

## CHAPTER 3

### GENERAL PROVISIONS

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

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.

2. Agriculture. 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.

3. Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

4. Alteration, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

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.

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.

8. Building, (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.

9. Campground. An area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

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.

11. Commercial Feedlot. 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.

12. Commission. The Zoning Commission of Jackson County, Iowa.

13. Condominium, Residential. As established in Chapter 499B, Code of Iowa, a building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned

by all the owners on a proportional, undivided basis. Residential condominiums shall be considered multiple-family dwellings for the purpose of this ordinance.

14. County. The unincorporated portions of Jackson County, Iowa.

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.

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.

17. Dwelling. Any building or portion thereof which is designed for or used exclusively for residential purposes.

18. Dwelling, Multiple-family. A building designed for or occupied by more than one (1) family as defined in this ordinance. This definition shall not include mobile homes as herein defined.

19. Dwelling, Single-family. A building designed for or occupied by one (1) family. This definition shall not include mobile homes as herein defined.

20. Dwelling, Seasonal. A single-family dwelling or mobile home, including houseboats, 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.

21. Dwelling Unit. 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 that may be in the same structure and containing independent cooking and sleeping facilities.

22. Family. 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.

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, 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.

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 his family.

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 that is used for storage or incidental use.

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.

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.

29. Height Of A Building. 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
- g. 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.

31. Home Industry. A business which

- a. is conducted on 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

- 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.

33. Individual Private Access Easement. Authorization by a property owner of the 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.

34. Intermittent Or Temporary Commercial Activity. An activity that 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 create no public nuisance. Examples include but are not limited to flea markets, consignment auctions, music or sports events, and commercial exhibitions.

35. Junk Yard. 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 lumbar 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.

36. Kennel. An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

37. Loading Space. A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

38. Lot. A parcel of land with 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. The area included within the boundaries of a lot, including the area over which public or private easements have been granted, but excluding that portion of a flag lot that is used primarily for access (the flagpole portion).

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

41. Lot, Depth Of. The mean horizontal distance between the front and rear lot lines.

42. Lot, Flag. 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.
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.
44. Lot Width. The width of a lot is measured at the front of the principal structure and at right angles to its depth.
45. Mobile Home. A vehicle or vehicles used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such and constructed in such a manner as will permit occupancy for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle or vehicles. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein.
46. Mobile Home Converted To Real Estate. An unencumbered mobile home that 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.
47. Mobile Home Park. 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.
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 and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for automobiles.
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.
50. Premises. The land together with any buildings or structures located thereon.
51. Quarry Active. Any site used primarily for extraction of sand, gravel, or stone for commercial purposes in compliance with the provisions of this ordinance.
52. Recreational Lodge. A 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.
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.
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.

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 districts as special exceptions if specific provisions for such special exceptions are made in this zoning ordinance.

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

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, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

58. Street, Road. A public or private thoroughfare that affords the principal means of access to abutting property.

59. Street Line. The right-of-way line of a street.

60. Structure, 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.

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.

62. Travel Trailer Or Camping Trailer: 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.

63. 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.

64. Water System, Community. A public or private water distribution system having a common source of supply and necessary treatment facilities.

65. Yard. 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 porches. 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 his 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 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.

3.2 Changes and Amendments. 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 Sections 331.302 and 331.305 of the Code of Iowa after a report has been made upon the amendment by the Commission. The Board of Supervisors, before adopting an amending ordinance, shall hold a public hearing on the proposed change. 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. 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 areas 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.

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 that 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.

3.3 Change of Zoning District Boundaries, Application And Procedures. Any person may submit to the Board of Supervisors an application requesting a change in the zoning district boundaries as shown on the official zoning map.

1. Such application shall be filed with the Administrative Officer accompanied by a fee as established by rule of the Jackson County Board of Supervisors and shall contain 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.

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.

2. Upon receipt of the application by the administrative officer, 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 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.

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 is issued 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.



3.4 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.

3.5 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.

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