

**Jackson County Zoning Ordinance Update – Discussion Outline
Zoning Commission Work Session 06-19-25**

PROJECT INITIATION AND DEVELOPMENT

Project Website: ECIA project website created and available online at this link:

https://www.eciatrans.org/jackson_county_zoning_ordinance_update/index.php

- Jan., Feb., March, April, May and June Work Session packets posted

REVISED DRAFT OF ZONING ORDINANCE UPDATE

Revised Draft Chapters and other Updates for review and approval by consensus:

- a. Notice Publish Adoption (Redline & Clean) 5 pages
- b. Farm Definition and Related Items (Redline & Clean) 8 pages
- c. Revised Home-Based Business and related uses (Redline & Clean) 9 pages
- d. Cemetery Burial Site (Redline & Clean) 4 pages
- e. Campground – BOA Request (Redline & Clean) 16 pages
- f. R-1 Residential District (Redline & Clean) 19 pages
- g. Section 2.8 Supplemental Regulations (Redline & Clean) 20 pages
- h. Section 2.9 Application District Regs – Signs (Redline & Clean) 19 pages
- i. Section 2.10 Nonconformities (Redline & Clean) 14 pages

Proposed Draft for review and approval by consensus:

- j. Rules of Procedures Update – Zoning Commission (Redline & Clean) 8 pages



May 27, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – **Iowa Code - County Zoning: Notice, Publication, Adoption (5-27-25)**

Dear Lori,

At their May 19, 2025 meeting, the Zoning Commission discussed the Iowa Code requirements for public hearing notices, publications in newspapers, and adoption of Iowa Code by reference without further Zoning Ordinance amendment. Attached is a review of 2025 Iowa Code provisions for consideration by the Zoning Commission at their June 16, 2025 meeting. The major findings are:

Public Hearing Notice and Publication

In Chapter 335: COUNTY ZONING:

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

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

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

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

Section 335.12 directs the Board of Adjustment to adopt rules in accordance with any zoning regulations or ordinance adopted in accordance with Chapter 335, and to hold public meetings. While

not explicit, we can assume that the intent is for the Board of Adjustment to adhere to the same notice and publication requirements as the Board of Supervisors.

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

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

- *The current Jackson County Zoning Ordinance has a different time frame:
“Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the county.”*
- *The recommendation is to replace this current language with a reference to Iowa Code:
“Notice shall be given in compliance with Iowa Code Section 331.305.”*

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

Adoption of Iowa Code by Reference

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

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

- The ordinance shall describe the subject matter and identify the portion of the Iowa Code adopted by chapter, section, and subsection or other subpart, as applicable.
- Amendments or other changes to those portions of the Code of Iowa which have been ***adopted by reference shall serve as an automatic modification of the applicable ordinance.***

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

Please let me know if you have any questions or need more information. Thank you.

Sincerely,



Laura Carstens, Senior Planner

Attachment

Iowa Code 2025, Chapter 335 COUNTY ZONING**335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.**

4. *a.* A comprehensive plan recommended for adoption or amendment by the zoning commission established under section 335.8 may be adopted by the board of supervisors. The board of supervisors shall not hold a public hearing or take action on the recommendation until it has received the zoning commission's final report containing the recommendation.

b. Before taking action on the recommendation, the board of supervisors shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305.

c. The board of supervisors may amend a proposed comprehensive plan or amendment prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan or amendment will be considered for adoption. The notice shall be published as provided in section 331.305.

335.6 Procedure — hearings — notice.

The board of supervisors shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305. 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. The regulation, restriction, or boundary shall be adopted in compliance with section 331.302.

335.7 Changes — protest.

The regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed. Notwithstanding section 335.4, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a board of supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been 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 case, however, of a protest against the change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the area immediately adjacent to the proposed change and within five hundred feet of the boundaries of the proposed change, the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the board of supervisors. The provisions of section 335.6 relative to public hearings and official notice shall apply equally to all changes or amendments.

335.8 Commission appointed — powers and duties.

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a ... county zoning commission. The commission may recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts. The commission shall, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the commission's final report. ... After the adoption of the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.
2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

335.12 Rules.

The board of adjustment shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. ... All meetings of the board shall be open to the public.

Iowa Code 2025, Chapter 331 COUNTY HOME RULE IMPLEMENTATION**331.305 Publication of notices — electronic delivery authorization.**

1. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by this chapter, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

331.302 County legislation.

5. *a.* A county may by ordinance adopt by reference any portion of the Code of Iowa in effect at the time of the adoption in the manner provided in section 380.8 for adoption of a proposed code of ordinances containing a proposed new ordinance or amendment, subject to the following limitations:

- (1) The ordinance shall describe the subject matter and identify the portion of the Code of Iowa adopted by chapter, section, and subsection or other subpart, as applicable.
 - (2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph "a".
 - (3) Amendments or other changes to those portions of the Code of Iowa which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.
- b.* An ordinance which adopts by reference any portion of the Code of Iowa may provide that violations of the ordinance are county infractions and subject to the limitations of section 331.307 (Civil Citations).

Iowa Code 2025, Chapter 618 PUBLICATION AND POSTING OF NOTICES

618.14 Publication of matters of public importance.

1. The governing body of any municipality or other political subdivision of the state may publish, as straight matter or display, any matter of general public importance, in one or more newspapers, as defined in section 618.3¹ published in and having general circulation in such municipality or political subdivision, at the legal or appropriate commercial rate, according to the character of the matter published.

2. In the event there is no such newspaper published in such municipality or political subdivision or in the event publication in more than one such newspaper is desired, publication may be made in any such newspaper having general circulation in such municipality or political subdivision.

¹ Iowa Code 618.13 outlines the requirements for publishing court dockets in counties with populations over 75,000.

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May 27, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Revised Farm Definition & Related Items (5-27-25)

Dear Lori,

Attached is information regarding the revised Farm Definition & Related Items (5-27-25) for review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. Also attached are the relevant sections of Iowa Code and Iowa Administrative Code referenced in the proposal. Major updates proposed are as follows:

- In Chapter 1 General Provisions, Section 1.20 Farms exempt is revised to reference Iowa Code Section 335.2 and the County's Floodplain Management Ordinance.
- In Chapter 2, Section 2.2 A-1 Agricultural District is amended in subsection C. Accessory Uses and Structures to:
 - Remove reference to home occupation (which will be replaced with Home-Based Business) and farm home occupation (which is farm exempt).
 - Remove reference and conditions for roadside stands (which are farm exempt).
- In Chapter 6. Definitions:
 - NEW definition for Farm refers to relevant sections of Iowa Code and Iowa Administrative Code.
 - The definition for Home Occupation, Farm is deleted because it is covered under the proposed new definition for Farm.

