered or relocated.

b. Non-Residential Districts. A fence permit shall not be required in non-residential districts.

12. Exception to Dimensional Requirements. A property owner may seek an exception from the dimensional requirements of this Subsection by application to the Zoning Administrator in accordance with Section 3.10 of this Ordinance or by application to the Board of Adjustment in accordance with Section 4.6 of this Ordinance, subject to provisions of Iowa Code Chapter 359A. If a waiver or variance is granted, the property owner shall apply for a fence permit in accordance with this Subsection.

O. Solar Energy Systems. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety, sustainability and welfare of the unincorporated areas of the county, Jackson County finds these regulations are necessary to ensure that solar energy systems are appropriately designed, sited, and installed within the unincorporated areas of the county.

1. Definitions. For purposes of this subsection, the following terms shall have the meaning herein ascribed to them:

a. Solar energy system -- Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy.

b. Solar access easement: A recorded easement which provides continued access to incident sunlight necessary to operate a solar collector in accordance with Iowa Code Chapter 564A.

c. Solar array, building-mounted -- A solar energy system mounted on a building or structure; typical uses are attached solar panels and solar energy devices integrated as part of the principal or accessory structure (see illustration).

d. Solar array, freestanding -- A solar energy system mounted on the ground; typical uses are freestanding solar panels (see illustration).

e. Solar energy generation, consumer-scale: A solar energy system of interconnected solar panels/arrays for the primary purpose of meeting electrical demands at that location. These systems are typically intended to offset electrical demands for the owner and are not intended to be net annual generators of electricity.

f. Solar Energy Generation, Utility-Scale: A group of interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity. This definition does not apply to consumer scale solar installations that are constructed primarily to provide power for use on-site.



Freestanding solar array at Hurstville Interpretive Center. (Photo Credit: Jackson County Energy District, accessed 2023)



Examples of building-mounted solar arrays (Source: US Department of Energy accessed 2023)

2. General Provisions for All Solar Energy Systems.

- a. Easements.** No portion of any solar energy system shall extend into any easement, right of way, or public way regardless of required minimum setbacks.
- b. Interconnection Agreement.** A solar energy system shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned system and a copy of executed interconnection agreement with the utility company is provided.
- c. Abandonment.** Any solar energy system that is not operated for a continuous period of one (1) year shall be considered abandoned and shall be removed by the property owner. Removal includes the entire structure including transmission equipment.
- d. Maintenance.** The property owner of any solar energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system.
- e. Underground Wire Requirement.** The electrical collection system shall be placed underground within the interior of each parcel. Overhead lines are prohibited.
- f. Industry Standard.** As part of the approval process, documentation shall be provided to the Zoning Administrator showing that the system and parts meet the most current industry standards, such as Underwriters Laboratories (UL), or another standard applicable to the technology and materials of the system.
- g. Solar Access.** A property owner who has installed or intends to install a solar energy system shall be responsible for negotiation with other property owners in the vicinity for any

necessary solar easement. The approval for solar energy system by the County does not constitute solar access rights.

- 3. Specific Provisions for Consumer-Scale Solar Arrays.** Specific provisions for consumer-scale solar arrays are summarized in the table below and found in the Development Regulations for each Zoning District.

Specific Provisions for Consumer-Scale Solar Arrays				
Type of Solar Array	Allowed Zoning Districts	Type of Structure	Development Regulations	Additional Regulations
Building-Mounted	All Districts	Accessory	Accessory Uses and Structures	Sections 2.8, 2.9, and 2.10
Freestanding	Non-Residential	Accessory	Accessory Uses and Structures	Sections 2.8, 2.9, and 2.10

- 4. Specific Provisions for Utility-Scale Solar Energy Generation.** Reserved.

P. Wind Energy Conversion Systems. The guidelines for the siting, design, and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets are subject to the provisions of the Jackson County WECS Ordinance.

Q. Data Center. The guidelines for the siting, design, and construction of Data Centers are subject to the provisions of the Jackson County Data Center Ordinance.

CHAPTER 2. ZONING DISTRICT REGULATIONS**2.2 A-1 Agricultural District.**

- A. Statement of Intent.** The A-1 Agricultural District is intended to preserve areas appropriate for agricultural and related uses and to reserve areas suitable for the efficient development of other uses when and if there ~~is~~are a demonstrated need and intent to develop such areas in accordance with the ~~future land use policy~~Jackson County Land Use Policy Statement.

Subdivisions were platted in the County's unincorporated areas prior to the effective date of the first Jackson County Zoning Ordinance on May 6, 1976. Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns. Some of these older subdivisions have an active property owners' association (POA).

- B. ~~Permitted~~Allowed Principal Uses and Structures ~~and Required Parking~~.**
Table B.1. lists the standard principal uses and structures allowed in the A-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. ~~and their required off-street parking.~~
 Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all A-1 districts.

Commented [LC1]: Required parking moved to Section 2.1. Grouped by Land Use Categories used in Section 2.1, then arranged uses alphabetically

Table B.1. Standard A-1 District Principal Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
<u>Farm Exempt</u>	
Agriculture, horticulture, farms, farming and the usual farm buildings including farm dwelling	
Farms, farming and the usual farm buildings	
Farm dwellings, principal	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Grain storage bins	
Horticulture	
Plant Nursery	
<u>Residential and Lodging</u>	
Bed and breakfast home	
Seasonal dwelling, detached	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Single-family dwellings, detached	
<u>Educational and Assembly</u>	
Adult day care center	
Child care center	
Child development home	
Elementary school	Chapter 6; Section 1.20; Section 2.8; Section 2.9
ChurchesPlace of assembly	
Post high school	
Preschool	
Secondary school	
<u>Commercial and Recreational</u>	
Cemeteryies	

Table B.1. Standard A-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Fairgrounds and public exposition	
Kennels	
Public campground	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Public recreation parks, playgrounds, campgrounds	
Riding stables	
Industrial and Other	
Logging, storage only	
Railroads, utilities, public utility, and public maintenance facility garages and equipment and materials storage yards, but not including administrative or sales offices, and temporary concrete plants placed on active quarry sites	Chapter 6; Section 1.20; Section 2.8; Section 2.9

Commented [LC2]: There is obvious intent by the County that in the A-1 District, Public campgrounds are allowed by right as a principal permitted use, while Privately operated campgrounds, etc. are allowed only as Special Exception uses and structures (changing to Conditional uses and structures) with approval of the Board of Adjustment

Commented [LC3]: Moved temporary concrete plants placed on active quarry sites to Temporary Uses section under Temporary concrete plants

Commented [LC4]: Moved into Table B.1. above

PERMITTED PRINCIPAL USES AND STRUCTURES **REQUIRED PARKING**

1. Agriculture, horticulture, farms, farming and the usual farm buildings including farm dwelling None
2. Grain storage bins None
3. Single family dwellings 2 spaces per unit
4. Seasonal dwellings 2 spaces per unit
5. Elementary & secondary schools 1 space per classroom or office
6. Churches 1 space for every 5 seats in the main auditorium
7. Cemeteries 20 spaces off the right of way on drives or parking areas
8. Public exposition & fairgrounds 1 space for every 3 seats at the main arena
9. Intermittent or temporary commercial activity 50 spaces
10. Public parks, playgrounds, campgrounds and recreation areas 5 spaces for each acre developed for active usage
11. Wildlife preserves, hunting areas, lakes ponds
12. Kennels and riding stables 2 spaces plus 2 space for every 100 square feet of floor area
13. Railroads, utilities and public maintenance garages and equipment and materials storage yards, but not including administrative or sales offices, and temporary concrete plants placed on active quarry sites 1 space for each employee on site plus 1 space for each company vehicle

Table B.2. lists the alternative principal uses and structures allowed in the A-1 District as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Table B.2. Alternative A-1 District Principal Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Residential and Lodging	
<u>Mobile home</u>	
<u>Mobile home converted to real estate</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Seasonal dwelling, detached</u>	Section 2.9
<u>Single family dwelling, detached</u>	
Educational, Assembly and Recreational	
<u>Place of assembly</u>	
<u>POA owned indoor commercial recreation facility</u>	Chapter 6; Section 1.20; Section 2.8;
<u>POA owned outdoor commercial recreation facility</u>	Section 2.9

C. ~~Permitted~~Allowed Accessory Uses and Structures and Required Parking.

Table C.1. lists the standard and alternative accessory uses and structures clearly incidental to the allowed principal uses and structures of this district as defined in Chapter 6 of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all A-1 districts. Alternative regulations only apply to subdivisions and lots platted before May 6, 1976.

Table C.1. Standard and Alternative A-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Farm Exempt	
<u>Farm dwelling, secondary</u>	
<u>Farm market or roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.</u>	Chapter 6; Section 1.20; Section 2.8;
	Section 2.9
Residential and Lodging	
<u>Accessory dwelling unit (ADU)</u>	
<u>Attached and detached private garage or carport</u>	
<u>Deck, porch, balcony, boat dock, and other similar structure private garages</u>	
<u>Fences, walls, and hedges</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Non-commercial garden and greenhouse</u>	Section 2.9
<u>Outdoor fixed fire pit and cooking equipment</u>	
<u>Private swimming pool, sports court, tennis court, and playground equipment gardens and greenhouses</u>	
<u>Shed, gazebo, pergola, and other similar roofed freestanding structure</u>	
Educational, Assembly and Commercial	
<u>Agricultural experiences</u>	
<u>Child care home</u>	Chapter 6; Section 1.20; Section 2.8;
<u>Home occupation Home-based business</u>	Section 2.9

Table C.1. Standard and Alternative A-1 District Accessory Uses and Structures	
Land Uses and Structures by Major Category	Additional Regulations
Farm home occupation	
Other Uses	
Burial site	
Solar energy system: consumer-scale, building mounted or freestanding	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Uses and structures clearly incidental to the permitted allowed principal uses and structures of this district	
Wind energy conversion system, non-commercial	
Alternative Regulations	
Accessory structure related to a principal use or structure on a separate lot	Chapter 6; Section 1.20; Section 2.8; Section 2.9
Accessory structure related to a principal seasonal dwelling with no principal structure on lot	
Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.	

Commented [LC5]: Delete, Farm exempt

Commented [LC6]: Moved to new Temporary Uses section

Commented [LC7]: Moved list into chart

~~PERMITTED ACCESSORY USES AND STRUCTURES~~

- ~~1. ——— Uses and structures clearly incidental to the permitted principal uses and structures of this district including home occupations and farm home occupations as defined.~~
- ~~2. Secondary farm dwellings.~~
- ~~3. ——— Private garages.~~
- ~~4. Private swimming pools, tennis courts, gardens and greenhouses.~~
- ~~5. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.~~
- ~~6. Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads, that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.~~

D. ~~Special Exception~~ Conditional Uses and Structures.

Table D.1. lists the allowed conditional uses and structures in the A-1 District as defined in **Chapter 6** of this Ordinance, provided they comply with this Ordinance; applicable county, state, and federal codes; and the specific provisions listed below. These uses and structures shall comply with A-1 district development regulations in **Subsection 2.2.F** of this Ordinance unless specified otherwise in their specific conditions for approval listed in **Section 2.9** of this Ordinance. Subject to **Section 2-15(2)4.5** of this Ordinance, and the other requirements contained herein, the Board of Adjustment may permit the following:

Table D.1. A-1 District Conditional Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Residential	
Family home	
Multiple family dwellings, including residential condominiums	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Educational and Assembly	
Adult day care center	
Child care center	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Child development home	
Preschool	
Commercial	
Agricultural sales, service, and supply businesses	
Airports and landing fields approved by the Federal Aviation Agency (FAA)	
Commercial cell communications stations and towers	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Event venue	
Garden centers in conjunction with plant nurseries	
Home industry	
Livestock auction sales market	
Recreational	
Privately operated commercial recreational lodges, campgrounds and recreational vehicle park, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities provided, however, that the applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Golf courses and clubhouses	
Indoor commercial recreation, including recreational lodge with a maximum of ten (10) units	
Outdoor commercial recreation on site of less than five (5) acres	
Seasonal resorts	
Tourist camp on site of less than five (5) acres	
Youth or summer camp	
Industrial and Other	
Addition of accessory structure to principal structure devoted to legal nonconforming use	
Commercial feedlots/Animal feeding operation	Chapter 6; Section 1.20; Section 2.8; Section 2.9; Section 4.5
Ready mix concrete Batch plant, permanently placed on quarry sites	

Commented [LC8]: These various uses are included in the definition of the new general land use category of **Outdoor Commercial Recreation**. Uses that provide commercial amusement outdoors and that have higher traffic demands, space requirements, and external effects, including but not limited to: miniature golf; batting cages; go-carts; bumper cars or boats; skateboard parks; BMX or mountain bike courses; ski slopes; ice skating rinks; golf driving ranges; rodeo facilities; gun clubs; drive-in and outdoor theaters; marinas; docking facilities; tennis courts; ball fields; other outdoor athletic facilities; and other functionally similar uses; but not including campgrounds, resorts, youth or summer camps, tourist camps, or golf courses.

Commented [LC9]: Moved to section 2.9

Commented [LC10]: Recreational lodges are included in the definition of a new general land use category of **Indoor Commercial Recreation**. Uses that provide recreational opportunities indoors for the public (open to the community) or residents of a subdivision or development which commercial in nature, including but not limited to: recreational lodges, community recreation centers; health and exercise clubs; bowling alleys; indoor theaters; dance halls; arcades; skating rinks; swimming pools; country club; private club or lodge; other indoor athletic facilities; and other functionally similar use.

Table D.1. A-1 District Conditional Uses and Structures

Land Uses and Structures by Major Category	Additional Regulations
Bulk storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure	
Mining and extraction of minerals or raw materials, including necessary processing equipment	
<u>Solid waste facility</u>	
<u>Wind energy conversion system: commercial</u>	

SPECIAL-EXCEPTIONConditional USES AND STRUCTURES

Subject to Section 2.15(2)4.5 and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural sales, service, and supply businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; alfalfa dehydrating, the sale of feeds, feed supplements, and miscellaneous farm supplies; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; the storage, distribution and sale of petroleum products, including sale from tank trucks; the buying and temporary storage of wool or hides; trenching or well drilling; but not including the sale or display of farm machinery, building materials or appliances; ~~provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.~~ The foregoing includes bulk storage for retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure, ~~provided that such use is located not closer than 1,000 feet to any school, church or place of public assembly, and is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity.~~
 2. Livestock auction sales market, ~~provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling; that 1 parking space for each employee and company vehicle and 1 parking space for every 2 seats in the sales arena are provided.~~
 3. Commercial feedlots, ~~provided that such use is not closer than 1,000 feet to any dwelling unit other than that of the owner or operator, and any park, school, church or place of public assembly; that adequate provision for drainage, sanitation and waste disposal are provided; that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that 1 parking space for each employee and 1 space for each company vehicle be provided.~~
 4. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that the extraction site shall be located at least 50' from any property line or public road right-of-way and no closer than 500' to any dwelling, park, or school; that access to a public road shall not cause a real or potential traffic hazard; ~~and that 1 off-street parking space for each employee plus 1 off-street space for each company vehicle be provided. The Board of Adjustment shall prescribe additional site restrictions if deemed necessary for the protection of life and property.~~
- In addition, any person seeking a special exception for the mining or extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operations.
5. Ready-mix concreteBatch plants, permanently placed on quarry sites, provided that the plant is located at least 50 feet from the nearest property line or public road right-of-way and at least 1000' from

Commented [LC11]: Special exception renamed as conditional uses and structures; moved to Section 2.9. Parking moved to Section 2.1.

Commented [LC12]: Defined as new general use of Agricultural sales, service, and supply business in Ch. 6

Commented [LC13]: Eliminated, too subjective.

Commented [LC14]: New definition of bulk storage in Ch. 6, combines all bulk storage provisions

Commented [LC15]: Language replaced in Section 2.9 with Iowa Code references

Commented [LC16]: Definition from Iowa Code in Ch.6

Commented [LC17]: Eliminated, too subjective.

Commented [LC18]: Moved to Section 2.1

Commented [LC19]: Replaced with Iowa Code language for Animal Feeding Operation, see definitions in Ch. 6

Commented [LC20]: Moved to Section 2.1

Commented [LC21]: Moved to Section 2.9, new definitions in Ch. 6

Commented [LC22]: Moved to Section 2.1

Commented [LC23]: Eliminated. Standard language in Ch. 4

Commented [LC24]: Moved to Section 2.9

any dwelling, park or school; that sufficient off-street parking area be provided; that facilities be provided for controlling air and water pollution; and that access to a public road shall not create a real or potential traffic hazard.

6. **Solid waste facility** Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations ~~provided that that no such operation shall be located closer than 1,000 feet to any dwelling, park or school.~~ Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.

7. Temporary ~~concrete batch~~ plants, provided that the area be restored to a suitable condition free of refuse and debris.

8. Privately operated recreational lodges, campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities provided, however, that the applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.

9. Seasonal resorts which include three (3) or more seasonal dwellings are herein defined which are rented or leased or located on land that is rented or leased for such seasonal dwellings including uses and structures clearly accessory and incidental thereto, providing that the following requirements be met:

Where served by a central sewage collection and treatment system or a central water distribution system, an area of not less than 10,000 square feet shall be provided for each dwelling unit, and the minimum yard requirements shall be 10 feet for all yards. Where neither central sewage collection or central water systems are provided, or where an individual lot or dwelling is severed from the development, such lot shall meet the yard, area and width requirements of the A-1 Agricultural District as a separate lot.