Recommendation

The Commission is asked to review the revised Farm Definition & Related Items (5-27-25), and to provide direction to staff for moving forward with the proposal. Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens, Senior Planner

Attachment

Section 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 Floodplain Management Ordinance.

Commented [LC1]: Revise to refer to Iowa Code Section Iowa Code Section 335.2 Farms exempt.

~~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.~~

Section 2.2 A-1 Agricultural District.

C. Permitted Accessory Uses and Structures. The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.-

1. Uses and structures clearly incidental to the permitted-allowed principal uses and structures of this district ~~including home occupations and farm home occupations as defined.~~

~~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.~~

Commented [LC2]: Delete. Roadside stands are listed in the definition of "Farm operation" in Iowa Code Section 352.2 Definitions. This means that they are "Farm exempt."

Commented [LC3]: Replace with new definition that refers to Iowa Code.

Section 3.16.1 Definitions

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

Commented [LC4]: Recommend deleting the 10 acres requirement. There is no legal authority for evaluating parcels of more than ten acres differently from parcels of less than ten acres for [property tax] classification purposes. Source: Iowa Dept. of Revenue 2017 Directive on Ag Classification.

Commented [LC5R4]:

~~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 352.2 Definitions 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”; and Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.~~

~~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 out buildings, 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.~~

Commented [LC6]: Delete; now covered under proposed updated definition of Farm, and therefore would Farm Exempt.

Section 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 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.

Section 2.2 A-1 Agricultural District.

C. Accessory Uses and Structures. The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.

Uses and structures clearly incidental to the allowed principal uses and structures of this district.

Section 6.1 Definitions

Farm. As defined and regulated in Iowa Code 352.2 Definitions 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”; and Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.

The following terms are related to the proposed update for the definition of “Farm”:

Iowa Code Section 335.2 Farms exempt.

1. Except to the extent required to implement section 335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted, by reason of nature and area, for use for agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the floodplains of any river or stream.

2. A county shall not require an application, an approval, or the payment of a fee in order for an ordinance to be deemed inapplicable to land, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted for use for agricultural purposes under this section.

3. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under this section independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section

Iowa Code Section 352.2 Definitions.

As used in this chapter unless the context otherwise requires:

4. “*Farm*” means the land, buildings, and machinery used in the commercial production of farm products.

5. “*Farmland*” means those parcels of land suitable for the production of farm products.

6. “*Farm operation*” means a condition or activity which occurs on a farm in connection with the production of farm products and includes but is not limited to the raising, harvesting, drying, or storage of crops; the care or feeding of livestock; the handling or transportation of crops or livestock; the treatment or disposal of wastes resulting from livestock; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

7. “*Farm products*” means those plants and animals and their products which are useful to people and includes but is not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey, and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur.

8. “*Livestock*” means the same as defined in section 267.1.

Iowa Code 267.1 Definitions.

As used in this chapter, unless the context otherwise requires:

4. “Livestock” means the same as defined in section 717.1.
6. “Producer” means a person engaged in the business of producing livestock for profit.

Iowa Code 717.1 Definitions.

As used in this chapter, unless the context otherwise requires:

4. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus; farm deer as defined in section 170.1; or poultry.

Iowa Code Section 96.1A Definitions 16. g. (3) (f): The term “farm” includes livestock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

Iowa Administrative Code (IAC) 871—23.26(96) Definition of a farm—agricultural labor.

23.26(1) “Farm” as used in Iowa Code section 96.1A(16) “g”(3) and in these rules means one or more plots of land not necessarily contiguous, including structures and buildings, used either primarily for raising or harvesting any agricultural or horticultural commodity, including caring for and the raising, shearing, feeding, training, and management of livestock, bees, poultry and furbearing animals and wildlife or both such uses, if the activities conducted have an agricultural purpose.

23.26(2) The definition of farm in subrule 23.26(1) includes but is not limited to nurseries, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities. A plot of land used primarily for the raising of nursery stock from seeds, cuttings or transplanted stock is a farm. If any plot of land is used both for the raising of nursery stock and for display of nursery stock or allied products for sale, the parcel or portion is not a farm if the raising is not the primary operation. A parcel of real property or a portion of a parcel of real property that is used primarily to display nursery stock for sale or to display an allied product for sale, or both, is not a farm. Allied product, as used in this rule, includes but is not limited to garden supplies, lawn supplies, tools, equipment, fertilizers, sprays, insecticides or pottery.

23.26(3) If other than incidental sales of an allied product are made in connection with a nursery, the operations in connection with the sales area are commercial operations as distinguished from ordinary farm operations and services performed with respect to the sales areas are not agricultural labor.

23.26(4) A plot of land used primarily for the raising of Christmas trees is a farm.

23.26(5) The following shall be used to determine whether services are defined as agricultural labor.

- a.* Services performed by an individual on a farm, employed by the owner, tenant or operator, in connection with the operation constitutes agricultural labor if:
 - (1) The services are on the farm on which the materials in their raw or natural state were produced, and
 - (2) Processing, packing, packaging, transportation, or marketing is carried on as incidental to ordinary farming operation.
- b.* If the service performed is incidental to industrial, manufacturing or commercial operation, it does not constitute agricultural labor. Example: Services performed for an insurance company in repair and construction of farm buildings do not constitute agricultural labor.

23.26(6) Services performed on nonfarm property by an employee of one who is not the owner, tenant or operator of the farm to which the operation relates or any service rendered in connection with the maintenance and repair of equipment, used in operation on the farm, as well as related collection, clerical and bookkeeping services, are not agricultural labor.

23.26(7) Services performed in the handling or processing of any agricultural or horticultural commodity are agricultural employment if performed by an employee of the owner, tenant, or other farm operator, only if the commodity is in a nonmanufactured state and only if the operator produced more than half of the commodity with respect to which the service was performed.