The applicant shall submit a plan for the proposed development showing the locations or seasonal dwellings, proposed utilities and other facilities including an all-weather road designed to serve the development during its season of use including emergency vehicles. The plan shall be accompanied by a statement from the applicant that the development is for seasonal dwellings only and not for dwellings for year-round occupancy other than that of the owner or operator of the resort.

10. Commercial communications stations and towers provided that they are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the height of the tower; that they will not interfere with the operation of any airport or landing strip; and that base screening and camouflage techniques are used unless prohibited by F.A.A. regulations.

The applicant shall show that their site has relatively low esthetic impact compared to other locations within the area of technical feasibility for the service being provided. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system. The Zoning Administrator shall provide direct notification to all landowners within one-half mile of the site.

11. Airports and landing fields approved by the Federal Aviation Agency.

12. Temporary permits not to exceed 60 days for the location of car crushers or similar equipment used in the processing, removal or disposal of junk. Such permit may be granted for the purpose of facilitating the removal of junk from nonconforming junkyards, but shall not be granted for the purpose of establishing new junkyards or serve as a basis for the permanent expansion of nonconforming junkyards. In considering such permit, the Board of Adjustment shall determine the positive and negative effects on the environment

Commented [LC25]: Moved to Section 2.9, defined in Ch. 6

Commented [LC26]: New General use of Solid waste facility, moved to Section 2.9, defined in Ch. 6

Commented [LC27]: Moved to temporary uses approved by Zoning Administrator

Commented [LC28]: Sorted into commercial indoor and outdoor recreation uses, moved to Section 2.9, defined in Ch. 6

Commented [LC29]: Moved to Section 2.9

Commented [LC30]: Moved to section 2.9 with updated regs for new and existing cell towers, defined in Ch. 6

Commented [LC31]: Moved to Section 2.9

anticipated both during and after the conclusion of such operation. Upon appeal, the Board of Adjustment may grant an extension not to exceed 30 days.

13. Conversion of existing dwellings or other structures to a two-family dwelling, provided that a permit is obtained from the Jackson County Health Department for the sanitary system, and that the property meets the requirements for lot area and width and yards in the district, and that there be two parking spaces for each dwelling in the unit.

14. Golf courses and clubhouses, . parking shall include 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater. In deciding such appeals, the Board of Adjustment shall consider the suitability of the proposed site for agricultural production.

15. Home industries as defined.

16. Garden centers in conjunction with plant nurseries.

17. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

18. Multiple family dwellings, including residential condominiums, provided that such units ~~about a hard-surfaced road,~~ are located no further than five (5) miles by normal travel routes from the nearest fire station, and maintain a maximum density of one (1) dwelling unit per two (2) acres. The maximum number of dwelling units per structure shall not exceed eight (8). Two (2) parking spaces per dwelling unit shall be provided.

Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

E. Temporary Uses and Structures Allowed by Zoning Administrator.

Table E.1. lists the allowed temporary uses and structures in the A-1 District as defined in **Chapter 6** of this Ordinance that may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below. These uses and structures shall comply with A-1 district development regulations unless specified otherwise below.

Table E.1. A-1 District Temporary Uses and Structures	
Types	Specific Provisions
Temporary buildings	Used in conjunction with construction work provided that such building is are removed promptly upon completion of the work.
Temporary concrete -batch plants	a. Prior to the issuance of <u>a</u> compliance certificates for <u>a</u> temporary concrete-batch plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the County Engineer shall be posted to ensure repair of damage to the haul route. b. The area be restored to a suitable condition free of refuse and debris.
Temporary permits not to exceed sixty (60) days for the location of <u>a</u> car crushers or	a. Such permit may be granted not to exceed sixty (60) days for the purpose of facilitating the removal of junk from <u>a</u> nonconforming junkyard s , but shall not be granted for the

Commented [LC32]: Moved to temporary uses approved by Zoning Administrator

Commented [LC33]: Moved to Section 2.8, treated as an Accessory Dwelling Unit (ADU) under 2025 Iowa Code amendment

Commented [LC34]: Moved to Section 2.9, parking moved to Section 1, defined in Ch. 6

Commented [LC35]: Moved to section 2.9, updated definition in Ch. 6

Commented [LC36]: Moved to section 2.9, defined in Ch. 6

Commented [LC37]: Moved to section 2.9

Commented [LC38]: Moved to Section 2.9, defined in Ch. 6

Commented [LC39]: Moved temporary uses and structures to a new section for approval by the Zoning Administrator.

Commented [LC40]: Moved from Accessory Uses

Commented [LC41]: Moved from Special Requirements

Table E.1. A-1 District Temporary Uses and Structures	
Types	Specific Provisions
similar equipment used in the processing, removal or disposal of junk	<p>purpose of establishing <u>a</u> new junkyards or serve as a basis for the permanent expansion of <u>a</u> nonconforming junkyards.</p> <p>b. In considering such permit, the Board of Adjustment <u>Zoning Administrator</u> shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation.</p> <p>c. Upon a showing of good cause, the Board of Adjustment <u>Zoning Administrator</u> may grant an extension not to exceed thirty (30) days.</p>

~~MINIMUM LOT AREA MINIMUM YARD MAXIMUM HEIGHT~~
~~AND WIDTH REQUIREMENTS~~

Non farm dwellings and institutional uses Front 40 feet 2 and one-half stories
Rear 30 feet or 35 feet
Area 2 acres Side 15 feet
Width 200 feet Street side,
corner lot 30 feet

~~Other Uses: None; except as may be required by the County Health Department to provide adequate sewage disposal facilities.~~

F. Development Regulations.

Table F.1. lists the standard development regulations that shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 district unless specified otherwise in this Ordinance. See Table F.3. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Commented [LC42]: Moved into chart below

Table F.1. Standard A-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Farm Exempt Uses and Structures							
All	See Note 1		None, except see Note 7				None
Principal Uses and Structures							
Non-farm Dwellings and Education and Assembly Institutional Uses	2 acres per DU or use	200 feet	40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
All others	See Note 1		40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K. for specific development regulations						
Private garage or carport (see Note 6)	See Note 1	10 or 20 feet	5 feet	10 feet; 5 feet if detached	10 or 20 feet	2.5 stories or 35 feet	
All others	See Note 1	40 feet	30 feet; 5 feet if detached	15 feet; 5 feet if detached	30 feet	2.5 stories or 35 feet	
Conditional Uses and Structures							
Seasonal resort (see Note 2)	2 acres per DU	200 feet	40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Seasonal resort (see Note 3)	10,000 sq ft per DU	50 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Multiple family dwellings	2 acres per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		40 feet	30 feet	15 feet	30 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

None except as may be required by the County Health Department to provide adequate sewage disposal facilities. Where legally existing front or rear yard on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred (500) feet n parcels of continuous frontage. For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.

Table F.2. lists the alternative development regulations that shall be met for all principal, accessory, and conditional uses and structures in the A-1 District located in subdivisions or on lots platted

before May 6, 1976 that do not comply with A-1 standard development regulations for lot area, lot width, and/or setbacks, unless specified otherwise in this Ordinance. See Table F.3. below for Notes. Abbreviations: DU = dwelling unit, and sq ft = square feet.

Table F.2. Alternative A-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 4, 5, 6 and 7)				Maximum Height
	Area	Width	Front	Rear	Side	Street side	
Principal Uses and Structures							
Dwellings and POA uses (see Note 2)	20,000 sq ft per DU or use	100 feet per DU or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Dwellings and POA uses (see Note 3)	12,000 sq ft per DU or use	80 feet per DU or use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Accessory Uses and Structures							
Accessory Dwelling Unit	See Subsection 2.8.K for specific development regulations						
Private garage or carport (see Note 6)	See Note 1		10 feet	5 feet	10 feet; 5 feet if detached	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	5 feet	10 feet; 5 feet if detached	10 feet	2.5 stories or 35 feet
Conditional Uses and Structures							
Seasonal resort (see Note 2)	20,000 sq ft per DU	100 feet per DU	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Seasonal resort (see Note 3)	10,000 sq ft per DU	50 feet per DU	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Multiple-family dwelling	20,000 sq ft per DU	200 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
All others	See Note 1		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Temporary Uses and Structures							
All	See Note 1		As per Zoning Administrator				

Table F.3. lists the A-1 District Notes for Table F.1 Standard Development Regulations and Table F.2 Alternative Development Regulations above.

Table F.3 A-1 District Notes for Standard and Alternative Development Regulations
Note 1. Minimum lot area and width None except as may be required by the County Health Department to provide adequate sewage disposal facilities, which may require compliance with Iowa Administrative Code Chapter 69 and Iowa Administrative Code Chapter 49. Private Wells.
Note 2. Served with private well and septic systems.
Note 3. Served by central sewage collection and treatment system or central water distribution system.

Table F.3 A-1 District Notes for Standard and Alternative Development Regulations

Note 4. See **Subsection 2.1.D.2.g** **Average Front and Rear Setbacks.**

Note 5. **Special Side Setback:** For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.

Note 6. **Subsection 2.1.D.2.h** **Front Setback for Off-Street Parking.**

Note 7. Minimum setback of thirty (30) feet along public roadway may be required by the County Engineer to provide adequate setback for future road improvements.

G. ~~Permitted~~ Allowed Signs. The sign regulations shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 District in accordance with **Subsection 2.9.G. of this Ordinance unless specified otherwise in this Ordinance.**

H. Required Off-Street Parking, Loading, and Stacking Spaces. The required off-street parking, loading, and stacking spaces shall be met for all principal, accessory, conditional, and temporary uses and structures in the A-1 District in accordance with **Subsection 2.1.C** of this Ordinance unless specified otherwise in this Ordinance.

1. ~~Directional signs as defined not to exceed one hundred fifty (150) square feet in area only along U. S. Highway 61 or thirty two (32) square feet in area elsewhere in the county, provided that no business shall have more than three (3) such signs in all districts combined.~~
2. ~~Church or public bulletin boards not to exceed sixteen (16) square feet in area.~~
3. ~~Identification signs for permitted principal uses, accessory uses and special exception uses of this district identifying the business or service on the premises not to exceed thirty two (32) square feet in area.~~
4. ~~Temporary signs advertising the sale or lease of the premises not to exceed sixteen (16) square feet in area.~~
5. ~~No use shall have more than one (1) of each type of sign permitted for that use on each street or road frontage; however, each sign may be a double faced or back to back sign.~~
6. ~~Directional signs may be placed in required front yards. Other permitted signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.~~
7. ~~Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.~~
8. ~~All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.~~

G. Special Requirements.

Commented [LC43]: Moved to Section 2.9

Commented [LC44]: Special requirements are moved to Section 2.9 and temporary uses

- ~~1. The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment, shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Iowa Code Chapter 455B.~~
- ~~2. Prior to the issuance of Compliance Certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the Jackson County Engineer shall be posted to ensure repair of damage to the haul route.~~

2.10 Nonconformities.**A. Intent and Application.** The intent of this **Section 2.10** is:

1. To allow for reasonable use of legally created lots of record that do not meet current minimum requirements for their respective zoning districts.
2. To provide for reasonable use of legally constructed structures that do not meet current site development regulations for their respective zoning districts.
3. To allow for the reasonable continuation of legally established uses that do not meet current use regulations for their respective zoning districts.
4. To limit the continuation and provide for the gradual replacement of nonconforming uses.

These regulations apply to “grandfathered” lots, buildings, structures, and uses that were constructed legally under regulations in effect before the effective date of this Ordinance. Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

B. Nonconformities Generally.

1. Within the districts established ~~by this Ordinance~~ on the effective date of the first Jackson County Zoning Ordinance on May 6, 1976, or amendments that have been adopted and may later be adopted, there exist lots, structures and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. Such nonconformities shall hereafter be considered lawful nonconformities.
- ~~2. Subject to Section 1.7, it is the intent of this ordinance to permit these non-conformities to continue and to be renewed and replaced, but not to allow their expansion. However, nothing in this ordinance shall prohibit the Zoning Board of Adjustment from granting a special exception to permit the addition of accessory structures to serve principal structures devoted to nonconforming uses as allowed in this ordinance.~~
- ~~3. A non-conforming use of a structure, a nonconforming use of land or water, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.~~
2. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. “Actual **building** construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building, such demolition or removal shall be deemed to be actual **building** construction, provided that work shall be diligently carried on until completion of the building involved.

3. Ordinary repairs, minor alterations, and maintenance may be carried out on land, structures or buildings nonconforming as to use or bulk, provided that no alterations shall be made that would add to the size, area, or degree of nonconformity.

4. Nothing in this ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

C. Nonconformity Created By Change in Law or Boundary. Whenever a use, lot, or structure becomes nonconforming due to a change in this Zoning Ordinance or the zoning district boundaries, such use, lot, or structure may be continued in conformance with this Zoning Ordinance.

D. Governmental Acquisition of a Portion of Lot. Governmental acquisition of a portion of a lot for a public purpose that results in a reduction in lot frontage, lot setbacks, and/or lot area below that is required in its zoning district or by applicable development standards, shall not render the lot or structure nonconforming.

E. Effect on Nonconformities Illegal Under Prior Law. Nothing in this Zoning Ordinance shall be interpreted as authorization for, or approval of, the continuance of a use, lot, or structure which was in violation of zoning regulations in effect immediately prior to the effective date hereof or was otherwise illegal. Landowners shall bear the burden of proof to show that a lot, use of land, structure, use of structure, or characteristic of use of land that is nonconforming on the effective date of this Zoning Ordinance was lawfully established on the subject property. Conformity or nonconformity is assigned to the land, not to the landowner.

F. ~~4.11~~ Nonconforming Lots of Record.

1. Pre-Existing Lots of Record. A nonconforming lot of record evidenced by lawful plat and/or deed filed in the office of the Dubuque County Recorder, and existing at the time of the adoption of this Zoning Ordinance shall be exempt, unless otherwise provided, from the minimum lot area and lot frontage requirements of its zoning district. Such lot may be developed with any use allowed by the regulations for its zoning district, and such use shall comply with all other site development regulations set forth by this Zoning Ordinance, and applicable life safety and building codes of the County.

~~4.2~~ Single Lot in Single Ownership. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single pre-existing lot of record at the effective date of adoption or amendment of this Ordinance provided, however, that the sewage disposal system and water supply shall first be approved by the County Health Department. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that the yard-setback dimensions and other requirements, not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance for yard-setback requirements shall be obtained only through by the Zoning Administrator in

accordance with Section 3.10 of this Ordinance or action of the Board of Adjustment in accordance with Section 4.6 of this Ordinance.

- 3. Adjacent Lots in Single Ownership.** ~~If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance. Where two (2) or more adjacent pre-existing lots of record are in common ownership and are of such size as to together constitute at least one (1) conforming "zoning lot" in its zoning district, such lots or portions thereof shall be joined, developed, and used for the purpose of forming an effective and conforming zoning lot or lots.~~

Commented [LC1]: The current language relies on access to property ownership of lots before adoption of first Zoning Ordinance on May 6, 1976. Extremely difficult to determine, so recommending new simpler language that refers to current ownership

- 4. Change of Lot Lines.** Boundary lines of a pre-existing lot of record may be relocated, re-platted, or recombined to meet the minimum lot area and/or lot frontage requirements of its zoning district, provided the action is in accordance with Jackson County Subdivision Ordinance and does not create a nonconforming lot.

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G. ~~4.12~~ Nonconforming Uses ~~Of Land~~.

1. **Continuance.** ~~Where, at the effective date of adoption or amendment of this ordinance, Any lawful nonconforming use of land a lot or a structure exists that is made no longer permissible under the regulations imposed by this ordinance as enacted or amended, such use may be continued, repaired, maintained, altered, or extended within a structure, so long as it remains otherwise lawful, subject to the following provisions and exceptions of this Section.~~
2. ~~1. Extension within Structure. Any lawful nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance. No existing structure devoted to a such use not permitted by this ordinance in the district in which it is located shall be enlarged or extended.~~
3. ~~2. Relocation. No such A lawful nonconforming use shall not be moved in whole or in part to any other portion of the lot, or parcel, or "zoning lot" occupied by such use on which it was located at the effective date of adoption or amendment of this Ordinance.~~
4. ~~3. Discontinuance of Use. When a lawful nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months one (1) year, the structure thereafter shall not be used except in conformity with the regulations of the district in which it is located. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of land shall conform to the regulations specified by this Ordinance for the district in which such land is located. However, where it can be established that a delay in reoccupying a property has been caused by governmental and/or court action, that is clearly beyond control of the property~~

owner, the Zoning Administrator may extend the time period to retain nonconforming status to two (2) years.

4.5. Conversion. If no structural alterations are made, any lawful nonconforming use of a structure, or structure and premises in combination may be changed to another lawful nonconforming use of the same or more restricted classification, or an equal or lesser intensity, with approval of the Zoning Administrator. provided that the Board of Adjustment, either by general rule or by making findings in the specific cases, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance. Any structure or structure and land in combination, in or on which **Whenever a lawful nonconforming use is superseded by a permitted an allowed use, shall thereafter conform to the regulations for the district in which such structure is located and the such nonconforming use may not thereafter be resumed.**

6. Reconstruction for Nonresidential Use. When a structure housing a lawful nonconforming nonresidential use is damaged by fire, explosion, act of God, or other calamity to an extent of more than seventy five percent (75%) of its fair market value, such structure may be reconstructed to house only uses that conform to its zoning district in which it is located, except that lawful nonconforming residential uses housed in such structure may be resumed. An otherwise conforming structure containing a nonconforming nonresidential use damaged to the extent less than seventy percent (75%) of its fair market value may be reconstructed to its location, size, and external dimensions that existed at the time of damage provided that the nonconforming use as it existed prior to the damage is not increased or enlarged. Reconstruction must begin within one hundred eighty (180) days and be diligently pursued to its completion, or the use will be deemed discontinued, abandoned, or vacated.

7. Reconstruction for Residential Use. When a lawful nonconforming structure used solely for residential uses is damaged by fire, explosion, act of God, or other calamity, to an extent of more than seventy five percent (75%) of fair market value, such structure may be reconstructed to its location, size, and external dimensions that existed at the time of damage. Reconstruction must begin within one hundred eighty (180) days and be diligently pursued to its completion, or the use will be deemed discontinued, abandoned, or vacated.

8. Use Requiring a Conditional Use Permit. A lawful pre-existing use that requires a conditional use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use subject to the provisions of Subsection 2.10.II of this Ordinance.

9. Accessory Uses. Accessory uses shall be discontinued when the nonconforming use of such principal use or structure is discontinued, unless such accessory use conforms to all the regulations of its zoning district.

5.10. Junk Yards. Any lawful nonconforming junk yards as herein defined shall be discontinued, removed or relocated to an M-2 General Industrial District within five (5) years after the passage of this Ordinance.

H. 4.13 Nonconforming Structures.

- 1. Continuance.** ~~Where~~ A lawful nonconforming structure existings at-on the effective date of adoption or amendment of this Ordinance ~~that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lots, such structure~~ may be continued, repaired, or altered subject to the provisions of this Section, so long as it remains otherwise lawful and is not enlarged or altered in a way which increases its nonconformity. No reconstruction or replacement of nonconforming structures is permitted which would deviate further from provisions of this Ordinance than did the original structure. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- 2. Repair and Alteration.** Repairs and nonstructural alterations may be made to a lawful nonconforming structure for ordinary maintenance provided that its nonconformity is not increased. Alterations conducted by order of the County to comply with building or life safety code provisions shall be permitted. A lawful nonconforming structure or portion thereof may be altered to reduce its nonconformity or to bring it into conformity.
- 3. Relocation.** A lawful nonconforming structure shall not be relocated in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district.
- 4. Reconstruction of Nonresidential Structure.** When a lawful nonconforming nonresidential structure is damaged by fire, explosion, act of God, or other calamity, to an extent of more than seventy five percent (75%) of its fair market value, such structure may be reconstructed to its location, size, and external dimensions that existed at the time of damage only in conformance with the requirements of its zoning district.
- 5. Reconstruction of Residential Structure.** When a lawful nonconforming structure used solely for residential uses is damaged by fire, explosion, act of God, or other calamity, to an extent of more than seventy five percent (75%) of fair market value, such structure may be reconstructed to its location, size, and external dimensions that existed at the time of damage. Reconstruction must begin within one hundred eighty (180) days and be diligently pursued to its completion, or the use will be deemed discontinued, abandoned, or vacated.
- 6. Structure Requiring a Conditional Use Permit.** A lawful pre-existing structure that requires a conditional use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming structure subject to the provisions of Subsection 2.10.I. of this Ordinance.
- 7. Accessory Structures.** Accessory structures shall be discontinued when the nonconforming use of such principal use or structure is discontinued, unless such accessory structure conforms to all the regulations of its zoning district.

1.14 ~~Nonconforming Uses of Structures.~~ If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged or extended.~~

~~2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance; but no such use shall be extended to occupy any land outside such building.~~

~~3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific cases, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.~~

~~4. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.~~

~~5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure thereafter shall not be used except in conformity with the regulations of the district in which it is located.~~

~~Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.~~

~~1.15 Repairs and Maintenance. Nothing in this ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.~~

~~B.I. 1.16 Uses and Structures Under Exception. Conditional Use Provision. Any use permitted as a special exception in its district which was in existence on the effective date of this Ordinance shall be deemed a conforming special exception use. A lawful pre-existing use or structure that requires a conditional use permit in its zoning district shall be presumed to have the appropriate permit and shall be considered a conforming use or structure subject to the following provisions:~~

~~1. Continuance. Such use or structure may be continued but shall not be expanded or enlarged to increase the building area or area of land occupied or used, nor shall any such use or structure be altered, expanded or enlarged to increase its capacity, height, number of units, number of animals, volume of traffic, volume of waste created or intensity of use.~~

~~2. Discontinuance. , nor shall If such use be resumed after having lapsed ceases for a period of one (1) year, twelve (12) months or more or cannot meet the tests for reconstruction in Subsection 2.10.G. of this Section, the use may not be resumed until a special exception conditional use permit has been granted by the Board of Adjustment.~~

~~4.3. Reconstruction. If such structure cannot meet the tests for reconstruction in Subsection 2.10.H. of this Section, the structure may not be reconstructed until a conditional use permit has been~~

granted by the Board of Adjustment. For the purposes of this paragraph, further removal of materials from a lot or parcel owned or leased for the purpose of extraction of raw materials on the effective date of this Ordinance shall not constitute expansion or enlargement provided that the extraction site meets the setbacks specified as special requirements for that use or, if such setbacks are already exceeded, that setback distances do not decrease; further, periods of up to four (4) years without extraction or processing activity shall not be considered a lapse of use.

4. Conversion. If no structural alterations are made, such use of a structure, or structure and premises in combination may be changed to another lawful nonconforming use of the same or more restricted classification, or an equal or lesser intensity, with approval of the Zoning Administrator. Structures devoted to such uses may be converted to nonconforming uses by action of the Zoning Board of Adjustment in the same manner as provided for nonconforming uses in Section 1.14(3) provided also that the Board finds that the proposed use is more compatible with neighboring uses than is the existing use.

J. Nonconforming Signs. Except as may be hereinafter specified, no sign shall be erected, placed, maintained, converted, enlarged, reconstructed, or structurally altered which does comply with all the regulations established by this Section.

1. Maintenance and Repair. Signs erected prior to the effective date of this Ordinance may be maintained and repaired subject to the requirements of **Subsection 2.9.G** of this Ordinance.

2. Items not considered normal maintenance and repair. Changes made to the location, size, height, or bulk of the sign or addition of illumination are not considered normal maintenance and repair and shall require that a nonconforming sign be brought into conformance with all requirements of this Ordinance.

3. Continuing Nonconformance. A lawful nonconforming sign may be continued so long as it remains otherwise lawful, subject to the following provisions:
a. No such sign may be enlarged or altered in a way which increases its nonconformity.
b. Should such a sign be destroyed by any means to an extent of sixty percent (60%) or more of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Section and **Subsection 2.9.G** of this Ordinance

1.4. Removal. The Zoning Administrator shall have the authority to revoke any permit which has been granted when the Zoning Administrator has determined that the sign authorized by the permit has been constructed or maintained in violation of the permit. Written notice shall be given to the owner of the illegal sign and/or the owner of the property on which the sign is located. The notice shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign, and the violations charged; such notice shall specify what repairs, if any, will make the sign conform to the requirements of this **Section 2.10**, and specify that the sign be removed or made to conform with the requirements of this **Section 2.10** and **Subsection 2.9.G** of this Ordinance within thirty (30) days.

CHAPTER 23. ADMINISTRATION AND ENFORCEMENT

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

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

32.2 Appeals from Decision of Administrator. Appeals from any decision of the Zoning Administrator may be taken to the Board of Adjustment as provided in Section 2-134.6.

23.3 Interpretation of Provisions. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern. **General Procedures.** The General Procedures provisions in this Subsection establish the methods for review and approval of required applications in this Ordinance. Except where this Ordinance, Iowa Code, or Federal law provides otherwise, the following procedures are required:

A. Preapplication Conference. Potential applicants are required to contact the Zoning Administrator prior to submittal of an application to discuss the proposal. The Zoning Administrator shall inform the applicant of the details of the application process.

B. Application, Site Plan and Fee. An application shall be submitted on a form provided by the Zoning Administrator concurrent with a site plan and any required fee. Application forms and site plans shall include the specific information that is required to process each type of application, except where this Section describes otherwise. The Zoning Administrator may establish submittal requirements to tailor the requirements to the information necessary to review a particular application.

B.C. Signature. The signature of the applicant on the Zoning Permit application, or any other application issued through the Zoning Department, shall certify that the new proposal construction and use will comply with all provisions of this Ordinance and other County development ordinances as stated in Section 1-8-83.3.D. of this Ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Ordinance or other applicable development ordinances of Jackson County.

C.D. 11. Compliance With Other County, State, and Federal Development Requirements. Applications for Construction and/or Occupancy Compliance Certificates shall not be considered complete until the Zoning Administrator has ascertained that the proposed development proposed

Commented [LC1]: Duplicate. This section is already covered in Section 1.6 Minimum Requirements Interpretation.

Commented [LC2]: Added requirement for Site Plan to the ordinance; already a requirement on application form and Zoning Department's FAQ webpage.

Commented [LC3]: Extended to include any applications that are reviewed and approved by the Zoning Commission and the Board of Adjustment.

Commented [LC4]: Moved from Section 2.8, and then modified as shown to update County code include state and federal regulations.

~~is in compliance with~~ complies with the Zoning Ordinance and with all applicable provisions of the Jackson County Code of Ordinances and other County, State, and Federal development requirements. ~~These development requirements include, but are not limited to, the following as noted below.~~

1. Jackson County:

- a. ~~All permits and applications required by the County Zoning Department have been properly applied for and means of compliance have been identified in accordance with Title VI Property and Land Use, including but not limited to the provisions of the Jackson County Flood Plain Management Ordinance, relating to flood plain management and the Jackson County Airport Tall Structures near airports Ordinance, and the Jackson County Subdivision Ordinance have been fully met.~~

~~The land parcel cited in the application was created in compliance with the Jackson County Subdivision Ordinance.~~

- b. All permits required by the County Health Department for water wells and wastewater treatment systems have been properly applied for and means of compliance have been identified in accordance with Title V Public Order, Safety, and Health.

- c. ~~All permits required by the County Engineer's Office and Secondary Roads Department have been properly application-applied for and means of compliance have been identified, including but not limited to, has been made for a rural address, and an Entrance Permit in accordance with the Jackson County Secondary Roads Department Entrance Policy, where appropriate.~~

2. State of Iowa. All permits and applications required by the State of Iowa have been properly applied for and means of compliance have been identified in accordance with the appropriate Iowa Code and the Iowa Administrative Code, including but not limited to those State codes cited in this Ordinance.

2.3. Federal Government. All permits and applications required by the Federal Government have been properly applied for and means of compliance have been identified in accordance with the appropriate Federal laws and regulations, including but not limited to those Federal laws and regulations cited in this Ordinance.

E. Zoning Administrator Approval and Referral.

1. The Zoning Administrator may review and approve any zoning application in this Ordinance that does not require review and approval by the Zoning Commission, Board of Adjustment, Board of Supervisors, other County Department(s), or other agencies.
2. When a zoning application in this Ordinance requires review and approval by other County Department(s) or other agencies, the Zoning Administrator shall refer the application for action to the other County Department(s) or other agencies. The Zoning Administrator shall not

approve the zoning application until review and approval by other County Department(s) or other agencies is completed.

3. The Zoning Administrator may refer any zoning application in this Ordinance for review and approval of the Zoning Commission, Board of Adjustment, or Board of Supervisors, subject to the General Procedures in this Section and any other procedures in this Ordinance, when an application presents such scale, intensity or interpretation that warrants additional public review, professional input, or Board of Supervisors authority. The Zoning Administrator shall not approve the zoning application until review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors is completed.
- ~~4.~~ 4. When a zoning application in this Ordinance requires review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors, the Zoning Administrator shall refer the application for action at their next scheduled meeting provided the application is submitted by the application deadline for their next scheduled meeting, unless the applicant shall agree to some other time. The Zoning Administrator shall not approve the zoning application until review and approval by the Zoning Commission, Board of Adjustment, or Board of Supervisors is completed.

32.4 Violation and Penalties. ~~In accordance with Iowa Code Chapter 331.307, "County Infractions,"~~ Any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined in accordance with Iowa Code Chapter 331.307. ~~not more than seven hundred and fifty (\$750.00) dollars on the first offense. On repeated offenses, upon conviction, the fine shall not be more than one thousand (\$1,000.00) dollars.~~ Each day such violations continue shall constitute a separate offense.

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

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

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

A. ~~1-~~Construction Compliance Certificate. Subsequent to the adoption of this Ordinance, a Construction Compliance Certificate shall be obtained from the Zoning Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this Ordinance and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Ordinance.

B. ~~2.~~Occupancy Compliance Certificate. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Zoning Administrator. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this Ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this Ordinance.

~~32.8~~ Zoning Permit Not Required. A Zoning Permit shall not be required for any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use. A Zoning Permit shall not be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used in accordance with farm exemption per Section 4-61.20 of this Ordinance.

~~32.9~~ Application For Zoning Permit. Applications for a Zoning Permit shall be made prior to beginning construction or assuming occupancy on a fully completed application form obtained from the Zoning Administrator, accompanied by the requisite fee and by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this Ordinance. ~~The signature of the applicant on the Zoning Permit application shall certify that the new construction and use will comply with all provisions of this Ordinance and other County development ordinances as stated in Section 1.8.8 of this Ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Ordinance or other applicable development ordinances of Jackson County.~~

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

The Zoning Permit approval shall be valid for construction begun one (1) year from the date of issuance and diligently continued. A zoning permit approval may be renewed for a period not exceeding one (41) year by the Zoning Administrator upon a showing of good cause, but may not be renewed more than one (1) time.

~~23.10~~ Administrative Waiver. The Zoning Administrator ~~Additionally, the Board of Adjustment shall~~ have the power to modify by Administrative Waiver ~~special exception~~ any quantitative setback requirements under the same conditions and using the same procedures as set out in this section for listed special exception ~~allowed~~ uses and structures, providing the modification is less no more than fifty (50%) percent of the requirement, or, providing in situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

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

Commented [LC5]: This language was moved from Ch. 4 Board of Adjustment to create a new process for Administrative Waivers to be granted by the Zoning Administrator with reduced property owner notification for up to 50% of the quantitative requirements. The intent is to reduce the number of such special exception requests that now come to the BOA.

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

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

C. Contact with Abutting Property Owners.

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

Commented [LC6]: Mail correspondence refers to the exchange of messages between individuals or organizations through physical mail (letters, postcards, etc.)

Commented [LC7]: Electronic correspondence refers to the exchange of messages, information, and documents through electronic means, typically via email or other digital platforms.

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

A. The use is of a limited and temporary duration, and in no case, shall exceed six (6) months per calendar year unless the Zoning Administrator grants an extension upon showing of good cause. The Zoning Administrator may grant a maximum of two (2) ninety (90)-day extensions.

B. The use will serve a public need or contribute to the public convenience and welfare.

C. The use will not be likely to interfere with the appropriate use and enjoyment of nearby properties that may be affected by its operation.

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

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

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

CHAPTER 4. BOARD OF ADJUSTMENT

2-114.1 Board of Adjustment Created. In accordance with **Iowa Code Section 335.10**, a Board of Adjustment is hereby established by the Jackson County Board of Supervisors. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years, except that when the Board of Adjustment shall first be created one (1) member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years and one for a term of one (1) year. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.

Commented [LC1]: Text in black is current ordinance. Text in red is proposed language.

2-124.2 Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

~~**2-13 Hearings, Appeals, Notice.** Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrator. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.~~

Commented [LC2]: Text in green is current language that has been moved.

~~The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.~~

~~A fee as established by rule of the Jackson County Board of Supervisors shall be paid to the Administrator at the time the notice of appeal is filed which the Administrator shall forthwith pay over to the credit of the general fund of the County.~~

~~**2-14 Stay Of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the Administrator from whom the appeal is taken and on due cause shown.~~

2-154.3 The Board of Adjustment: Powers and Duties: The Board of Adjustment shall have the following powers and duties:

A. In accordance with **Iowa Code Section 335.15**:

1. ~~Administrative Review Appeals.~~ To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or an administrative official in the enforcement of this Ordinance or of any ordinance adopted pursuant thereto.

Commented [LC3]: Additional language is from Iowa Code 335.15 Powers of Board.

2. ~~Special Exception Conditional Use Permits; Conditions Governing Applications; Procedures.~~ To hear and decide ~~only such~~ special exceptions ~~to the terms of the Ordinance upon which the Board of Adjustment is required to pass under this Ordinance by granting conditional use permits.~~ ~~as is~~ The Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether conditional use permits special exceptions should be granted; and to grant conditional use permits special exceptions with such conditions and safeguards as are appropriate under this Ordinance and to deny conditional use permits special exceptions when not in harmony with the purpose and intent of this Ordinance.

Commented [LC4]: Proposed to be renamed to Conditional Use Permit to reflect that these uses are allowed only after meeting required conditions in the Zoning Ordinance and any additional conditions set by the BOA. This new terminology is found in many updated city and county zoning ordinances in Iowa.

Commented [LC5]: Additional language is from Iowa Code 335.15 Powers of Board.

2.3. ~~Dimensional Variances.~~ To authorize on appeal, in specific cases, such variance from the terms of the Ordinance with respect to the quantitative requirements for area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the Zoning Ordinance, and so that the spirit of the Ordinance shall be observed and substantial justice done. Such variance from quantitative requirements of this Ordinance shall require a dimensional variance to be granted by the Board of Adjustment. Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements under the same conditions and using the same procedures as set out in this section for listed special exception uses, providing the modification is less than fifty percent of the requirement, or, providing in situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

Commented [LC6]: These new regulations are intended to comply with House File 652 adopted on 4-25-25 that establish new powers for the Board of Adjustment for Dimensional Variances.