23.26(8) Aerial seeding, fertilizing, spraying, dusting, custom planting, cultivating or combining of farm acres by an employee of any agricultural enterprise is agricultural labor. This includes mixing or loading into an airplane the spraying or dusting material, as well as the measuring of the swaths and the marking and flagging of the fields, and is considered agricultural as long as it is performed on a farm. If any of these services are performed on property other than a farm, they are not agricultural labor and are covered by other provisions of the Iowa employment security law.

23.26(9) If the employer does not own or operate the farm that is being sprayed or dusted, any service related to employees in connection with maintenance and repair of the aircraft, trucks, or other equipment used in those operations, as well as related collection, clerical and bookkeeping services, are not agricultural labor and are not exempt under the Iowa employment security law.

23.26(10) Services performed on a farm by an employee of any person in connection with hatching poultry are agricultural labor. A plot of land together with the structures and buildings located off the farm, devoted to the hatching of poultry, is not considered to be a farm. Any service, under any contract of hire, performed off the farm in connection with the hatching of poultry is not considered agricultural labor.

23.26(11) Executive, supervisory, administrative, clerical, stenographic, and office work are not agricultural labor even if performed on a farm and in relation to a farm.

23.26(12) Services performed on a farm incidental to the overall commercial activities that are not incidental to ordinary farming operation or directly related to the farming operation are not agricultural labor.

23.26(13) Services performed in connection with the processing of agricultural commodities performed on a farm, for a farm operation, are not agricultural labor unless one-half or more of the commodities processed are produced by the farm operator.

23.26(14) Services performed in agricultural employment as defined in Iowa Code section 96.1A(16)“g”(3) or rule 871—23.26(96) by an agricultural employee for one-half or more of any calendar month are considered agricultural employment the whole of that calendar month.

This rule is intended to implement Iowa Code section 96.1A(16)“g”(3).



June 11, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – **Revised Home-Based Business and Home Industry (06-11-25)**

Dear Lori,

Attached is the revised Home-Based Business and Home Industry draft (06-11-25) for the Zoning Ordinance Update for review and approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

Revisions are based on the recent Iowa Code Section 335.35 (see attachment), and direction from the Zoning Commission at their May 19, 2025 meeting and further staff discussions. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. A chart comparing the current Ordinance and Iowa Code also is attached. Major updates are as follows:

- **Home Occupation** is allowed as an Accessory Use in the A-1 and R-1 Districts. It's replaced by **Home-Based Business** in accordance with Iowa Code Section 335.35 definitions and characteristics of a "no-impact home-based business." It is moved from being regulated in Chapter 6. Definitions to Section 2.9. Note: Iowa Code 335.35 restricts the number onsite employees and clients by occupancy limit. A proposed occupancy limit is for no more than 1 employee outside the family residing on the premises.
- **Farm Home Occupation** is allowed as an Accessory Use in the A-1 District. It is proposed to be deleted as a Farm Exempt use in accordance with Iowa Code definitions and characteristics of "Farm."
- **Home Industry** is proposed to be renamed from a Special Exception to a Conditional Use in the A-1 Agricultural District as a home-based business with 2 or more employees outside the family residing on the premises. It has a blend of characteristics from the current Ordinance and from Iowa Code. It is moved from being regulated in Chapter 6. Definitions to Section 2.9.

Recommendation

The Zoning Commission is asked to review and approve the revised Home-Based Business and Home Industry draft (06-11-25). Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens, Senior Planner
Attachments

5. For the purposes of [this section](#), “*home and community-based services waiver*” means “*waiver*” as defined in [section 249A.29](#).

[2007 Acts, ch 218, §130, 132; 2023 Acts, ch 112, §64, 66](#)

Similar provision, see [§414.32](#)

335.35 Home-based businesses.

1. For purposes of [this section](#):

a. “*Goods*” means any merchandise, equipment, products, supplies, or materials.

b. “*Home-based business*” means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.

c. “*No-impact home-based business*” means a home-based business for which all of the following apply:

(1) The total number of on-site employees and clients does not exceed the county occupancy limit for the residential property.

(2) The business activities are characterized by all of the following:

(a) The activities are limited to the sale of lawful goods and services.

(b) The activities do not generate on-street parking or a substantial increase in traffic through the residential area.

(c) The activities occur inside the residential dwelling or in the yard of the residential property.

(d) The activities are not visible from an adjacent property or street.

2. The use of a residential property for a home-based business is a permitted use. However, [this subsection](#) does not supersede any of the following:

a. A deed restriction, covenant, or agreement restricting the use of land.

b. A master deed, bylaw, or other document applicable to a common interest ownership community.

3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.

4. A county may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for any of the following purposes:

a. The protection of the public health and safety, including rules and regulations related to fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.

b. Ensuring that the business is all of the following:

(1) Compatible with residential use of the property and surrounding residential use.

(2) Secondary to the use of the property as a residence.

(3) Complying with state and federal laws and paying applicable taxes.

c. Limiting or prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

5. A county shall not require as a condition of operating a home-based business that the property be rezoned for commercial use or that the business owner install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with not more than two dwelling units.

6. In any proceeding alleging that a county regulation does not comply with [this section](#), the county that enacted the regulation must establish by clear and convincing evidence that the regulation complies with [this section](#).

[2022 Acts, ch 1129, §12](#)

Similar provisions, see [§414.33](#)

Comparison of Home Occupation & Home Industry with Home-Based Business	
Home Occupation (HO) and Home Industry (HI) Zon Ord Section 3.1	Home-Based Business (HBB) Iowa Code 335.35
	1. For purposes of this section:
	a. "Goods" means any merchandise, equipment, products, supplies, or materials.
Both: Is carried on by a member of the family residing in the dwelling unit.	b. "Home-based business" means any business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates.
	c. "No-impact home-based business" means a home-based business for which all of the following apply:
HO: Does not employ more than one (1) person outside the immediate family on the premises.	(1) Total number of on-site employees and clients does not exceed County occupancy limit for residential property.
	(2) The business activities are characterized by the following:
	(a) Limited to the sale of lawful goods and services.
	(b) Do not generate on-street parking or a substantial increase in traffic through the residential area.
HO: is conducted entirely within a dwelling unit or its customary accessory structures. HI: is conducted on a residential premises, inside or adjacent to the dwelling and/or customary structures.	(c) Occur inside the residential dwelling or in the yard of the residential property.
HO: Has no exterior display, no exterior storage of materials and no other exterior indication of the home-based business occupation visible from an adjacent property or street, 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.	(d) Not visible from an adjacent property or street.
	2. Does not supersede: a. A deed restriction, covenant, or agreement restricting the use of land; or b. A master deed, bylaw, or other document applicable to a common interest ownership community.
HO: Allowed accessory use, no permit required	3. A county shall not prohibit a no-impact home-based business or otherwise require a person to apply, register, or obtain any permit, license, variance, or other type of prior approval from the county to operate a no-impact home-based business.
	4. The County may establish reasonable regulations on a HBB if the regulations are narrowly tailored for any of the following purposes:
HI: Allowed as a Special Exception Use or Structure with Board of Adjustment approval	a. The protection of public health and safety, including fire or building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, or noise control.
	b. Ensuring that the business is all of the following:
Both: 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.	(1) Compatible with residential use of the property and surrounding residential use.

Comparison of Home Occupation & Home Industry with Home-Based Business	
Home Occupation (HO) and Home Industry (HI) Zon Ord Section 3.1	Home-Based Business (HBB) Iowa Code 335.35
Both: Is clearly secondary to the use of the dwelling unit for residential purposes. HO: Does not occupy an area greater than thirty percent of the floor area of the dwelling unit.	(2) Secondary to the use of the property as a residence.
	(3) Complying with state and federal laws and paying applicable taxes.
	c. Prohibiting the operation of a home-based business for the purposes of selling alcoholic beverages or illegal or legal drugs, operating or maintaining a structured sober living home, creating or selling pornography, providing nude or topless dancing, or operating any other adult-oriented business.

Section 36.1 Definitions

Home-Based Business. Any business as defined and regulated as a “no impact home-based business” by Iowa Code Section 335.35 and by Section 2.9 of this Ordinance.

~~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. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in compliance with Section 2.9 and Section 4.5 of this Ordinance.

~~31. Home Industry. A business which~~

- ~~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~~
- ~~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 out buildings, 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.~~

Section 2.9 Supplemental Regulations**AA. Home-Based Business.**

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

2. For purposes of this section 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.

Commented [LC1]: 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.

3. ~~30. Home Occupation.~~ The business activities shall be characterized by all of the following: 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 and
- g. is compatible with residential use of the property and surrounding residential use.
- 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.

Commented [LC2]: Moved to 2. Above to serve as County occupancy limit.

Commented [LC3]: This somewhat subjective language is replaced by Iowa Code Section 335.35 Subsection 4.b.(1).

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 [LC4]: 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.

31BB. Home Industry.

- 1. Any proposed home-based business not specifically prohibited by this ordinance or Iowa Code and that employs two (2) or more persons who do not reside on the premises herein shall be considered as the conditional use of "Home Industry", and may be granted or denied by the Board of Adjustment upon finding that the proposed home industry can meet the provisions of this section and Section 4.5 of this Ordinance.
- 2. For purpose of this section, a home industry shall operate as a "no impact home-based business" as defined and regulated by this section and Iowa Code Section 335.35, with the exception of Iowa Code Section 335.35 Subsections 1.c.(1) and 1.c.(2) (c).
- 3. ~~31. Home Industry.~~ The business which activities shall be characterized by all of the following:
 - a. is conducted on a residential premises, inside or adjacent to the dwelling and/or 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. has no exterior display, no exterior storage of materials and no other exterior indication of the home industry 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
 - e. does not occupy an area greater than the floor area of the dwelling unit, and

f. is compatible with residential use of the property and surrounding residential use.
~~produces no offensive noises, vibration, smoke, dust, heat or glare rendering the premises
objectionable or detrimental to the character of the neighborhood.~~

Commented [LC5]: This somewhat subjective language is replaced by Iowa Code Section 335.35 Subsection 4.b.(1).

Section 6.1 Definitions

Home-Based Business. Any business as defined and regulated as a “no impact home-based business” by Iowa Code Section 335.35 and by Section 2.9 of this Ordinance.

Home Industry. Any home-based business for the manufacture, provision, or sale of goods or services that is owned and operated by the owner or tenant of the residential property on which the business operates in compliance with Section 2.9 and Section 4.5 of this Ordinance.

Section 2.9 Supplemental Regulations

AA. Home-Based Business.

1. For purpose of this section, a home-based business shall operate as a “no impact home-based business” as defined and regulated by this section and Iowa Code Section 335.35.
2. For purposes of this section 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.
3. The business activities shall be characterized by all of the following:
 - 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. 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
 - e. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and
 - f. is compatible with residential use of the property and surrounding residential use.
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.

BB. Home Industry.

1. Any proposed home-based business not specifically prohibited by this ordinance or Iowa Code and that employs two (2) or more persons who do not reside on the premises herein shall be considered as the conditional use of “Home Industry”, and may be granted or denied by the Board of Adjustment upon finding that the proposed home industry can meet the provisions of this section and Section 4.5 of this Ordinance.

2. For purpose of this section, a home industry shall operate as a “no impact home-based business” as defined and regulated by this section and Iowa Code Section 335.35, with the exception of Iowa Code Section 335.35 Subsections 1.c.(1) and 1.c.(2) (c).
3. The business activities shall be characterized by all of the following:
 - a. is conducted on a residential premises, inside or adjacent to the dwelling and/or 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. has no exterior display, no exterior storage of materials and no other exterior indication of the home industry 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
 - e. does not occupy an area greater than the floor area of the dwelling unit, and
 - f. is compatible with residential use of the property and surrounding residential use.



June 9, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update -- Campground Definitions and Regulations (06-09-25)

Dear Lori,

Attached is information regarding Campground Definitions and Regulations (06-09-25) for review and approval by the Zoning Commission at their June 16, 2025 meeting.

This information is intended to respond to the Board of Adjustment's request to staff for more specific guidance for campgrounds such that the Board can consider possible conditions to address concerns of neighbors and Board members for a current case. It is staff's intent to share the approved updated language with the Board of Adjustment at their June 23, 2025 meeting.

Discussion

The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. Also attached are the relevant sections of Iowa Code and/or Iowa Administrative Code referenced in the proposal as well as a comparison of commercial, private, and public campgrounds. attached as well. Major updates proposed are as follows:

- **UPDATE:** Revise the definitions of Campground and Travel Trailer to be more consistent with and to reference Iowa Code and Iowa Administrative Code.
- **NEW:** Expand the number of definitions related to "campground," distinguish between commercial/private and public campgrounds, and incorporate the general land use categories related to recreation.
- **NEW:** Provide more definitive conditions for campgrounds and similar conditional uses in the A-1 Agricultural and C-1 Highway Commercial Districts in Section 2.9 Supplemental Regulations.