4. ~~3. Variances; Conditions Governing Applications; Procedures.~~ To authorize upon appeal in specific cases such variance from non-quantitative requirements under the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

Commented [LC7]: This language is proposed to be moved to Chapter 3. Administration and Enforcement to create a new process for Administrative Waivers to be granted by the Zoning Administrator with reduced property owner notification for up to 50% of the quantitative requirements. The intent is to reduce the number of requests that now come to the BOA.

B. In accordance with the Jackson County Code of Ordinances:

1. Title III Business and Occupations, Chapter 3. Alcohol Licenses Regulations, Section 3-3-2 Restrictions.
2. Title IV Property and Land Use, Chapter 2. Flood Plain Management, Section 6-2-9 Appointment and Duties of Board of Adjustment.
3. Title IV Property and Land Use, Chapter 3. Airport Tall Structure Zoning Ordinance, Section 6-3-5 Variances.

~~2.13.4.4 Hearings; Appeals; Notice.~~ Appeals to the Board of Adjustment of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrator.

~~2.14~~ **A. Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

B. Procedures. Such appeals shall be taken within a reasonable time, not to exceed ~~sixty (60)~~ sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or appear virtually, or represented by agent or attorney. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305.

1. A written application indicating the administrative decision or the section of this Ordinance being appealed.

2. A fee as ~~(established by rule of the Jackson County Board of Supervisors)~~ shall be paid to the Zoning Administrator at the time the notice of appeal is filed which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

4-3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:

- a. The original application.
- b. The records of any action on the appeal by an administrative official.
- c. Proof of notice sent prior to the hearing date to the applicant by mail for the purpose of due notice of the hearing.
- d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
- e. Minutes of the public hearing.

C. Final Decision. The final decision shall include the findings of fact and the conclusions reached by the Board of Adjustment. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact related to the specific appeal.

4.5 Conditional Use Permits. Any person may submit to the Board of Adjustment an application requesting a conditional use permit in accordance with the regulations of this Ordinance.

~~a. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 2.4 of this ordinance. The Board of~~

~~Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.~~

A. ~~Procedures.~~ ~~b.~~ A conditional use permit special exception shall not be granted by the Board of Adjustment unless and until:

1. A written application for a conditional use permit special exception is submitted indicating the section of this Ordinance under which the conditional use permit special exception is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305. 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 and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the conditional use permit is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.

~~3.4.~~ The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney.

B. ~~c. Standards for Review.~~ In reviewing an application for a conditional use permit special exception, the Board of Adjustment shall consider the following:

1. The Jackson County Land Use Policy Statement and the Comprehensive Plan;
2. Other policy statements adopted by the Board of Supervisors including Resolution #184-12-07-99 Subsection 2.8.H. of this Ordinance addressing the preservation of ancient burial mounds;
3. The purpose and intent of the Ordinance and of its specific districts;
4. The most appropriate use of the land;
5. The conservation and stabilization of property values;
6. Adequate open spaces for light and air;
7. Concentration of population;
8. Congestion of public streets;
9. The promotion of the public safety, health, convenience and comfort;
10. The general welfare of the persons residing or working in the general area.

C. ~~d. Findings.~~ Before any conditional use permit special exception is granted, the Board of Adjustment shall make the following written findings regarding the case in question:

1. The Board of Adjustment is empowered under the section of this Ordinance described in the application to grant the conditional use permit special exception.
2. It complies with any specific regulations governing individual conditional use permit special exceptions.

Commented [LC8]: Revised to reference new subsection

3. Satisfactory provision has been made concerning the following, where applicable:
 - a. Vehicular access to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - b. Off-street parking, loading and service areas where required;
 - c. Economic, noise, dust, heat, glare or odor effects of the conditional use permit ~~special exception~~ on surrounding properties;
 - d. Utilities, with reference to locations, availability, adequacy and compatibility;
 - e. Screens and buffers with reference to type, dimensions, character and adequacy;
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with surrounding properties;
 - g. Required ~~yards-setbacks~~ and other open spaces;
 - h. General compatibility with surrounding properties.
4. It is in harmony with the Land Use Policy Statement and the Comprehensive Plan.
5. It will not adversely affect the public interest.

D. Conditions.

1. In granting any conditional use permit ~~special exception~~, the Board of Adjustment of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.
2. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use permit ~~special exception~~ is granted, shall be deemed a violation of this Ordinance and punishable under Section 2-43.4 of this Ordinance.
3. The Board of Adjustment shall ~~may~~ prescribe a time limit within which the action for which the conditional use permit ~~special exception~~ is required shall ~~to~~ be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the conditional use permit ~~special exception~~.

E. Extension of Conditional Use Permits.

1. **Time Limits.** The Board of Adjustment may prescribe a time limit within which the action authorized by a conditional use permit shall be begun, completed, or both, subject to administrative renewal. Unless otherwise stated in the approval, such authorization shall expire one (1) year from the date of final approval if substantial construction or establishment of the use has not commenced.
2. **Extension Requests – General Requirement.** Any request to extend the expiration date of a special exception or conditional use permit shall be submitted in writing to the Zoning Administrator no fewer than thirty (30) days before the expiration date. The request shall include:
 - a. A completed application form and the required fee.
 - b. A statement of the reasons for the delay.
 - c. Evidence of compliance with all conditions of approval to date.
 - d. A revised timeline for completion.

3. Public Hearing Requirement. Extension requests shall be reviewed and acted upon by the Board of Adjustment at a public hearing with notice given in the same manner as the original approval, except as provided in Subsection 4.5.E.4. of this Ordinance. Public notice for Board-reviewed extensions shall be given in accordance with Subsection 4.5.A.3. of this Ordinance for conditional uses permits, including mailed notice to all owners of record within five hundred (500) feet of the subject property.

4. Administrative Extensions.

a. The Zoning Administrator may grant one (1) administrative extension of up to twelve (12) months without a public hearing if all of the following apply:

- (1) The original approval expressly states that administrative renewal is permitted.
- (2) Substantial construction or establishment of the use has commenced and is being diligently pursued.
- (3) No complaints or violations related to the approval have been filed.
- (4) No changes to the site plan, use, or conditions are proposed.

b. Upon granting the administrative extension, the Zoning Administrator shall mail a written decision to the applicant, the Board of Adjustment, and surrounding property owners within five hundred (500) feet of the subject property.

5. Limitations.

- a. No more than two (2) total extensions (administrative and/or Board) may be granted.
- b. If an extension is denied, all work or use not in compliance with the underlying zoning district regulations must cease by the original expiration date or as otherwise ordered by the Board.

6. Fees. All extension requests, whether administrative or Board-reviewed, shall be accompanied by a fee established by the Board of Supervisors to cover administrative, public notice, and mailing costs.

~~**3. Variances: Conditions Governing Applications: Procedures.** To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.~~

4.6 Dimensional Variances. Any person may submit to the Board of Adjustment an application requesting a dimensional variance in accordance with the regulations of this Ordinance.

A. Procedures. A dimensional variance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a dimensional variance is submitted indicating the quantitative requirements of this Ordinance for which the dimensional variance is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305 and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the dimensional variance is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.

Commented [LC9]: Notification of property owners within 500 feet is not in the current ordinance but is current practice

4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney.

B. Burden of Proof for Property Owner. To receive the requested dimensional variance, the property owner must meet the “burden of proof” for “practical difficulties” in accordance with Iowa Code Section 335.15.4.

Commented [LC10]: Iowa Code Section 335.15. 4. To authorize on appeal, in specific cases, such variance from the terms of the ordinance with respect to the area, dimensional, or other numerical limitations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulties to the property owner in making a beneficial use of the property allowed by the zoning ordinance, and so that the spirit of the ordinance shall be observed and substantial justice done. Area, dimensional, or other numerical limitations subject to variances include but are not limited to requirements for minimum lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, and off-street parking. To receive the requested area, dimensional, or other numerical variance, the property owner must prove that the practical difficulties faced are unique to the property at issue and not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

C. Standards for Review. In reviewing an application for a dimensional variance, the Board of Adjustment shall consider the following standards for review.

1. The property owner has met the “burden of proof” in accordance with Iowa Code Section 335.15.4.
2. The Jackson County Land Use Policy Statement and the Comprehensive Plan.
3. Other policy statements adopted by the Board of Supervisors including Subsection 2.8.H. of this Ordinance addressing the preservation of ancient burial mounds.
4. The purpose and intent of the Ordinance and of its specific districts.
5. The most appropriate use of the land.
6. The conservation and stabilization of property values.
7. Adequate open spaces for light and air.
8. Concentration of population.
9. Congestion of public streets.
10. The promotion of the public safety, health, convenience and comfort.
11. The general welfare of the persons residing or working in the general area.
12. In situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

D. Findings. Before any dimensional variance is granted, the Board of Adjustment shall make the following written findings regarding the case in question:

1. The property owner has met the “burden of proof” in accordance with Iowa Code Section 335.15.4.
2. The Board of Adjustment is empowered under this Ordinance to grant the dimensional variance.
3. It complies with any specific regulations governing an individual dimensional variance.
4. Satisfactory provision has been made concerning the following, where applicable:
 - a. Vehicular access to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - b. Off-street parking, loading and service areas where required.
 - c. Economic, noise, dust, heat, glare or odor effects of the dimensional variance on surrounding properties.
 - d. Utilities, with reference to locations, availability, adequacy and compatibility.

- e. Screens and buffers with reference to type, dimensions, character and adequacy.
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with surrounding properties.
- g. Required setbacks and other open spaces.
- h. General compatibility with surrounding properties.

- 5. It is in harmony with the Land Use Policy Statement and the Comprehensive Plan.
- 6. It will not adversely affect the public interest.

E. Conditions.

- 1. In granting any dimensional variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.
- 2. Violation of such conditions and safeguards, when made a part of the terms under which the dimensional variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.4 of this Ordinance.
- 3. Under no circumstances shall the Board of Adjustment grant a dimensional variance to allow a use or structure not allowed in the district involved or any use or structure expressly or by implication prohibited by the terms of this Ordinance in said district.
- 4. The effective date that a dimensional variance is granted shall be twenty-one (21) days from the date of granting, except that when a dimensional variance has been reaffirmed, with or without modification, after being remanded by the Board of Supervisors under the provisions of this Ordinance, the dimensional variance shall be effective immediately or as specified in the motion to reaffirm.

4.7 Variances. Any person may submit to the Board of Adjustment an application requesting a variance from non-quantitative requirements in accordance with the regulations of this Ordinance.

A. Procedures. A variance the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

- 1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That literal interpretation of the provisions of this Ordinance would deprive the applicant property owner of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant property owner.
 - d. That granting the variance requested will not confer on the applicant property owner any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structure or buildings in other districts shall be considered grounds for the issuance of a variance.

Commented [LC11]: The new Iowa Code refers to this BOA action as a variance, which by Iowa Code may be remanded to the Board of Supervisors.

Commented [LC12]: This revised variance section is intended to cover any variance from non-quantitative requirements, which are not covered by the new Iowa Code. Staff is not sure what these may be, but we want to have everything covered in this update.

2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305 and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the variance is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.
2. Notice of public hearing shall be given as in Section 2.15.2(b) above.

Commented [LC13]: Notification of property owners within 500 feet is not in the current ordinance but is current practice

2.4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or by attorney.

B. Burden of Proof for Property Owner. To receive the requested variance from the terms of the Ordinance, the property owner must prove to the Board of Adjustment that the strict enforcement of the terms of this Ordinance will inflict an "unnecessary hardship" on the property owner and are not self-created and must also demonstrate that granting the variance will not significantly alter the essential character of the surrounding neighborhood.

Commented [LC14]: This new subsection is comparable to new subsection 4.6.B above for dimensional variance s.

C. Standards for Review. In reviewing an application for a variance, the Board of Adjustment shall consider the following standards for review. No variance shall be granted unless the property owner shall show and the Board of Adjustment shall find the following:

1. The Iowa courts have set out specific criteria that must be satisfied before the Board of Adjustment may find that an "unnecessary hardship" exists, sufficient to grant a property owner a variance. The property owner must satisfy all three (3) criteria listed below to be granted a variance:

- a. The land in question cannot yield reasonable return if used only for a purpose allowed in that zoning district,
- b. The plight of the property owner is due to unique circumstances and not to general conditions in neighborhood, and
- a-c. The use or structure to be authorized by a variance will not alter essential character of the locality.

1-2. The Iowa courts have established the following guidelines for assessing whether the above-listed criteria have been met:

- a. Failure to yield a "reasonable return" may be shown by proof that the property owner has been deprived of all beneficial use of the land. All beneficial use is said to have been lost where the land is not suitable for any use allowed by this Ordinance. It is not sufficient to show that the value of land merely has been depreciated by the zoning regulations, or that a variance would permit a property owner to maintain a more profitable use. It is not sufficient to show mere inconvenience to the applicant.

b. Problems common to several properties do not constitute “unique circumstances.” The condition or situation is not of so general or recurring a nature as to make reasonably practical a general regulation to be adopted as an amendment of this Ordinance.

c. This disadvantage of “unique circumstances” does not exist as a result of conditions created by the current owner or previous owners of the property.

d. A variance that alters the “essential character of the area” is beyond the authority of the Board of Adjustment to grant. The Board of Adjustment cannot grant a variance for a change in use that, in effect, constitutes a rezoning or Ordinance amendment. Factors to consider in determining whether a variance will alter the “essential character of the neighborhood” include the degree of variation from district regulations, the size of the parcel, and the parcel’s size and character in relation to the size of the district.

2-3. In granting a variance, the Board of Adjustment shall not consider prospective financial loss or gain to the applicant.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use or structure not allowed under the terms of the Ordinance regulations in the district involved, or any use or structure expressly or by implication prohibited by the terms of the regulations in said district.

4. No non-conforming use of neighboring lands, structures, or buildings in the same district and no allowed or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the granting of a variance.

D. Findings. Before any variance is granted, the Board of Adjustment shall make the following written findings regarding the case in question:

1. The property owner has met the “burden of proof” in accordance with the Iowa courts.

2. The Board of Adjustment is empowered under the section of this Ordinance described in the application to grant the variance.

1-3. The Board shall make findings that the requirements of Section 2-15.3(a) this Ordinance have been met by the applicant property owner for a variance.

2-4. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

3. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. Conditions.

1. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.

2. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2-43.4 of this Ordinance.

~~3.~~ Under no circumstances shall the Board of Adjustment grant a variance to allow a use or structure not ~~permitted-allowed~~ in the district involved or any use or structure expressly or by implication prohibited by the terms of this Ordinance in said district.

~~4.4.~~ The effective date ~~of that a variance~~s granted shall be twenty-one (21) days from the date of granting, except that when a variance has been reaffirmed, with or without modification, after being remanded by the Board of Supervisors under the provisions of ~~Section 2.17 below~~this Ordinance, the variance shall be effective immediately or as specified in the motion to reaffirm.

~~2.164.8~~ **Decisions of the Board of Adjustment.** In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of a quorum of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in application of this Ordinance.

~~2.174.9~~ **Remanding of Variances by the Board of Supervisors.** Under the authority of Iowa Code Section 335.10, the Board of Supervisors shall have the power to remand any dimensional variance or variance granted by the Board of Adjustment. Accordingly, the following provisions shall apply:

- A. ~~1.—~~A written report of all actions taken by the Board of Adjustment shall be provided promptly by its secretary to the applicant, the property owner, and to the Board of Supervisors, to include also the effective date of any variances granted.
- B. ~~2.—~~Upon considering the report of actions and any other information available, the Board of Supervisors may choose to remand any decision to grant a variance, so long as it acts by official motion and before the effective date of the variance. The remanding of a variance will automatically delay its effective date for thirty (30) days from the date of the remand, or until the Board of Adjustment has taken an official action on the remand, as required by ~~subsection four (4) below~~this Ordinance, whichever comes first.
- C. ~~3.—~~Upon notice of such remand, the Board of Adjustment shall schedule a special public hearing, to occur before the new effective date of the variance, to hear any new testimony available on the matter. Notice of this hearing shall be provided in the customary manner and to the applicant, the property owner, and to all persons who commented on the request, either at the original hearing or in writing to the Board of Adjustment.
- D. ~~4.—~~Upon holding such special hearing, the Board of Adjustment shall make findings and take action to affirm its original decision, or to modify it by the placement of conditions on the variance, or by denying the variance.
- E. ~~5.—~~If the Board of Adjustment fails to act before the effective date of a variance, the variance stands and any further redress of grievances shall come from a court of record as noted below.

2-184.10 **Appeals from the Board of Adjustment:** Any person or persons or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the State and particularly by Iowa Code Chapter 358A, ~~Code of Iowa~~.

CHAPTER 5. ZONING COMMISSION

5.1 Zoning Commission Created. In accordance with Iowa Code Section 335.8, a Zoning Commission is hereby established by the Jackson County Board of Supervisors. The Commission shall consist of seven (7) members to be appointed by the Board of Supervisors for a term of five (5) years, such terms to be staggered. Members of the Commission may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.

5.2 Proceedings of the Zoning Commission. The Zoning Commission shall adopt rules and procedures necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chair and at such other times as the Commission may determine. The chair, or in the absence of the chair, the acting chair, may conduct the meetings. All meetings shall be open to the public.

The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Commission.

5.3 The Zoning Commission: Powers and Duties. In accordance with Iowa Code Section 355.8, the Commission shall have the following powers and discharge the following duties under this Ordinance:

- A. Zoning Ordinance Adoption and Amendment.** To recommend the adoption of a Zoning Ordinance, and consider any proposed amendments, supplements, changes, or modifications of the adopted Zoning Ordinance and appropriate uses, regulations and restrictions to be enforced in the districts.
- B. Zoning Ordinance Map Amendment (Rezoning).** To review proposed Zoning Ordinance Map Amendment (Rezoning) rezoning of property including changes in boundaries of the various zoning districts.
- A.C. Comprehensive Plan Adoption and Amendment.** To recommend the adoption of a Comprehensive Plan, and consider any proposed amendments or modifications of the adopted Comprehensive Plan.
- D. Contract for Services.** With the approval of the Board of Supervisors, contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.