Recommendation

The Commission is asked to review and approve the Campground Definitions and Regulations (06-09-25), and to provide direction to staff for moving forward with the proposal. Please let me know if you have any questions or need more information. Thank you.

Sincerely,

Laura Carstens, Senior Planner

Attachments

Iowa Code related to Campgrounds and RVs

Iowa Code 557B.1 Definitions. 5. “Campground” means real property made available to persons for camping, whether by tent, trailer, camper, cabin, recreational vehicle, or similar device and includes the outdoor recreational facilities located on the real property. “Campground” does not include a manufactured home community or mobile home park as defined in section 435.1.

Iowa Administrative Code 701—216.4(423). 216.4(2) Campgrounds. “Campground” is any location at which sites are provided for persons to place their own temporary shelter, such as a tent, travel trailer, or motorhome. “Campground” does not include any hunting, fishing, or other type of camp where accommodations are provided.

Iowa Code 322C.2 Definitions. Recreational Vehicles.

13. “*Park model recreational vehicle*” means a vehicle meeting all of the following criteria:

- a. The vehicle is designed to provide, and marketed as providing, temporary living quarters for recreational, camping, travel, or seasonal use.
- b. The vehicle is not permanently affixed to real property for use as a permanent dwelling.
- c. The vehicle is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred square feet in the vehicle’s set-up mode.
- d. The vehicle is certified by the manufacturer as in compliance with the American national standard for park model recreational vehicles, commonly cited as “ANSI A 119.5”

19. “*Towable recreational vehicle*” means a vehicle designed to be towed by a motor vehicle owned by a consumer and to provide temporary living quarters for recreational, camping, or travel use, that complies with all applicable federal regulations, and that is certified by the vehicle’s manufacturer as in compliance with the national fire protection association standard on recreational vehicles, commonly cited as “NFPA 1192”, or the American national standard for park model recreational vehicles, commonly cited as “ANSI A 119.5”, as applicable. “*Towable recreational vehicle*” includes a travel trailer, toy-hauler travel trailer, fifth-wheel travel trailer, toy-hauler fifth-wheel travel trailer, folding camping trailer, truck camper, and park model recreational vehicle. For purposes of registration and titling under chapter 321, a towable recreational vehicle shall be considered a travel trailer or fifth-wheel travel trailer, as those terms are defined in section 321.1, as applicable.

24. “*Travel trailer*” means a vehicle mounted on wheels that has a width of eight feet six inches or less and an overall length of forty-five feet or less, is designed to provide temporary living quarters for recreational, camping, or travel use, and is of such a size and weight as to not require a permit under chapter 321E when towed by a motor vehicle on a highway. “*Travel trailer*” includes a toy-hauler travel trailer. “*Travel trailer*” does not include a vehicle that is so designed as to permit it to be towed exclusively by a motorcycle.

25. “*Truck camper*” means a vehicle designed to be placed in the bed of a pickup truck to provide temporary living quarters for recreational, camping, or travel use.

Comparison of Commercial, Private, and Public Campgrounds 06-06-25

Feature	Commercial Campgrounds	Private Campgrounds	Public Campgrounds
Ownership	Individuals, families, companies, businesses	Individuals, families, companies, businesses	Federal, state, county, or local governments
Purpose	Profit-driven business	For-profit ventures	Public service
Operation	Often offer themed experiences or tailored settings, from luxurious glamping sites to family-friendly parks with plenty of activities	Can be more tailored or themed, catering to specific interests or experiences like glamping	Often offer a more rustic, genuine outdoor experience. Tend to be more basic, prioritizing the preservation of nature
Amenities	Wide range including: <ul style="list-style-type: none"> • Full hookups for water, electricity, and sewer • Restrooms and shower facilities • Swimming pools, playgrounds, game rooms, organized activities • On-site stores and/or dining facilities 	Variable (basic to enhanced): some may offer basic amenities like restrooms and fire pits, while others may provide more enhanced features	Variable; might offer fewer luxuries compared to private counterparts Can expect picnic tables, fire rings, and restroom facilities, but less frequently electricity hookups or shower facilities
Location	In or near towns, major highways, and/or tourist attractions	Various settings: rural, suburban, and urban areas	Various settings; often in preserved natural areas
Booking	Most operate through a reservation system. Generally easier, flexible options	May operate through a reservation system; can vary	Depending on location, some operate on a first-come, first-served basis, while others allow reservations, especially during peak seasons
Cost	Generally higher; often offer deals or membership discounts	Generally pricier; may often offer deals or membership discounts	Typically, less expensive

Sources: Google AI overview search and Crystal Rock Campground blog, "The Difference Between Public and Private Campgrounds" published 10/13/2023; <https://crystalrockcampground.com/> accessed 6/6/2025 by ECIA

DEFINITIONS:

Campground. An area providing ~~spaces~~ campsites for two (2) or more recreational vehicles, travel trailers, ~~camping trailer~~ truck trailers, 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 Commercial Campground and Public Campground.

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. 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 Public Campground.



Commercial Campground, Bellevue, Iowa (Source: Google Maps accessed 6/6/25)

Campground, Membership. As defined and regulated by Iowa Code Chapter 557B Membership Campgrounds Law.

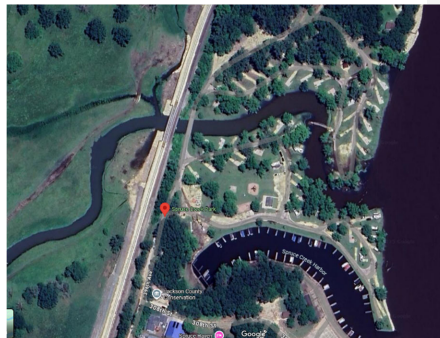
Campground, Personal. A private campground.

Campground, Private. See Commercial Campground.

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. These campgrounds are owned, operated, and/or managed by federal, state, county, or city governmental agencies. See Commercial Campground

Campground Development Types.

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.



Public Campground. Spruce Creek County Park, Jackson County, Iowa. (Source: Google Maps accessed 6/6/2025)

Commented [LC1]: Iowa Code 557B.1 Definitions 5. “Campground” means real property made available to persons for camping, whether by tent, trailer, camper, cabin, recreational vehicle, or similar device and includes the outdoor recreational facilities located on the real property. “Campground” does not include a manufactured home community or mobile home park as defined in section 435.1.

Iowa Administrative Code 701—216.4(423). 216.4(2) Campgrounds. “Campground” is any location at which sites are provided for persons to place their own temporary shelter, such as a tent, travel trailer, or motorhome. “Campground” does not include any hunting, fishing, or other type of camp where accommodations are provided.

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.

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.

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 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.

Recreational Lodge. A day-use or short-term enclosed 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.

Recreational Vehicle. A park model recreational vehicle or a towable recreational vehicle as defined and regulated by Iowa Code Section 322C.2. See 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 Campground.

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 Passive Recreation.

Recreation, Commercial. Any commercial enterprise which receives a fee in return for the provision of some recreational activity. See Indoor Commercial Recreation, Outdoor Commercial Recreation, and Public Recreation.

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Commented [LC2]: Numerical, dimensional, or quantitative regulations should be avoided in definitions.

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 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 uses.

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 campgrounds, resorts, youth or summer camps, tourist camps, or golf courses.

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 Active Recreation.

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 as well as visitors, including but not limited to parks; lakes; ponds; rivers, creeks; playgrounds; picnic areas; hunting areas; wildlife preserves; trails for hiking, biking, horseback riding, paddling, or recreation vehicles; interpretive centers; historic and cultural sites; campgrounds; marinas; docking facilities; and other functionally similar uses.

~~62--Travel Trailer or Camping Trailer.~~ As defined and regulated by Iowa Code Section 322C.2. See 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 Recreational Vehicle.

Commented [LC3]: Removed with reference to Iowa Code.

CURRENT ZONING ORDINANCE

A-1 AGRICULTURAL DISTRICT PERMITTED PRINCIPAL USES AND STRUCTURES

PERMITTED PRINCIPAL USES AND STRUCTURES

10. Public parks, playgrounds, campgrounds

SPECIAL EXCEPTION USES AND STRUCTURES

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

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.

C-1 HIGHWAY COMMERCIAL DISTRICT

PERMITTED PRINCIPAL USES AND STRUCTURES

11. ~~Indoor Commercial Recreation~~ Recreational & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls

SPECIAL EXCEPTION USES AND STRUCTURES

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

3. ~~Commercially operated~~ campgrounds or tourist camps on sites of not less than 5 acres provided that no campsite shall be located within 50 feet of a Residential District and that water and sewage disposal facilities shall be approved by County and State Health Departments.

PROPOSED ZONING ORDINANCE UPDATE

CHAPTER 2. ZONING DISTRICT REGULATIONS.

2.2 A-1 AGRICULTURAL DISTRICT PERMITTED PRINCIPAL USES AND STRUCTURES

B. ~~Permitted~~ Allowed Principal Uses and Structures

10. Public ~~Recreation parks, playgrounds, campgrounds~~

D. ~~Special Exception~~ Conditional 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:

A-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Privately operated Commercial recreational lodges, campgrounds and recreational vehicle parks, on sites of less than five (5) acres	1 space per campsite.	Ch. 6 Definitions, Section 2.9, Section 4.5

Commented [LC4]: 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 with approval of the Board of Adjustment

Commented [LC5]: This current language is very general. The Board of Adjustment asked staff for more specific guidance for campgrounds such that the Board can consider possible conditions to address concerns of neighbors and Board members.

Commented [LC6]: These various uses are included in the definition of the new general land use category of **Indoor Commercial Recreation**.

Commented [LC7]: Not clear why "Privately operated" is used in A-1 District and "Commercially operated" is used in C-1 District. Meaning is virtually identical. Recommend using "Commercial campground."

Commented [LC8]: Combined public parks, playgrounds, wildlife preserves, hunting areas, lakes, ponds under new general use category Public Recreation

Commented [LC9]: Renaming Special Uses and Structures to Conditional Uses and Structures that require approval of a Conditional Use Permit by the Board of Adjustment.

Commented [LC10]: Recreational lodges are included the definition of a new general land use category of **Indoor Commercial Recreation**.

A-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
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;		
Youth or Summer Camps	<u>1 space per campsite and 2 spaces per cabin.</u>	Ch. 6 Definitions, Section <u>2.9, Section 4.5</u>
<u>Tourist Camps on sites of less than five (5) acres</u>	<u>1 space per campsite and 2 spaces per cabin.</u>	Ch. 6 Definitions, Section <u>2.9, Section 4.5</u>
<u>Indoor Commercial Recreation, including recreational lodges with a maximum of ten (10) units</u>	<u>1 space per 250 square feet of floor area.</u>	Ch. 6 Definitions, Section <u>2.9, Section 4.5</u>
<u>Outdoor Commercial Recreation on sites of less than five (5) acres</u>	<u>1 space per 4 occupants plus 1 space per employee on maximum shift.</u>	Ch. 6 Definitions, Section <u>2.9, Section 4.5</u>

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

Commented [LC12]: Moved to section 2.9

2.4 C-1 HIGHWAY COMMERCIAL DISTRICT

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

11. ~~Recreational & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls~~ Indoor Commercial Recreation

D. ~~Special Exception~~ Conditional 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:

C-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Commercially operated campgrounds and recreational vehicle parks or tourist camps on sites of not less than <u>five (5) acres</u> provided that no campsite shall be located within 50 feet of a Residential District and that water and sewage disposal facilities shall	<u>1 space per campsite and 2 spaces per cabin.</u>	Ch. 6 Definitions, Section <u>2.9, Section 4.5</u>

C-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
be approved by County and State Health Departments.		

Commented [LC13]: Moved to section 2.9

2.9 Supplemental Regulations

AA. Conditional Uses and Structures

BB. A-1 Agricultural District

#. ~~Privately operated recreational lodges, commercial campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities and recreational vehicle (RV) parks on less than five (5) acres of developed area~~ provided, however, that the applicant shall submit a site plan for the proposed development ~~that and~~ shows:

- a. What measures will be taken to minimize adverse effects the proposed development might have on the environs.
- b. Provision of necessary incidental services, sanitation and recreation facilities as follows:
 - 1) The maximum number of campsites shall be four (4) per acre.
 - 2) Vehicular access for the campground shall be approved by the County Engineer and shall not travel across or through a platted subdivision or land-lease community.
 - 3) Based on the campground development type as defined in this Ordinance, any required water and sewage disposal facilities shall be approved by the County Health Department.
 - 4) No campsite shall be located within fifty (50) feet of a Residential District.
 - 5) Off-street parking of one (1) space per campsite shall be provided.
 - 6) Compliance with the development and sign regulations for its zoning district.
 - 7) Recreation facilities shall be limited to passive recreation activities only.