3-25.4 Text Changes and Amendments. Any person may submit to the Commission an application requesting a change in the Ordinance regulations. The Commission may, from time to time, recommend to the Board of Supervisors amendments to this Ordinance upon application, at the direction of the Board of Supervisors, or of its own accord after holding a public hearing in accordance with Iowa Code Section 335.8. The regulations imposed and the districts created by this Ordinance may be amended from time to time by the Board of Supervisors in the manner set forth in Iowa Code Sections 331.302 and 331.305 of the Code of Iowa after a report has been made upon the amendment by the Commission in accordance with Iowa Code Section 335.8. The Board of Supervisors, before adopting an amending

Commented [LC1]: Text in red font is proposed new language.

Commented [LC2]: Related to Iowa Code

Commented [LC3]: Reworked to clarify procedures and provide standards for review for Text Amendments to the Ordinance.

Commented [LC4]: Text in black font is current ordinance language.

ordinance, shall hold a public hearing on the proposed change in accordance with Iowa Code Section 335.6. At least 10 but no more than 20 days notice of the time, place and nature of such hearing shall be published in a newspaper having general circulation in the county.

A. **Procedures.** A proposed text amendment or change of this Ordinance shall not be considered by the Commission unless and until:

Commented [LC5]: Procedures suggested for consistency.

1. A written application for an amendment is submitted indicating the section of this Ordinance under which the amendment is sought and stating the grounds on which it is requested.
2. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305.
3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on the request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.

B. **Standards for Review.** The Commission shall review the proposed amendment for conformance to the following standards for review:

1. Whether or not the current zoning regulations are valid, and
2. Whether there is a need for the modifications for the purpose requested, and
3. Whether the proposed amendment is consistent with the Comprehensive Plan and the Land Use Policy Statement.

C. **Recommendation.** The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of this Ordinance. The Commission's report and any recommendations may include a proposed ordinance or changes to an ordinance for the requested amendment. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing unless the public hearing has been continued or tabled for more information or at the request of the applicant. The Board of Supervisors shall not hold its public hearing or act until it has received the final report of the Commission.

In case the Commission does not approve the change, such amendment shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.

In case the Commission does not approve the change or, in the case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty (20) percent or more

Commented [LC6]: Text in green font is current ordinance language that has been moved.

~~either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.~~

Commented [LC7]: This sentence about written protests of rezonings was moved to section 5.5.C.

~~As part of an ordinance amendment reclassifying land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.~~

Commented [LC8]: This subsection about conditional rezonings was moved to section 5.5.D.

5.5 3.3 Map Change of Zoning District Boundaries, Application and Procedures (Rezonings). Any person may submit to the ~~Board of Supervisors~~ Commission an application requesting a change in the zoning district boundaries (rezoning) as shown on the ~~Official Zoning Map~~. ~~The Commission may, from time to time, recommend to the Board of Supervisors a rezoning upon application, at the direction of the Board of Supervisors, or of its own accord. The boundaries of the districts as shown on the Official Zoning Map created by this Ordinance may be changed from time to time by the Board of Supervisors in the manner set forth in Iowa Code Section 335.7 after a report has been made upon the proposed rezoning by the Commission. The Board of Supervisors, before acting on a rezoning, shall hold a public hearing on the requested rezoning. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code section 331.305.~~

Commented [LC9]: Reworked to clarify procedures and provide standards for review for zoning map changes (rezonings).

A. 1. Procedures. ~~Such application shall be filed with the Administrator accompanied by a fee as established by rule of the Jackson County Board of Supervisors and shall contain the following information: A proposed rezoning shall not be considered by the Commission unless and until:~~

Commented [LC10]: Procedures suggested for consistency.

1. A written application for a rezoning is submitted with the following information:

- a. The legal description and local address of the property.
- b. The present zoning classification and the zoning classification requested for the property.
- c. The existing use and proposed use of the property.
- d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
- e. A plat showing the locations, dimensions and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features.
- f. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305, and the notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.

- ~~3. For the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested shall be mailed a copy of the notice within the same timeframe as for publication of the notice.~~
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
- The original application.
 - The staff report and records of any action on the request by the Zoning Administrator.
 - All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - Proof of publication of the legal notice published in the local newspaper.
 - Minutes of the public hearing.

~~All fees shall be deposited to the general revenue fund of the county. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.~~

B. Standards for Review. The Commission shall review the proposed rezoning for conformance to the following standards for review:

~~2. Upon receipt of the application by the Administrator, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall give notice of a public hearing on the proposed change to be held before the Commission. At least ten (10) but no more than twenty (20) days notice of the time, place and nature of such hearing shall be published in a newspaper having general circulation in the county. Upon holding the hearing but prior to making a recommendation, the commission shall determine the following:~~

- ~~a.~~ Whether or not the current district classification of the property to be rezoned is valid.
- ~~b.~~ Whether there is a need for additional land zoned for the purpose requested.
- ~~c.~~ Whether the proposed change is consistent with the Comprehensive Plan and the Land Use Policy Statement ~~current land use plan or policy.~~
- ~~d.~~ Whether the proposed change would result in a population density or development which would in turn cause a demand for services or utilities in excess of the capacity planned for the area.
- ~~e.~~ Whether the proposed change would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

C. Recommendation. ~~3. The Commission shall submit its recommendations to the Supervisors within forty five (45) days from receipt of the application stating the reasons therefore, except that when no report issues within that time, the application will be deemed approved by the Commission. The Supervisors may then consider the matter as provided in Section 3.2 of this ordinance. The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested rezoning. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days~~

Commented [LC11]: Replaced with procedures in preceding section 5.5.A.

Commented [LC12]: Replaced this language with new language that is consistent with section 5.4.C.

of the Commission's public hearing. The Board of Supervisors shall not hold its public hearing or act until it has received the final report of the Commission.

~~In case the Commission does not approve the change or, in the case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof in accordance with Iowa Code Section 335.7, such amendment rezoning shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.~~

Commented [LC13]: Moved here from section 5.4.

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D. Conditional Rezoning. ~~As part of an ordinance amending a rezoning reclassifying land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. in accordance with Iowa Code Section 335.7.~~

Commented [LC14]: Moved here from section 5.4.

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E. Change of Official Zoning Map. ~~Change of the boundaries of districts as shown on the Official Zoning Map) for a rezoning request approved by the Board of Supervisors shall be made by an ordinance amending the Zoning Ordinance, shall refer to the Official Zoning Map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Recorder as other ordinances and the Official Zoning Map changed as provided in Section 1.18. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the County subject to the provisions of this Ordinance.~~

Commented [LC15]: Describes current procedure.

5.6 Comprehensive Plan Adoption and Amendments. ~~The Commission may recommend to the Board of Supervisors for adoption a Comprehensive Plan pursuant to Iowa Code Section 335.5. After adoption of the Comprehensive Plan, the Commission may, from time to time, recommend to the Board of Supervisors amendments to the Comprehensive Plan upon application, at the direction of the Board of Supervisors, or of its own accord. The Commission may make such surveys, studies, maps, plans, or charts for the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring its studies and recommendations to the attention of the Board of Supervisors.~~

Commented [LC16]: Related to Iowa Code

A. Procedures. ~~An amendment of the Comprehensive Plan shall not be considered by the Zoning Commission unless and until:~~

Commented [LC17]: Procedures suggested for consistency.

1. ~~A written application for an amendment is submitted indicating the section of the Comprehensive Plan under which the amendment is sought and stating the grounds on which it is requested.~~
2. ~~A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.~~

- ~~3.~~ In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305.
- ~~4-3.~~ The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
- a. The original application.
 - b. The staff report and records of any action on this request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.
- B. Standards for Review.** The Zoning Commission shall review the proposed amendment for conformance to the following standards for review:
- 1. Whether or not the current goals and objectives of the Comprehensive Plan are valid, and
 - 2. Whether there is a need for the modifications for the purpose requested, and
 - 3. Whether the proposed amendment is consistent with the Comprehensive Plan and the Land Use Policy Statement.
- C. Recommendation.** The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of the Comprehensive Plan. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or act until it has received the final report of the Commission.

CHAPTER 6. DEFINITIONS ~~2-GENERAL PROVISIONS~~

36.1 Definitions. For the purpose of this ~~O~~rdinance, certain terms and words are hereby defined. ~~Where terms are not specifically defined below or in the section where occurring, their ordinarily accepted meaning according to the most recent version of Merriam-Webster Dictionary and/or "A Planner's Dictionary" published by the American Planning Association, and implied by their context shall apply.~~ Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular and the word "shall" is mandatory and not directory.

Accessory Building. As defined and regulated in ~~Iowa Administrative Code 193B-5.1 (544A).~~

Accessory Dwelling Unit (ADU). An accessory dwelling unit (ADU) as defined and regulated in ~~Iowa Code Section 331.301, Subsection 27 and as regulated in Subsection 2.8.K of this Ordinance. See also Permit, Accessory Dwelling Unit.~~

~~1. —~~**Accessory Use or Structure.** A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the **Principal Structure or Use** of land. ~~See Section 2.1 of this Ordinance. See also Accessory Building, Principal Use or Structure, and Conditional Use or Structure, and Section 2.1 of this Ordinance.~~

Adult Day Care Center. As defined and regulated in ~~Iowa Administrative Code Chapter 481. For purposes of this Ordinance, Adult Day Care shall be regulated as a Family Home as defined herein.~~

Agricultural Building. As defined and regulated in ~~Iowa Administrative Code 193B-5.1 (544A) and Iowa Administrative Code 193B-5.3(544A). See also Farm Building.~~

Agricultural Sales, Service, and Supply. An establishment engaged in retail sales, service, and supply ~~directly related to the day-to-day activities of agricultural production, including but not limited to:~~ Retail sales of agricultural fertilizers, chemicals, seeds, feed and feed supplements, buildings, supplies or fuels, or the buying, storing, processing and sale of grains for seed, or for livestock and poultry feed and other non-animal farm products; ~~the processing, storage, and sale of grain for seed, or for livestock and poultry feed;~~ alfalfa dehydrating; the sale of feeds, feed supplements, and miscellaneous farm supplies; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; the storage, distribution and sale of petroleum products, including sale from tank trucks; the buying and temporary storage of wool or hides; trenching or well drilling; ~~but not to include the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure, and but not including the sale or display of farm machinery, building materials or appliances. See also Bulk Storage.~~

~~2. —~~**Agriculture.** Defined as "Agricultural Production" in ~~Iowa Administrative Code 701—200.1(423).~~ The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for treating or storing the produce provided, however, that any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture shall not include commercial animal or poultry feeding or raising in confined lots or buildings as defined herein. ~~See also Animal Feeding Operation; Farm; Greenhouse, Commercial; and Livestock.~~

Airport. As defined and regulated in ~~Iowa Code Chapter 328; includes Landing Fields.~~

~~3. —~~ **Alley.** A public thoroughfare which affords only a secondary means of access to abutting property.

Alter or Alteration. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Alterations, Nonstructural. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

~~4. —~~ **Alteration, Structural.** Any replacement of or change in the type of construction or the supporting members of a building such as bearing walls, columns, beams or girders, beyond ordinary repairs and maintenance.

Animal Feeding Operation. As defined and regulated in Iowa Code Chapter 459 and Iowa Administrative Code Chapter 65. See also Agriculture, Livestock Market, and Stockyard.

Animal Hospital. See Veterinary Clinic.

Apartment. As defined in Iowa Code Section 499b.1. See also Multi-Family Dwelling.

Appeal. As defined and regulated in Iowa Code Section 335.15.1. An appeal may be granted by the Board of Adjustment in accordance with Section 4.4 of this Ordinance.

Automated Teller Machine (ATM). A satellite terminal, also known as an “ATM,” as defined and regulated under Iowa Code Chapter 527.

Auto Wrecking. Defined as “Vehicle Recycler” in Iowa Code Section 321H.2. See also Junkyard.

Bar. As defined and regulated in Iowa Code Section 142D.2. See also Nightclub, Restaurant, and Tavern.

~~5. —~~ **Basement.** A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation. As defined in Iowa Administrative Code 193B-5.1(544.A). See also Building or Structure Height; Story; Story, First; and Subsection 2.1.D. of this Ordinance.

Batch Plant, Asphalt, Hot Mix. As defined and regulated by Iowa Administrative Code 701-110.23 and 567-21.10.

Batch Plant, Concrete. As defined and regulated by Iowa Administrative Code 701-110.23 and 567-21.10.

Bed and Breakfast Home. As defined and regulated in Iowa Administrative Code 661-202.3(137C). See also Bed and Breakfast Inn, Boarding and Lodging House, and Hotel.

Bed and Breakfast Inn. As defined and regulated in Iowa Administrative Code 661-202.3(137C). See also Bed and Breakfast Home, Boarding and Lodging House, and Hotel.

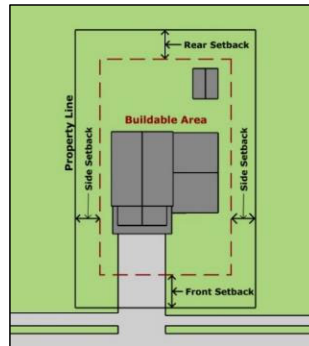
~~6. —~~ **Billboard.** An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located.

7. Board. The Zoning Board of Adjustment of Jackson County, Iowa.

Boarding and Lodging Houses. As defined and regulated in **Iowa Code Chapter 1350.**

Board of Supervisors. The Board of Supervisors of Jackson County.

Buildable Area. The portion of a lot remaining after required yards and setbacks have been provided (see illustration. See Subsection 2.1.D. of this Ordinance.



Buildable Area (Source: ECIA)

Building Line. The extreme overall dimensions of a building or any projection thereof. Distances are to be measured from the most outwardly extended position of the structure. See also Setback.

Building, Main or Primary. See Principal Use or Structure.

Building Materials/Lumber Yard. A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks, and other building products are stored, distributed, and sold. Lumber yards may also process lumber by performing millwork, planing, cutting, and other customizing processes.

Building-~~(or Structure)~~. Anything constructed, erected or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons.

Building or Structure Height. ~~Height Of A Building.~~ The vertical distance measured from the average of the highest and lowest points where the exterior walls intersect the existing or finished grade, whichever is lower, from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. See Subsection 2.1.D. of this Ordinance. See also Height of a Building. If a building or structure is located on sloped ground, the average grade shall be used to determine height. See also **Basement, Story, and Subsection 2.1.D. and Subsection 2.8.D** of this Ordinance.

Building Wall. The wall of the principal building forming a part of the main structure. The foundation walls of unenclosed porches or piazzas, steps, walks and retaining wall or similar structure shall not be considered as building walls under the provisions of this Ordinance.

Bulk Storage. Distributing stations used for the storage and retail or wholesale distribution of oils, petroleum, flammable liquids and chemicals, anhydrous ammonia fertilizer under pressure, petroleum products under pressure, liquefied petroleum products, bulk pesticides and fertilizers, or bulk grain and other agricultural products. In Iowa, bulk storage facilities are regulated based on the type of substance stored, with different state agencies overseeing compliance. The Iowa Department of Agriculture and Land Stewardship (IDALS) regulates the storage of bulk grain and other agricultural products, and bulk pesticides and fertilizers. For petroleum and hazardous liquids, the primary regulatory bodies are the

Iowa Department of Natural Resources (IDNR) for underground storage tanks and the Department of Inspections, Appeals, and Licensing (DIAL) for aboveground tanks. See also **Agricultural Sales, Service, and Supply**.

Burial Mound. As defined and regulated in **Iowa Code Chapter 263B**. See also **Burial Site, Cemetery, and Subsection 2.8.H.** of this Ordinance.

Burial Site. As defined and regulated in **Iowa Code Chapter 523I**. See also **Burial Mound, Cemetery, and Subsection 2.8.H.** of this Ordinance.

Business. Any occupation, employment or enterprises wherein merchandise is exhibited or sold, or where services are offered for compensation. See also **Commercial Use, General Office, General Retail, General Services, and Personal Services**.

9. ~~9.~~ **Campground.** An area providing ~~spaces~~ **campsites** for two (2) or more **recreational vehicles**, travel trailers, ~~camping trailer~~ **truck campers** or tent ~~sites~~ **camping** for temporary occupancy with necessary incidental services, sanitation and recreation facilities ~~to serve the traveling public, as defined by Iowa Code Section 557B.1 and Iowa Administrative Code 701—216.4(423)~~. See also **Campground, Commercial; Campground, Public; and Recreational Vehicle Park**.

Campground, Commercial. A commercial campground is a business that provides designated areas for people to camp, typically involving a charge for use, and often offering amenities like tent camping, recreational vehicle hookups, cabins, and other recreational facilities (see illustration). These campgrounds are privately owned or operated, typically by an individual, family, company or entity, but not a governmental agency. They seek to generate income from the land and its use, usually as a for-profit venture. They often offer themed experiences or tailored settings in rural, suburban, or urban areas near tourist attractions. They may offer a wide range of amenities from primitive to semi-developed to fully developed. They may be open to the general public or to select groups of people and/or organizations. See also **Campground, Public**.



Commercial Campground, Bellevue, Iowa
(Source: Google Maps accessed 2025)

Campground Development Types. Campground may be developed in variations of these basic types.

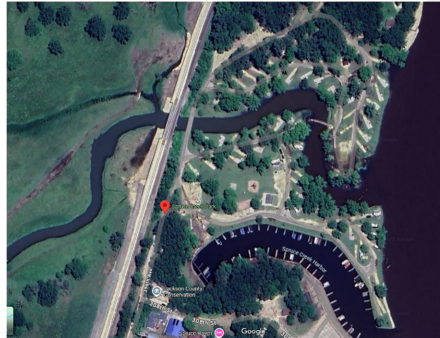
1. A primitive campground is accessible only by walk-in, pack-in, or equestrian campers where no facilities are provided for the comfort or convenience of the campers.
2. A semi-developed campground is accessible by walk-in, pack-in, equestrian campers, or motorized vehicles where roads and rudimentary facilities (portable or pit toilets, fire pits) may be provided for the comfort or convenience of the campers.
3. A developed campground is accessible by vehicular traffic where campsites are substantially developed and facilities such as tables, flush toilets, showers, drinking water, refuse containers, and/or grills are provided at campsites or in service buildings. Some or all campsites may have individual water, sewer, and/or electrical connections.

Campground, Membership. As defined and regulated by Iowa Code Chapter 557B.

Campground, Personal. See **Campground, Private.**

Campground, Private. A non-commercial campground for use by family and friends of the owner without payment or other consideration.

Campground, Public. A public campground is a designated area within a public Park, forest, or other public land where the general public can camp for recreational or other purposes, often for a fee (see illustration). These campgrounds are owned, operated, and/or managed by federal, state, county, or city governmental agencies. See also **Campground, Commercial.**



Public Campground, Spruce Creek County Park, Jackson County, Iowa.

(Source: Google Maps accessed 2025)

Camping Unit. Any trailer, camper, **Recreational Vehicle**, tent, yurt, or similar structure established or maintained or operated in a **Campground** as temporary living quarters for recreation, education, or vacation purposes.

Campsite. Any plot of land within a campground intended for exclusive occupancy by a **Camping Unit**.

Camp, Tourist. A place where tents, tent houses, camp cottages, cabins or other structures are located and offered to the public or any segment thereof for transient lodging. These may include hunting and fishing camps. See also **Campground**.

Camp, Youth or Summer. An establishment for the provision of indoor or outdoor activities with buildings, structures, and sanitary facilities and services, which may include overnight accommodations, designed for recreation and education of youth or other people, often on a seasonal basis. If secondary to the camp use, camp facilities may be used to provide meeting, recreation, or social facilities for a private association or group.

Car Wash. Mechanical facilities for the washing, waxing, drying, and vacuuming of private automobiles, vans, and light trucks, but not for commercial fleets. See also **Drive In/Drive Through Services** and **Subsection 2.1.C.3.** of this Ordinance.

10. **Cellar.** A story having more than one-half (1/2) its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

Cell Tower. See **Commercial Communications Station and Tower**.

Cemetery. As defined and regulated in Iowa Code Chapter 523I. See also **Burial Mound**, **Burial Site**, and **Subsection 2.8.H.** of this Ordinance.

Child Care Center. As defined and regulated in Iowa Chapter 237A and 441 Iowa Administrative Code Chapter 110. See also **Child Care Home** and **Child Development Home**.

Child Care Home. As defined and regulated in Iowa Chapter 237A. See also **Child Care Center** and **Child Development Home**.

Child Development Home. As defined and regulated in Iowa Chapter 237A and 441 Iowa Administrative Code Chapter 110. See also **Child Care Center** and **Child Care Home**.

Church. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A). See also **Place of Assembly**.

Commercial Cell Communications Station and Tower. As defined and regulated in Iowa Code Chapter 8C.

Commercial Feedlot. See **Animal Feeding Operation**. The feeding or raising of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages or buildings as a commercial enterprise when not in conjunction with a farming operation.

Commercial or Commercial Use. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

12. Commission. The Zoning Commission of Jackson County, Iowa.

Community Building. A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreation, cultural, or educational needs of the community or neighborhood. See also **Place of Assembly**.

Community Recreation Center. See **Recreation, Indoor Commercial**.

Comprehensive Plan. The Comprehensive Plan of Jackson County duly adopted in accordance with Iowa Code 18B.2.

Concrete Plant, Ready Mix. See **Batch Plant, Concrete**.

Concrete Plant, Temporary. See **Batch Plant, Concrete**.

~~**Special Exception**~~**Conditional Use or Structure.** A use or structure that would not be appropriate generally or without restriction throughout the zoning ~~division or~~ district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be ~~permitted in zoning divisions or district as special exceptions if specific provisions for such special exceptions are made in this Zoning~~ allowed by the Board of Adjustment in accordance with **Section 4.5** of this Ordinance. A conditional use or structure may be considered to be a principal uses or structure, or an accessory use or structure, which requires Board approval. See also **Accessory Use or Structure; Principal Use or Structure; Permit, Conditional Use;** and **Section 2.1** of this Ordinance.

Condominium. Property defined and regulated by Iowa Chapter 499A or Iowa Code Chapter 499B.

~~13. —~~ **Condominium, Residential.** As ~~established~~ ~~undefined and regulated in~~ Iowa Code Chapter 499B. ~~A~~ residential condominiums shall be considered ~~a~~ **Multiple-Family Dwellings** for the purpose of this ~~O~~rdinance.

Construction Compliance Certificate. A written statement issued by the Zoning Administrator that the proposed construction complies with all provisions of this Ordinance and other applicable building, health, and development-related ordinances of Jackson County and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Ordinance. It is required before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. See Chapter 3 of this Ordinance.

Consumer Fireworks Sales. A retail or wholesale establishment licensed and operated in accordance with Iowa Code Chapter 265.

Convenience Store. A retail store engaged in selling primarily food, beverages, and other household supplies to customers, and designed to attract a large volume of stop and go customers, often in conjunction with gas station and car wash facilities.

Cooperative (Co-op). As defined and regulated by Iowa Code Chapter 499, and also known as a “co-op.”

Country Club. As defined and regulated in Iowa Administrative Code 701—216.3(423). See also Bar, Private Club, Golf Clubhouse, and Restaurant.

~~14. —~~ **County.** The unincorporated portions of Jackson County, Iowa.

Data Center. See Jackson County Data Center Ordinance.

Deck. An uncovered (wood) platform usually attached to a structure (or to the roof of a structure). A deck is itself a structure whether it is attached to another structure or not.

Detached. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A) Definitions.

Development. As defined in Iowa Code Section 18B.2.

~~15. —~~ **Directional Signs.** ~~Any sign erected to call attention and direct traffic to businesses located off the primary highway system. Such signs must be placed no more than five (5) miles from the business served and positioned specifically to guide traffic to the service available. Except adjacent to U.S. Highway 61, directional signs must serve businesses in unincorporated areas.~~

Commented [LC1]: Moved to Section 2.9. Sign Regulations.

Dimensional Variance. As defined and regulated in Iowa Code Section 335.15.4. A variance may be granted by the Board of Adjustment in accordance with Section 4.6 of this Ordinance. See also Variance.

District. See Zoning District.

Drive In/Drive Through Services. A place which involves the sale of products or provision of services to occupants in vehicles. See Subsection 2.1.C.3. of this Ordinance.

~~16. **Drive-in Restaurant.** Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.~~

Commented [LC2]: Moved to Restaurant, Drive-In.

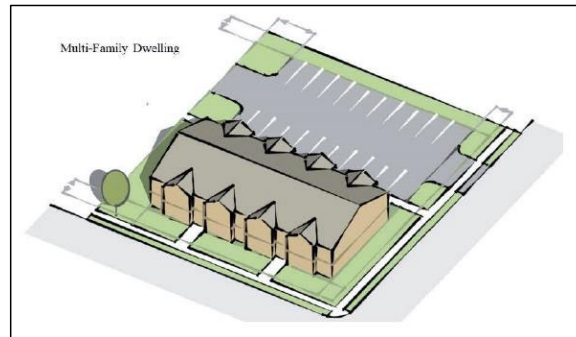
Driveway. A private roadway providing vehicle access between a property and a public street or other public roadway.

~~17. **Dwelling.** Any building or portion thereof which is designed for or used exclusively for residential purposes. As defined in Iowa Code Section 702.10.~~

Dwelling, Accessory. See Accessory Dwelling Unit (ADU), Accessory Use or Structure, and Subsection 2.8.K. of this Ordinance.

Dwelling, Farm. See Farm Dwelling, Principal and Farm Dwelling, Secondary.

~~18. **Dwelling, Multiple-Family.** A “multiple-unit residential building” as defined in Iowa Administrative Code 661–201.16(10A) building designed for or occupied by more than one (1) family as defined in this ordinance (see illustration). This definition shall not include Mobile Homes as herein defined.~~



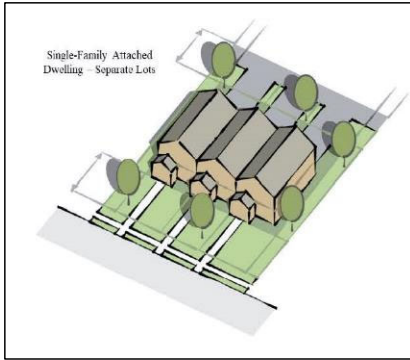
Multiple-Family Dwelling
(Source: Dyersville, IA accessed 2023)

~~20. **Dwelling, Seasonal.** A single-family dwelling, or Mobile Home, including trailer, or house boats, intended for seasonal or temporary occupancy only and not permanently occupied as a family residence for more than one hundred eighty (180) days during any calendar year.~~

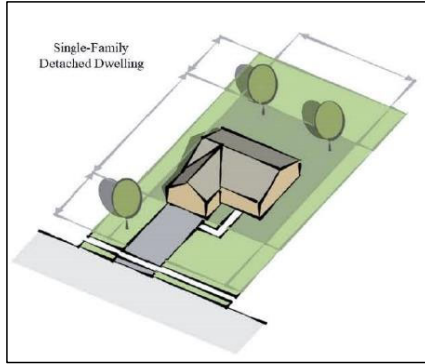
~~19. **Dwelling, Single-Family.** A building designed for or occupied by one (1) family and defined as a “single family residence” in Iowa Code Section 562A.6, Subsection 15. This definition shall not include Mobile Homes as herein defined.~~

~~a. **Attached Single-Family** dwelling units physically attached housing unit, each situated on its own lot and each having private entrances (see illustration).~~

~~a-b. **Detached Single-Family** dwelling units are separated individual housing units. Each dwelling unit is completely separated by open space on all sides (see illustration).~~



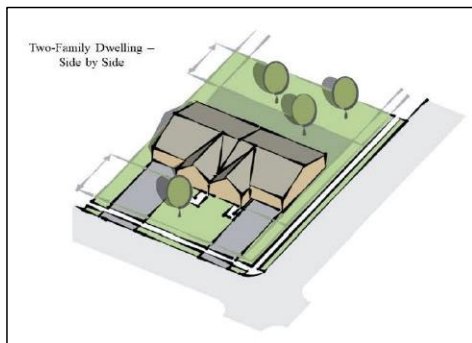
Single Family Attached Dwelling – Separate Lots
(Source: Dyersville, IA accessed 2023)



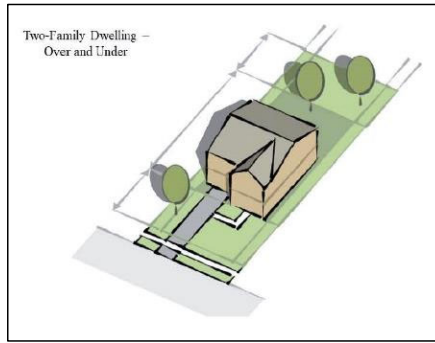
Single Family Detached Dwelling
(Source: Dyersville, IA accessed 2023)

Dwelling, Townhouse. A building consisting of attached dwelling units, each extending from foundation to roof, with separate means of egress. Townhouses are typically not stacked and are limited to a maximum of three stories. This definition shall not include **Mobile Home** as herein defined.

Dwelling, Two-Family. A residential building designed and used exclusively for the occupancy of two (2) families living independently of each other and having separate kitchen and toilet facilities for each family. The dwelling units may be arranged side by side or over and under (see illustrations). This definition shall not include **Mobile Home** as herein defined.



Two-Family Dwelling – Side by Side
(Source: Dyersville, IA accessed 2023)



Two Family Dwelling – Over and Under
(Source: Dyersville, IA accessed 2023)

Dwelling, Zero-Lot Line -- A residential dwelling unit designed for occupancy for one family only, which physically adjoins one other matching residential single family dwelling unit across an abutting side lot

line, with each unit occupying its own parcel. This definition shall not include mobile homes as herein defined (*see illustration for Attached Single-Family Dwelling*). This definition shall not include **Mobile Home** as herein defined.

21. Dwelling Unit. As defined in Iowa Code Section 562A.6, subsection 3 and in Iowa Administrative Code 193B-5.1 (544A). ~~One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.~~

Educational Use. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Elder Group Home. As defined and regulated in Iowa Code Section 335.33. See also **Family Home**.

Electrical Substation. A part of an electrical generation, transmission, and distribution system where voltage is transformed from high to low, or the reverse; the type of current is changed; current is gathered from distributed power generation facilities, such as wind turbines or photovoltaic panels; current is switched to back-up lines; or circuits are parallelized in case of failure.

Encroachment. The advancement of a structure or improvements beyond established limits, lot lines, easements, or service areas.

Entertainment Venue. As defined and regulated in Iowa Code Section 142D.2, Subsection 17.n. See also **Recreation, Indoor Commercial**.

Event Venue. An indoor or outdoor place where events are held; may also be regulated in Iowa Administrative Code Chapter 44. See also **Recreation, Indoor Commercial and Recreation, Outdoor Commercial**.

Exposition. A large-scale public exhibition or showing, with a planned display of objects, works, or performances to the public to stimulate public interest, promote manufactured products, expand trade, or illustrate progress in a variety of areas, or athletic skill. Expositions can be cultural, artistic, scientific, or historic in nature. Examples include but are not limited to flea markets, consignment auctions, music or sport events, and commercial trade shows. See also **Event Venue** and **Fairgrounds**.

Factory-Built Building. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Fairgrounds. As defined and regulated in Iowa Code Chapter 174 pertaining to county and district fairs. See also **Entertainment Venue**, **Event Venue**, and **Exposition**.

22. Family. As defined in Iowa Administrative Code 441—130.1(234) Definitions. ~~One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel. A family as defined herein, shall include not more than four (4) unrelated persons.~~

Family Dwelling Unit. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Family Home. As defined and regulated in [Iowa Code Section 335.25](#).

23. Farm. An area of not less than ten (10) acres which is primarily adapted by reason of nature and area for use for agricultural purposes and is used for the growing of the usual farm products and their storage on the area as well as for the raising thereof of the usual farm poultry and farm animals. The term "farming" includes the operation of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include commercial feedlots or livestock cooperatives as defined herein. As defined and regulated in: [Iowa Code Section 335.2 Farms exempt](#); [Iowa Code 352.2 Definitions](#) for 4. "Farm," 5. "Farmland," 6. "Farm operation," 7. "Farm products," and 8. "Livestock;" [Iowa Code Section 96.1A Definitions](#) 16. g. (3) (f) for "farm;" [Iowa Administrative Code 265—44.2 \(16\) Definitions](#) for "Agricultural improvement," "Agricultural land," "Farm," and "Farming;" and [Iowa Administrative Code 871—23.26\(96\) Definition of "Farm."](#) See also **Agriculture; Garden Center; Greenhouse, Non-Commercial or Agricultural; Horticulture; Livestock; and Nursery.**

Farm Building. See **Agricultural Building.**

24. Farm Dwelling, Principal. A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

25. Farm Dwelling, Secondary. A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and lands used in conjunction with the farming operation and occupied by a person or family employed thereon or the retired owner and their family.

Farmland. As defined in [Iowa Code Section 352.2](#).

Farm Market. See **Farm Operation.**

Farm Operation. As defined and regulated in [Iowa Code Section 352.2](#).

Farm Products. As defined and regulated in [Iowa Code Section 352.2](#).

Fence. A structure more than eighteen (18) inches in height, constructed of any material or combination of materials erected as a barrier, boundary, or enclosure to screen a property or an area of land. See [Subsection 2.8.N](#), of this Ordinance.

Financial Institution. As defined in [Iowa Code Section 535A.1](#). See also **General Services.**

Fire Department. As defined in [Iowa Code Section 233.1](#).

Fire Station. As defined in [Iowa Code Section 233.1](#).

26. Floor Area. The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar which is used for storage or incidental use. See also **Floor Area, Gross.**

Floor Area, Gross. As defined and regulated in [Iowa Administrative Code 193B-5.1 \(544A\)](#). See also **Floor**

Area.

27. —Frontage. All the property on one (1) side of a street between two (2) intersecting streets, crossing or terminating, measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street. See also Lot Frontage and Subsection 2.1.D. of this Ordinance.

Garage. A structure, building, or portion thereof in which one (1) or more vehicles may be parked or stored.

Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is an accessory structure. See also Garage, Public.

Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles. See also Garage, Private.

Garage, Storage. Any building or premises used for storing motor-driven vehicles, recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property. See also Mini-Warehouse and Rental Storage Unit.

Garage, Public Maintenance. A facility that performs maintenance and repairs on public structures, such as buildings, sewers, and other infrastructure. This facility may support maintenance, repair, vehicular or equipment servicing, equipment and material storage, and similar activities.

Garden Center. A retail or wholesale business used primarily to display nursery stock and/or allied products, which include but are not limited to garden supplies, lawn supplies, tools, equipment, fertilizers, sprays, insecticides or pottery. See also Farm and Nursery.