Commercial Campground: 16 sites on less than five (5) acres (Source: Beacon - Jackson County, IA GIS accessed 6/6/25)

3-# Commercially operated campgrounds, recreational vehicle (RV) parks, or tourist camps on sites of not less than five (5) acres provided, however, that the applicant shall submit a site plan for the proposed development that shows provision of necessary incidental services, sanitation and recreation facilities as follows:

- a. The maximum number of campsites and/or cabins shall be fifteen (15) per acre.
- b. Vehicular access for the campground shall be approved by the County Engineer and shall not travel across or through a platted subdivision or leased-land community.
- c. Based on the campground development type as defined in this Ordinance, any required water and sewage disposal facilities shall be approved by the County ~~and State~~ Health Departments.
- d. No campsite shall be located within fifty (50) feet of a Residential District.
- e. Off-street parking of one (1) space per campsite or RV site and two spaces per cabin shall be provided.
- f. Compliance with the development and sign regulations for its zoning district.
- g. Recreation facilities may include both active and passive recreation activities.



DEFINITIONS:

Campground. An area providing campsites for two (2) or more recreational vehicles, travel trailers, truck trailers, or tent camping for temporary occupancy with necessary incidental services, sanitation and recreation facilities, as defined by **Iowa Code Section 557B.1** and **Iowa Administrative Code 701—216.4(423)**. See Commercial Campground and Public Campground.

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. 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 Public Campground.



Commercial Campground, Bellevue, Iowa (Source: Google Maps accessed 6/6/25)

Campground, Membership. As defined and regulated by Iowa Code Chapter 557B Membership Campgrounds Law.

Campground, Personal. A private campground.

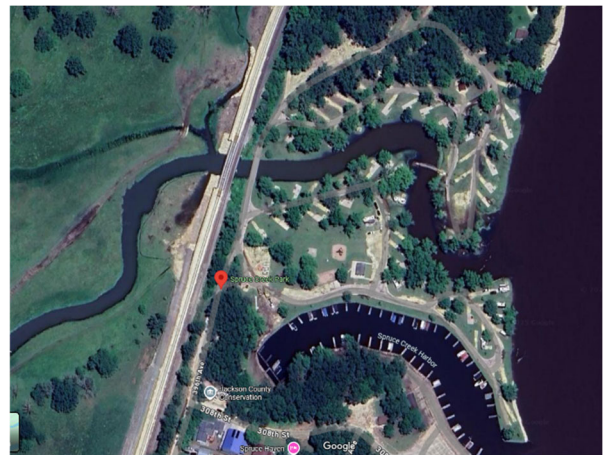
Campground, Private. See Commercial Campground.

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. These campgrounds are owned, operated, and/or managed by federal, state, county, or city governmental agencies. See Commercial Campground

Campground Development Types.

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.

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.



Public Campground. Spruce Creek County Park, Jackson County, Iowa. (Source: Google Maps accessed 6/6/2025)

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.

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 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.

Recreational Lodge. A day-use or short-term enclosed lodging facility whose primary appeal is its rural and/or natural setting, with direct access to public or private recreational land

Recreational Vehicle. A park model recreational vehicle or a towable recreational vehicle as defined and regulated by [Iowa Code Section 322C.2](#). See 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 Campground.

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 Passive Recreation.

Recreation, Commercial. Any commercial enterprise which receives a fee in return for the provision of some recreational activity. See Indoor Commercial Recreation, Outdoor Commercial Recreation, and Public Recreation.

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 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 uses.

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 campgrounds, resorts, youth or summer camps, tourist camps, or golf courses.

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 Active Recreation.

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 as well as visitors, including but not limited to parks; lakes; ponds; rivers, creeks; playgrounds; picnic areas; hunting areas; wildlife preserves; trails for hiking, biking, horseback riding, paddling, or recreation vehicles; interpretive centers; historic and cultural sites; campgrounds; marinas; docking facilities; and other functionally similar uses.

Travel Trailer As defined and regulated by Iowa Code Section 322C.2. See Recreational Vehicle.

Truck Camper. As defined and regulated by Iowa Code Section 322C.2. See Recreational Vehicle.

PROPOSED ZONING ORDINANCE UPDATE

CHAPTER 2. ZONING DISTRICT REGULATIONS.

2.2 A-1 AGRICULTURAL DISTRICT PERMITTED PRINCIPAL USES AND STRUCTURES

B. Allowed Principal Uses and Structures

Public Recreation

D. Conditional Uses and Structures

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

A-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Commercial campgrounds and recreational vehicle parks on sites of less than five (5) acres	1 space per campsite.	Ch. 6 Definitions, Section 2.9, Section 4.5
Youth or Summer Camps	1 space per campsite and 2 spaces per cabin.	Ch. 6 Definitions, Section 2.9, Section 4.5

A-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Tourist Camps on sites of less than five (5) acres	1 space per campsite and 2 spaces per cabin.	Ch. 6 Definitions, Section 2.9, Section 4.5
Indoor Commercial Recreation, including recreational lodges with a maximum of ten (10) units	1 space per 250 square feet of floor area.	Ch. 6 Definitions, Section 2.9, Section 4.5
Outdoor Commercial Recreation on sites of less than five (5) acres	1 space per 4 occupants plus 1 space per employee on maximum shift.	Ch. 6 Definitions, Section 2.9, Section 4.5

2.4 C-1 HIGHWAY COMMERCIAL DISTRICT

B. Allowed Principal Uses and Structures

Indoor Commercial Recreation

D. Conditional Uses and Structures

Subject to **Section 4.5** and the other requirements contained herein, the Board of Adjustment may permit the following:

C-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Commercially campgrounds, recreational vehicle parks or tourist camps on sites of not less than five (5) acres	1 space per campsite and 2 spaces per cabin.	Ch. 6 Definitions, Section 2.9, Section 4.5

2.9 Supplemental Regulations

AA. Conditional Uses and Structures

BB. A-1 Agricultural District

#. Commercial campgrounds and recreational vehicle (RV) parks on less than five (5) acres of developed area provided, however, that the applicant shall submit a site plan for the proposed development that shows:

- a. What measures will be taken to minimize adverse effects the proposed development might have on the environs.
- b. Provision of necessary incidental services, sanitation and recreation facilities as follows:
 - 1) The maximum number of campsites shall be four (4) per acre.
 - 2) Vehicular access for the campground shall be approved by the County Engineer and shall not travel across or through a platted subdivision or land-lease community.
 - 3) Based on the campground development type as defined in this Ordinance, any required water and sewage disposal facilities shall be approved by the County Health Department.
 - 4) No campsite shall be located within fifty (50) feet of a Residential District.
 - 5) Off-street parking of one (1) space per campsite shall be provided.
 - 6) Compliance with the development and sign regulations for its zoning district.