Garden, Commercial. A plot of ground where vegetables, fruits, herbs or ornamental plants are cultivated for commercial production with the intent of making money from the products grown, not solely for personal use or recreation. See also Garden, Non-Commercial.

Garden, Non-Commercial. A plot of ground where fruit, herbs, flowers, vegetables or other plants are grown for the personal use of the owner or tenant, and not intended for commercial production. See also Garden, Commercial.

Gas Station. A building and/or premises where gasoline, oil and minor auto accessories, and convenience items may be supplied and dispensed at retail and may include an automated customer activated fuel dispensing system. A gas station is not a service station. For other services other than the sale of gasoline, see Vehicle Sales and Vehicle Service and Repair.

General Office. Use of a site for business, professional, or administrative offices who may invite clients from both local and regional area, including but not limited to: professional offices for real estate, insurance, management, travel, telemarketing, advertising and marketing; government offices including post offices; corporate or other business offices; organizational and association offices; single-tenant office buildings; office parks; and research, development, and testing centers. see also Business, General Retail, General Services, and Personal Services.

General Retail. Commercial and retail uses that do not include regular outside storage or sales, including but not limited to: supermarkets and grocery stores; furniture and home furnishings stores; electronics and appliance stores; paint and wallpaper stores; health and personal care stores; clothing and clothing accessory uses; sporting goods, hobby, book and music stores; general merchandise stores; art supply stores and galleries; liquor stores; bait shops; fishing and camping supply stores; and miscellaneous store retailers. See also **Business, General Office, General Services, and Personal Services.**

General Services. Establishments primarily engaged in the provision of services to customers by appointment or drop-in basis, not including personal services. These uses may require additional on-site storage for inventory of vehicles. Typical uses include, but are not limited to: schools of private instruction (art, dance, music, etc.), television studios, telecommunication service centers, film and sound recording facilities, office equipment and supply firms, small business machine repair shops, hotel equipment and supply firms, messenger and delivery services, custodial or maintenance services, convenience printing and copying, financial institutions, bakery and confectionary shops, catering service, carpet and upholstery cleaning and repair, **Automated Teller Machine (ATM)**, appliance repair shops, watch and jewelry repair shops, and musical instrument repair shops. See also **Business, General Office, General Retail, and Personal Services.**

Golf Clubhouse. A building on a **Golf Course** that houses activities related to golf, such as checking in, purchasing equipment, and eating and drinking. Clubhouses typically are located near the first tee and provide access to parking, golf carts, and the course. See also **Bar, Country Club, Private Club, and Restaurant.**

Golf Course. An area of land laid out for golf with a series of nine (9) or eighteen (18) holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

Golf Course, Miniature. A small course where players use a putter to hit a ball into holes while navigating obstacles such as bridges, tunnels, and sharp corners.

28.——Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade. Grade is the slope of a surface, such as a lot or road, with a vertical rise or fall expressed as a percentage of the horizontal distance; for example, a three percent (3%) grade means a rise of three (3) feet per one hundred (100) feet of horizontal distance.

Grain Elevator. As defined and regulated by **Iowa Code 428.35** and **Iowa Administrative Code 567—22.10(455B).**

Grain Storage Bin. “Grain bin” as defined and regulated by **Iowa Code Section 423.3(16A).**

Greenhouse, Commercial. A structure used mainly for the raising of flowering, ornamental, or vegetable plants for sale in the ordinary course of business and to display and sell nursery stock or related products (like garden supplies). See also **Garden Center** and **Greenhouse, Non-Commercial or Agricultural.**

Greenhouse, Non-Commercial or Agricultural. A structure used mainly for the growing plants, nursery

stock, or other agricultural or horticultural products for agricultural purposes, rather than operating as a retail sales outlet. See also **Agriculture, Farm, and Greenhouse, Commercial**.

Guest Room. Any bedroom or other sleeping quarters for transient guests in a hotel.

Habitable Space (Room). As defined and regulated in **Iowa Administrative Code 193B-5.1 (544A)**.

Hazardous Use. As defined and regulated in **Iowa Administrative Code 193B-5.1 (544A)**.

Hedge. A solid and unbroken visual screen of self-supporting shrubs, bushes, or similar continuous plantings more than eighteen (18) inches in height. See **Subsection 2.8.N.** of this Ordinance.

~~29. — **Height of a Building.** See **Building or Structure Height**. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.~~

~~30. — **Home Occupation.** A business which~~

- ~~a. — is conducted entirely within a dwelling unit or its customary accessory structures, and~~
 - ~~b. — is carried on by a member of the family residing in the dwelling unit, and~~
 - ~~c. — is clearly secondary to the use of the dwelling unit for residential purposes, and~~
 - ~~d. — does not employ more than one (1) person outside the immediate family on the premises, and~~
 - ~~e. — has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and~~
 - ~~f. — does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and~~
- ~~produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.~~

Home-Based Business. As defined and regulated in **Iowa Code Section 335.35**, and that employs members of the family residing on the premises and no more than one (1) other person who does not reside at the premises. See **Subsection 2.8.M.** of this Ordinance.

~~31. — **Home Industry.** A business which complies with the requirements of a home-based business as defined in this Ordinance but employs more than one (1) other person who does not reside at the premises, and therefore requires a conditional use permit from the Board of Adjustment. See also **Home-Based Business; Permit, Conditional Use**; and **Section 4.5** of this Ordinance.~~

- ~~a. — is conducted on a residential premises, inside or adjacent to the dwelling and/or customary structures, and~~
- ~~b. — is carried on by a member of the family residing in the dwelling unit, and~~
- ~~c. — is clearly secondary to the use of the dwelling unit for residential purposes, and~~
- ~~d. — produces no offensive noises, vibration, smoke, dust, heat or glare rendering the premises objectionable or detrimental to the character of the neighborhood.~~

~~32. — **Home Occupation, Farm.** An occupation customarily engaged in on a farm, as a supplementary source of income, which~~

- ~~a. — is clearly incidental and secondary to the operation of the farm, and~~

Commented [LC3]: Removed; farm exempt.

- ~~_____ b. is carried on by a member of the family residing in the farm dwelling, and~~
- ~~_____ c. does not employ more than one (1) person outside the resident family on the premises, and~~
- ~~_____ d. is conducted within or adjacent to the farm dwelling or the customary farm outbuildings, and~~
- ~~_____ e. has no exterior displays or storage of materials visible from the public road or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed thirty two (32) square feet, and~~
- ~~_____ f. produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.~~

Homeowners Association (HOA). A private, nonprofit corporation or association of homeowners in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

Home for Persons with Disabilities. As defined in Iowa Code Section 335.32. See also **Family Home.**

Horticulture. The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, ornamental plants and trees, and cultured sod. See also **Agriculture and Farm.**

Hotel. As defined and regulated in Iowa Code Section 137C.2.

Hunting Area. A place where people hunt game or wild animals for sport or food. Hunting areas can be public or private, and can include areas for archery, rifle, or other types of hunting.

~~**33.—Individual Private Access Easement.** Authorization by a property owner of use of a specified part of that owner's property by another single property owner for the purpose of accessing private property. In context the term may also refer to the land specified by such authorization. Excluded from this definition are private access easements which grant such authorization to more than one property owner for access over the same real estate, except where that real estate lies within the right-of-way of a public road.~~

Industrial Use. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Information Booth. A place where people can get general information about a location, event, or business, often found in public places, businesses, and transportation hubs.

~~**34.—Intermittent Or Temporary Commercial Activity.** An activity which occurs on a one-time temporary or intermittent basis and for which no permanent structures are required, along with associated camping and entertainment, such uses not to exceed 14 days per year, involve more than 15 acres, including parking, and creating no public nuisance. Examples include but are not limited to flea markets, consignment auctions, music or sport events, and commercial exhibitions.~~

Institutional Use. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

~~35. — **Junk Yard, Junkyard.** Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned or handled, including the dismantling or "wrecking" of automobiles or other machinery, used lumber yards and places or yards for storage of salvage, house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building. As defined and regulated in Iowa Code Section 306C.1, and Iowa Administrative Code 761—116.1(306C). See also **Auto Wrecker**.~~

~~36. — **kennel.** An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale. As defined and regulated in Iowa Code Chapter 162.~~

~~**Landing Field.** See **Airport**.~~

~~**Land-Leased Community.** As defined and regulated in Iowa Code 335.30A.~~

~~**Library.** As defined in Iowa Administrative Code 286—1.1(256).~~

~~**Light Industrial.** As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).~~

~~**Livestock.** As defined in Iowa Administrative Code 701—200.1(423). See also **Agriculture, Animal Feeding Operation, and Farm**.~~

~~**Livestock Market.** As defined in Iowa Code Section 172E.1, and regulated in Iowa Administrative Code 21—66.1(163). See also **Animal Feeding Operation** and **Stockyard**.~~

~~**Live/Work Unit.** A building or space within buildings that is used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. See also **Mixed Use**.~~

~~37. — **Loading Space.** An off-street space within the main building or on the same lot, or contiguous to a group of buildings, for providing for the standing, loading or unloading of trucks commercial vehicles, and which abuts a street, alley, or other appropriate means of ingress and egress, having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.~~

~~**Logging.** As defined and regulated in Iowa Code Section 456A.36. Logging may also include the storage, processing, sale, and distribution of raw forest products as defined in Iowa Code section 321E.26.~~

~~38. — **Lot.** A parcel of land with sufficient size to meet minimum zoning requirements for use, coverage, and area, including required yards and open space. It can be a single lot of record, a portion of a lot, or a combination of lots, and can also be described by "metes and bounds," which uses specific measurements and angles to define the boundaries of the parcel. Additionally, in some contexts, "lot" can refer to a tract of land identified by number or letter on an official plat, or a parcel under one ownership against which a separate assessment is made. See also See Section 2.1.D. and Section 2.10 of this Ordinance and the Jackson County Subdivision Ordinance, an officially approved legal description occupied or intended for occupancy by one (1) or more main buildings together with accessory buildings. The boundaries of the lot shall be determined by its lot lines.~~

~~39. — Lot Area. See Subsection 2.1.D. of this Ordinance. The area included within the boundaries of a lot, including area over which public or private easements have been granted, but excluding that portion of a flag lot which is used primarily for access (the flagpole portion).~~

~~40. — Lot, Corner. See Subsection 2.1.D. of this Ordinance. A lot abutting upon two (2) or more streets at their intersection.~~

~~41. — Lot, Depth. See Subsection 2.1.D. of this Ordinance. The mean horizontal distance between the front and rear lot lines.~~

Lot, Double Frontage. See Subsection 2.1.D. of this Ordinance.

~~42. — Lot, Flag. See Subsection 2.1.D. of this Ordinance. A lot having no frontage or access to a street or place except by a narrow strip of land which is included within the lot.~~

Lot Frontage. “Frontage” as defined and regulated in Iowa Administrative Code 761-112.2 (306A). See also Frontage and Subsection 2.1.D. of this Ordinance.

Lot, Interior. See Subsection 2.1.D. of this Ordinance.

Lot Line. See Subsection 2.1.D. of this Ordinance.

~~43. — Lot of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder. See Jackson County Subdivision Ordinance.~~

~~44. — Lot Width. See Subsection 2.1.D. of this Ordinance. The width of a lot measured at the front of the principal structure and at right angles to its depth.~~

Lot, Through. See Lot, Double Frontage.

Lot, Zoning. For the purposes of this Ordinance, a zoning lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portion of lots of record, or portions of lots of record;
4. A parcel of land described by meets and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this code.

Machine Shop. A place where raw materials are cut and shaped into parts using machines and tools like lathes, milling machines, grinders, and drill presses to perform machining, **Welding**, and fabricating.

Manufactured Home. As defined in Iowa Code Section 435.1 and regulated in Iowa Code Section 335.20. See also Mobile Home and Modular Home.

Manufacturer. As defined in [Iowa Code section 423.3\(47\)](#).

Manufactured Home Community. As defined in [Iowa Code Section 435.1](#). See also **Land-Leased Community**.

Mine. As defined and regulated in [Iowa Code Chapter 207 Coal Mining](#) and [Iowa Code Chapter 208 Mines](#).

Miniature Golf. A small course where players use a putter to hit a ball into holes while navigating obstacles such as bridges, tunnels, and sharp corners. See also **Recreation, Outdoor Commercial**.

Mining. As defined and regulated in [Iowa Code Chapter 208 Mines](#) and [Iowa Administrative Code 27-60.75](#). See also **Quarry, Active**.

Mini-Warehouse. Defined as “mini-storage” in [Iowa Administrative Code 701—211.14\(423\)](#). See also **Rental Storage Unit** and **Garage, Storage**.

Mixed Use. Vertical or horizontal development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development. See also **Live/Work Unit**.

45. **Mobile Home.** As defined in [Iowa Code Section 435.1](#) and regulated in [Iowa Code Section 335.20](#). See also **Manufactured Home** and **Modular Home**.

46. **Mobile Home or Manufactured Home Converted To Real Estate Property.** An unencumbered **Mobile Home** which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of the County or **Manufactured Home** may be converted to real property pursuant to [Iowa Code Section 435.26](#).

Mobile Home/Manufactured Home Sales, Service, and Repair. The storage and display for the retail or wholesale sale, rental, or lease of new or used mobile or manufactured homes, and which may include facilities for the incidental repair or maintenance of such homes.

47. **Mobile Home Park.** As defined in [Iowa Code Section 435.1](#). Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes including any building, structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.

Modular Home. As defined in [Iowa Code Section 435.1](#). See also **Mobile Home** and **Manufactured Home**.

Motel. See **Hotel**.

Museum. As defined by [Iowa Code Chapter 305B.2](#).

Nightclub. See **Bar**.

Nonconforming Lot. A lot of record evidenced by lawful plat and/or deed filed in the office of the Jackson County Recorder which was lawful when established but which does not conform to this Zoning Ordinance or subsequent amendments. See **Section 2.10** of this Ordinance.

Nonconforming Structure. A structure or portion thereof which was lawful when established but which does not conform to this Zoning Ordinance or subsequent amendments. See **Section 2.10** of this Ordinance.

Nonconforming Use. A use lawful when established but which does not conform to this Zoning Ordinance or subsequent amendments. See **Section 2.10** of this Ordinance.

Nursery. As defined in **Iowa Administrative Code 21—46.5(177A)**. See also **Agriculture, Farm, and Garden Center**.

Occupancy. As defined and regulated in **Iowa Administrative Code 193B-5.1 (544A)**. See also **Use**.

Occupancy Compliance Certificate. A written statement issued by the Zoning Administrator that the new occupancy complies with all provisions of this Ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this Ordinance. It is required before any change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Zoning Administrator. See **Chapter 3** of this Ordinance.

Outbuilding. As defined and regulated in **Iowa Administrative Code 193B-5.1 (544A)**.

Outdoor Display or Sales. An area on private property and not including primary circulation space, located outside of a building that is provided for the display of goods for sale where such items are permitted for sale in the zoning district in which they are located. This definition shall include the display of vehicles, trucks, heavy equipment, mobile homes, or manufactured homes for sale or rent as part of an approved principal use. An outdoor display or sale area may be a permanent, semi-permanent, or seasonal display. See also **Outdoor Storage**.

Outdoor Storage. The storage on private property of merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or goods of any nature that are not kept in a structure having at least four (4) walls and a roof, that are related to the principal use of a site. This definition shall not apply to **Outdoor Display or Sales**.

Owner. As defined in **Iowa Code Section 562A.6**.

Parcel. One or more lots which are designated by the owner or applicant as land to be used or developed as a unit, or which has been developed as a unit.

Park. Any public or private land available for recreational, educational, cultural or aesthetic use. See also **Campground; Recreation, Active; Recreation, Outdoor Commercial; Recreation, Passive; and**

Recreation, Public.

Parking Lot. An area of land, a yard, or other open space off the street on a lot used for or designed for use by standing motor vehicles together with a driveway connecting the parking lot with a public space. See Section 2.1 of this Ordinance.

~~48. —~~ **Parking Space.** An area ~~surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material,~~ enclosed in the main building or in any accessory building, or unenclosed, ~~having an area of not less than one hundred eighty (180) square feet exclusive of driveways,~~ permanently reserved for the temporary storage of one (1) ~~automobile vehicle~~ and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for automobiles. See Section 2.1 of this Ordinance.

Permit. An official document that grants authorization to engage in an activity or development that would otherwise be prohibited or restricted by this Ordinance, the Jackson County Code of Ordinances, and/or the Iowa Code. The specific definition and requirements depend on the subject matter of the ordinance or code chapter.

Permit, Accessory Dwelling Unit (ADU). An official document issued by the Zoning Administrator authorizing construction or establishment of an accessory dwelling unit (ADU) in accordance with Subsection 2.8.K of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Permit, Conditional Use. An official document issued by the Zoning Administrator upon approval by the Board of Adjustment authorizing buildings, structures or uses in accordance with the conditions approved under Subsection 2.9.H and Section 4.5 of this Ordinance and for the purpose of carrying out and enforcing their provisions. See Conditional Use or Structure.

Permit, Entrance. An official document issued by the County Engineer authorizing construction of an entrance from the right-of-way line to the traveled roadway in accordance with the Jackson County Secondary Roads Department Entrance Policy and for the purpose of carrying out and enforcing its provisions.

Permit, Fence. An official document issued by the Zoning Administrator authorizing fences and/or hedges in accordance with Subsection 2.8.N of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Permit, Floodplain Development. An official document issued by the Zoning Administrator authorizing buildings, structures and/or uses in accordance with the Jackson County Floodplain Management Ordinance and for the purpose of carrying out and enforcing its provisions.

Permit, Sign. An official document issued by the Zoning Administrator authorizing signs and their related support structures in accordance with Subsection 2.9.G of this Ordinance and for the purpose of carrying out and enforcing its provisions.

Permit, Temporary Use or Structure. An official document issued by the Zoning Administrator authorizing temporary use and structures in accordance with this Ordinance and for the purpose of carrying out and enforcing its provisions. See Chapter 3 of this Ordinance.

Permit, Zoning. An official document issued by the Zoning Administrator, prior to the erection, alteration, or use of any building, structure, or land, authorizing construction or establishment of buildings, structures and/or uses in accordance with this Ordinance and for the purpose of carrying out and enforcing its provisions. See **Chapter 3** of this Ordinance.

Personal Service. Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include but are not limited to: beauty and barber shops; nail and spa services seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or laundry and dry-cleaning services. See also **Business, General Office, General Retail, and General Services**.

49. Place. An open unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Place of Assembly. As defined and regulated in **Iowa Administrative Code 193B-5.1 (544A)**.

50. Premises. The land together with any buildings or structures located thereon.

Preschool. As defined and regulated in **Iowa Code Section 256.2**.

Principal Use or Structure. A "principal use" refers to the primary or main purpose for which a particular property, building, or structure is used. A "principal structure" refers to the main building or structure on a property in terms of size, area, and function, or a building where the principal use of the site is conducted. See also **Accessory Use or Structure, Conditional Use or Structure**, and **Section 2.1** of this Ordinance.

Private Club. As defined and regulated in **Iowa Code Section 142D.2**. See also **Bar, Country Club, Golf Clubhouse, and Restaurant**.

Processing. As defined in **Iowa Administrative Code 701—215.15(3)**.

Property. As defined in **Iowa Code 702.14**.

Property Owners Association (POA). See **Homeowners Association (HOA)**.

Quarry, Active. Any site used primarily for extraction of sand, gravel, or stone for commercial purposes in compliance with the provisions of this ordinance. As defined and regulated in **Iowa Code Chapter 208, Iowa Code Chapter 353**, and **Iowa Administrative Code 567 Chapter 60**.

Recreation, Active. These activities typically require physical alteration of the existing site and some constructed facilities. Active recreation often involves organized activities usually performed with others, requiring equipment, and taking place at prescribed places, sites, or fields. This type of recreation usually has high vehicle trip generation, intensive use, and/or the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Examples include but are not limited to swimming pools, court games, field sports, ball courts, golf courses, and playgrounds. See also **Passive Recreation**.

52. —Recreational Lodge. A day-use or short-term lodging facility whose primary appeal is its rural and/or natural setting, with direct access to public or private recreational land, ~~with a maximum of ten (10) units.~~ See also **Hotel**.

Recreational Vehicle (RV). A park model recreational vehicle or a towable recreational vehicle as defined and regulated by Iowa Code Section 322C.2. See also **Travel Trailer** and **Truck Camper**.

Recreational Vehicle Park. A campground upon which two or more Recreational Vehicle (RV) sites are located, established, or maintained for RVs as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers. See also **Campground**.

Recreation, Commercial. Any commercial enterprise which receives a fee in return for the provision of some recreational activity. See also **Campground**; **Recreation, Indoor Commercial**; **Recreation, Outdoor Commercial**; and **Recreation, Public**.

Recreation, Indoor Commercial. Uses that provide recreational opportunities indoors for the public (open to the community) or residents of a subdivision or development which commercial in nature, including but not limited to: **Recreational Lodge**, **Community Recreation Center**; health and exercise club; bowling alley; **Entertainment Venue**; dance hall; arcade; skating rink; swimming pool; **Country Club**; **Private Club**; other indoor athletic facilities; and other functionally similar uses. See also **Recreation, Outdoor Commercial**; and **Recreation, Public**.

Recreation, Outdoor Commercial. Uses that provide commercial amusement outdoors and that have higher traffic demands, space requirements, and external effects, including but not limited to: miniature golf; batting cages; go-carts; bumper cars or boats; skateboard parks; BMX or mountain bike courses; ski slopes; ice skating rinks; golf driving ranges; rodeo facilities; gun clubs; drive-in and outdoor theaters; marinas; docking facilities; tennis courts; ball fields; other outdoor athletic facilities; and other functionally similar uses; but not including **Campground**; **Camp, Tourist**; **Camp, Youth or Summer**; **Seasonal Resort**; or **Golf Course**. See also **Recreation, Indoor Commercial**; and **Recreation, Public**.

Recreation, Passive. These activities can be carried out with little alteration or disruption of the existing topography and natural resources, have low vehicle trip generation, and usually are nonmotorized activities with a low potential for nuisance to adjacent properties. Examples include but are not limited to walking, hiking, picnicking, bicycling, birdwatching, and horseback riding. See also **Recreation, Active**.

Recreation, Public. An indoor or outdoor public recreation area, building, site, or facility that is dedicated to recreation purposes and owned, operated, and/or managed by federal, state, county, or city governmental agencies to serve the recreation needs of community residents, including but not limited to **Park**; lake; pond; river, creek; playground; picnic area; **Hunting Area**; **Wildlife Preserve**; trails for hiking, biking, horseback riding, paddling, or **Recreation Vehicle**; interpretive center; historic and cultural site; **Campground**; marina; docking facility; and other functionally similar uses. See also **Recreation, Indoor Commercial** and **Recreation, Outdoor Commercial**.

Renewable Energy System. A renewable energy system converts natural sources or processes that are replenished continually into useable forms of energy, such as solar, wind, biomass, and geothermal.

Rental Storage Unit. “Self-service storage facility” as defined and regulated in **Iowa Code Section 578A**. See also **Mini-Warehouse** and **Garage, Storage**.

Residential Use. As defined and regulated in Iowa Administrative Code 193B-5.1 (544A).

Restaurant. As defined and regulated in Iowa Code Section 142D.2. See also Bar; Country Club; Private Club; and Golf Clubhouse.

~~**Drive-in Restaurant, Drive-in.** A **Restaurant** as defined herein that includes **Drive-In/Drive-Through Services**. See Subsection 2.1.C.3 of this Ordinance. Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.~~

Rezoning. The action or process of assigning land or property to a different category of restriction on use and development. See Section 5.5 of this Ordinance.

Riding Stable. See Stable, Riding.

Right-of-Way, Public Road. Defined in Iowa Code Section 306.3.

Roadside Stand. See Farm Operation.

Roof. A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

Routine Maintenance of Existing Buildings and Facilities. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a zoning permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include but are not limited to:

1. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
2. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
3. Basement sealing;
4. Repairing or replacing damaged or broken window panes;
5. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

School, Elementary. As defined in Iowa Administrative Code Rule 641-7.1.

School, Post High School. As defined in Iowa Administrative Code Rule 641-7.1.

School, Secondary. As defined in Iowa Administrative Code Rule 641-7.1.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

Seasonal Resort. A resort which includes three (3) or more **Seasonal Dwellings** which are rented or leased or located on land that is rented or leased for such seasonal dwellings including **Accessory Uses**

~~and Structures, providing that the sewage, water, and access requirements in Section 2.9 of this Ordinance are met. See also Camp, Tourist and Camp, Youth or Summer.~~

~~Septic System, Private. As defined and regulated in Iowa Administrative Code 69 and Iowa Code Section 455B.171. See also Sewage Disposal System, Private.~~

~~Setback. The distance required between a property line or roadway easement line and the Buildable Area on a Lot. See Subsection 2.1.D. of this Ordinance.~~

~~Setback Encroachment. The extension or placement of any structure, or a component of such, into a required Setback or Right-of-Way. This can include various structures like a Building, Fence, Driveway, or landscaping feature. See Subsection 2.1.D. of this Ordinance.~~

~~Setback, Front. See Subsection 2.1.D. of this Ordinance.~~

~~Setback, Rear. See Subsection 2.1.D. of this Ordinance.~~

~~Setback, Side. See Subsection 2.1.D. of this Ordinance.~~

~~Setback, Street Side. See Subsection 2.1.D. of this Ordinance.~~

~~Sewage Disposal System, Private. As defined and regulated in Iowa Administrative Code 69 and Iowa Code Section 455B.171. See also Septic System, Private.~~

~~53. Sewer System, Community. A public or private sewerage collection system with treatment and disposal facilities providing secondary treatment meeting applicable County and State effluent standards. A community sewer system as herein defined shall not include septic tanks. See also Sewage Disposal System, Private and Septic System, Private.~~

~~54. Signs. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:~~

~~a. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations;~~

~~b. Flags and insignia of any government except when displayed in connection with commercial promotion;~~

~~c. Legal notices, identification, informational or directional signs erected or required by governmental bodies;~~

~~d. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter;~~

~~e. Warning signs, no trespassing, no hunting and similar signs not to exceed two (2) square feet in area located on the premises;~~

~~f. Integral decorative or architectural features of buildings, except letters, trademarks moving parts or moving lights;~~

~~6. **Billboard.** An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located. 15. **Directional Signs.** Any sign erected to call attention and direct traffic to businesses located off the primary highway system. Such signs must be placed no more than five (5) miles from the business served and positioned specifically to guide traffic to the service available. Except adjacent to U.S. Highway 61, directional signs must serve businesses in unincorporated areas.~~

Commented [LC4]: Moved to Section 2.9 as Sign Regulations

Site Plan. A plan prepared to scale showing accurately and with complete dimensioning, the boundaries of a site and location of all buildings, structures, uses, drives, parking, drainage, utilities, landscape features, and other principal site development improvements for a specific parcel of land.

Slaughterhouse. As defined and regulated in Iowa Code Section 163.6 and Iowa Code Chapter 189A.

~~55. **Special Exception.** A use or structure that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in zoning divisions or district as special exceptions if specific provisions for such special exceptions are made in this Zoning Ordinance.~~

Solar Energy System. See Section 2.8.O. of this Ordinance.

Solid Waste Facility. As defined and regulated in Iowa Code Section 455B301 and Iowa Administrative Code 565—113.3.

Stable. A building in which domestic animals are sheltered and fed, especially such a building having stalls or compartments. The animals may be kept as working animals for agricultural purposes, or for people to ride, as an accessory use to a Farm or residence. See also Farm and Stable, Riding.

Stable, Riding. A commercial facility where generally horses, ponies, and/or mules are kept for people to ride. A riding stable may offer animals for rent or provide boarding and related services for animals. See also Stable.

State. Means the State of Iowa.

Stockyard. As defined and regulated in Iowa Administrative Code 21—66.1(163). See also Animal Feeding Operation and Livestock Market.

Storage Container. Any enclosed receptacle, without wheels, designed, built or intended to be used for the shipment, transportation or storage of goods and not being used primarily for the shipment or transportation of goods, but not including a Construction Trailer. Storage container does not include a truck trailer or semitruck trailer while it is actively being used for the transportation of materials, inventory or equipment.

~~56. **Story.** As defined and regulated in Iowa Administrative Code 193B-5.1 (544A). See also Basement; Building or Structure Height; Story, First; Story, Half; and Subsection 2.1.D. 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, First. As defined in [Iowa Administrative Code 193B-5.1\(544.A\)](#). See also **Basement; Building or Structure Height; Story; Story, Half;** and **Subsection 2.1.D**, of this Ordinance.

57. — Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story. ~~A half-story shall not exceed fifty percent (50%) of the floor area of the story immediately below, except that~~ Any partial story used for residence purposes, other than for a janitor, ~~or caretaker, or their family or by~~ a family occupying the floor immediately below it, shall be deemed a full story. See also **Basement; Building or Structure Height; Story; Story, First;** and **Subsection 2.1.D**, of this Ordinance.

58. — Street, Road. A public or private thoroughfare which affords the principal means of access to abutting property ~~as defined in Iowa Code Section 306.3~~.

59. — Street Line. The right-of-way line of a street. See also **Right-of-Way**.

Structural Members. As defined and regulated in [Iowa Administrative Code 193B-5.1 \(544A\)](#).

60. — Structure, Building. See **Building**. Anything constructed, erected or built, the use of which requires a location on the ground and designed for the support, enclosure shelter or protection of persons, animals, chattels or property of any kind, including, but without limiting the generality of the foregoing, installation such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons.

Subdivision. See [Jackson County Subdivision Ordinance](#).

Subdivision Plat. See [Jackson County Subdivision Ordinance](#).

61. — Temporary Concrete Plant. Portland cement or asphaltic concrete mixing or batching facility for temporary use during the construction, repair, or maintenance of public roads, highways, or other public facilities.

Tavern. See **Bar**.

Temporary Use or Structure. A use or structure of limited and temporary duration as allowed in the underlying zoning district, subject to review and approval by the Zoning Administrator in accordance with [Section 3.11](#) of this Ordinance. See [Section 2.1](#) of this Ordinance.

62. — Travel Trailer ~~or Camping Trailer~~. As defined and regulated by [Iowa Code Section 322C.2](#). See also **Recreational Vehicle**. ~~A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one (1) or more persons. Said vehicle may be up to eight (8) feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight of the vehicle fully equipped, or any weight provided its overall length does not exceed twenty-eight (28) feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than ninety (90) days in any twelve (12) month period or it shall be classed as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also~~

~~include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.~~

Truck Camper. As defined and regulated by [Iowa Code Section 322C.2](#). See also **Recreational Vehicle**.

Tourism Welcome Center. A place that offers information about attractions and assistance with travel tips and directions to travelers visiting Iowa. These centers also may sell local souvenirs, crafts and clothing; provide rest areas and restrooms; and showcase local history and culture.

Use. As defined and regulated in [Iowa Administrative Code 193B-5.1 \(544A\)](#). See also **Occupancy**.

Utilities. All public and private lines, stations, towers, and facilities related to the provision, generation, distribution, collection, transfer, transmission, exchange, receiving, or disposal of water, stormwater, sanitary sewage, oil, gas, electricity, information, telecommunications, telephone cable, television, radio, cellular communications, fiber optics, or other similar services.

~~63.—~~**Variance.** As defined and regulated in [Iowa Code Section 335.15.3](#). A variance may be granted by the Board of Adjustment in accordance with [Section 4.7](#) of this Ordinance. See also **Dimensional Variance**. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Vehicle. A vehicle shall be broadly interpreted to mean any implement of conveyance designed or used for transportation of people or materials on land, water or air, including but not limited to automobiles, trucks, bicycles, farm implements, construction equipment, motorcycles, snowmobiles, boats, personal watercraft, airplanes, helicopters, trailers, campers, wagons, all-terrain vehicles (ATVs), recreational vehicles, golf carts, etc.

Vehicle Paint and Body Shop. As defined and regulated in [Iowa Code Chapter 537B](#). See also **Vehicle Service and Repair**.

Vehicle Sales. As defined and regulated in [Iowa Code Chapter 322](#).

Vehicle Service and Repair. As defined and regulated in [Iowa Administrative Code 701-218.2\(423\)](#). See also **Vehicle Paint and Body Shop**.

Veterinary Clinic. As defined and regulated in [Iowa Administrative Code 811-12.5\(169\)](#). See also **Animal Hospital**.

Violation. A failure of a structure or other development to be fully compliant with the regulations in this Zoning Ordinance.

Wall. An upright solid structure constructed of masonry, wood, or similar material more than eighteen inches (18") in height, erected as a barrier, boundary, or enclosure to screen an area of land, including retaining walls.

Wall, Retaining. A wall constructed to retain soil or other materials to stabilize slopes, retard erosion, terrace a site, or serve a similar function.

64. ~~Water System, Community.~~ As defined by Iowa Administrative Code 567—40.2(455B); also defined as "Community public water supply" in Iowa Administrative Code 567—50.2(455B). A public or private water distribution system having a common source of supply and necessary treatment facilities.

Warehouse or Warehouse Use. The process of storing goods until they're ready for transport to retailers, distributors, or customers. See also Iowa Administrative Code 193B-5.1 (544A).

Welding. Means to unite metallic parts by heating and allowing the metals to flow together or by hammering or compressing with or without previous heating, to unite plastics in a similar manner by heating, to repair (something) by this method, or to repair something by this method. See also Machine Shop.

Well, Private. As defined and regulated in Iowa Administrative Code Chapter 49.

Wholesaling. The act of buying goods in bulk from a manufacturer at a discounted price and selling to a retailer for a higher price, for them to repackage and in turn resell in smaller quantities at an even higher price to consumers.

Wildlife Preserve. A protected area of land or water that's dedicated to the conservation of wild animals, plants, and geological features. See also Recreation, Public.

Wind Energy Conversion System. See Jackson County Wind Energy Conversion Systems Ordinance.

65. ~~Yard.~~ See Setback, an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from two and one-half (2 1/2) feet above the ground upward except as otherwise provided herein.

66. ~~Yard, Front.~~ a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall elect to front their building on the street parallel to the lot line having the greater dimension.

67. ~~Yard, Rear.~~ a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

~~68. **Yard, Side.** a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto, except on the street side of a corner lot, the side yard shall extend from the required front yard to the rear lot line.~~

Zoning Administrator. The Administrative Officer designated or appointed by the Board of Supervisors to administer and enforce the regulations contained in the Zoning Ordinance in accordance with Iowa Code Section 335.9. See Chapter 3 of this Ordinance.

Zoning District. A section or sections of the area of Jackson County for which regulations governing the use of buildings and premises or the height and area of buildings are uniform. See Section 2.1 of this Ordinance.

Zoning Map, Official. Map delineating the boundaries of zoning districts, which along with the zoning text, is officially adopted by the Board of Supervisors and on file at the Jackson County Courthouse. See Chapter 1 of this Ordinance.

Zoning Permit. See Permit, Zoning.