- 7) Recreation facilities shall be limited to passive recreation activities only.



Commercial Campground: 16 sites on less than five (5) acres (Source: Beacon - Jackson County, IA GIS accessed 6/6/25)

CC. C-1 Highway Commercial District

- #. Commercial campgrounds, recreational vehicle (RV) parks, or tourist camps on sites of not less than five (5) acres provided, however, that the applicant shall submit a site plan for the proposed development that shows provision of necessary incidental services, sanitation and recreation facilities as follows:
- The maximum number of campsites and/or cabins shall be fifteen (15) per acre.
 - Vehicular access for the campground shall be approved by the County Engineer and shall not travel across or through a platted subdivision or leased-land community.
 - Based on the campground development type as defined in this Ordinance, any required water and sewage disposal facilities shall be approved by the County Health Department.
 - No campsite shall be located within fifty (50) feet of a Residential District.
 - Off-street parking of one (1) space per campsite or RV site and two spaces per cabin shall be provided.
 - Compliance with the development and sign regulations for its zoning district.
 - Recreation facilities may include both active and passive recreation activities.



Example of Site Plan for Commercial Campground. Source: <https://www.offshoreressort.net/stay/camping> accessed 6/9/2025



June 11, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Initial Draft of Cemetery and Burial Site (06-11-25)

Dear Lori,

Attached is the initial draft of Cemetery and Burial Site (06-11-25) for the Zoning Ordinance Update for review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

The definitions for cemetery, burial site, and related items reference Iowa Code Chapter 523I.102, the Iowa Cemetery Act. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. Major updates proposed are as follows:

- The current parking requirement for cemetery is *20 spaces off the right-of-way on drives or parking areas*. In Iowa, there aren't specific statewide parking requirements for cemeteries. Typically, cemeteries will provide parking along roads, or in pull-offs, rather than dedicated parking lots. 20 spaces is not based on any formula or research, and it could be too many or too few. The staff recommendation is to revise the parking requirements to read: *"As per site plan approved by Zoning Administrator."*
- Burial site has been added as an accessory use in the A-1 District.

Recommendation

The Commission is asked to review and approve by consensus the initial draft of Cemetery and Burial Site (06-11-25), and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens
Senior Planner

Attachments

SUBCHAPTER VIII		523I.808	Annual report — examination fee.
PERPETUAL CARE CEMETERIES — REQUIREMENTS		523I.809	Trust agreement provisions.
523I.801	Applicability and conversion by nonperpetual care cemeteries.	523I.810	Care funds.
523I.802	Advertising.	523I.811	Use of distributions from care fund.
523I.803	Perpetual care registry.	523I.811A	Emergency use of care funds.
523I.804	Use of gift for special care.	523I.812	Suit by commissioner.
523I.805	Initial deposit.	523I.813	Annual report by perpetual care cemeteries.
523I.806	Irrevocable trust.	523I.814	Unified annual reports.
523I.807	Care fund deposits.		

SUBCHAPTER I

TITLE — DEFINITIONS —
APPLICABILITY**523I.101 Short title.**

[This chapter](#) may be cited as the “*Iowa Cemetery Act*”.
2005 Acts, ch 128, §6

523I.102 Definitions.

For purposes of [this chapter](#), unless the context otherwise requires:

1. “*Authorized to do business within this state*” means a person licensed, registered, or subject to regulation by an agency of the state of Iowa.
2. “*Burial site*” means any area, except a cemetery, that is used to inter or scatter remains.
3. “*Capital gains*” means appreciation in the value of trust assets for which a market value may be determined with reasonable certainty after deduction of investment losses, taxes, expenses incurred in the sale of trust assets, any costs of the operation of the trust, examination expenses, and any audit expenses.
4. “*Care fund*” means funds set aside for the care of a perpetual care cemetery, including all of the following:
 - a. Money or real or personal property impressed with a trust by the terms of [this chapter](#).
 - b. Contributions in the form of a gift, grant, or bequest.
 - c. Any accumulated income that the trustee of the fund or the cemetery allocates to principal.
5. “*Casket*” means a rigid container which is designed for the encasement of human remains and which is usually constructed of wood, metal, fiberglass, plastic, or like material and ornamented and lined with fabric.
6. “*Cemetery*” means any area that is or was open to use by the public in general or any segment thereof and is used or is intended to be used to inter or scatter remains. “*Cemetery*” does not include the following:
 - a. A private burial site where use is restricted to members of a family, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration.
 - b. A private burial site where use is restricted to a narrow segment of the public, if the interment rights are conveyed without a monetary payment, fee, charge, or other valuable form of compensation or consideration.
 - c. A pioneer cemetery.
 - d. A cemetery under the jurisdiction and control of a cemetery commission pursuant to [section 331.325, subsection 3](#), paragraph “c”.
7. “*Columbarium*” means a structure, room, or space in a mausoleum or other building containing niches or recesses for disposition of cremated remains.
8. “*Commissioner*” means the commissioner of insurance.
9. “*Common business enterprise*” means a group of two or more business entities that share common ownership in excess of fifty percent.
10. “*Disinterment*” means to remove human remains from their place of final disposition.

Section 36.1 Definitions

Burial site: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Cemetery: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Columbarium: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Mausoleum: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Pioneer Cemetery: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Section 2.2 A-1 Agricultural District

B. ~~Permitted~~**Allowed** Principal Uses and Structures and Required Parking. The table below lists the allowed principal uses and structures in the A-1 District and their required off-street parking. Additional Regulations reference related sections in the Zoning Ordinance

A-1 District Principal Uses and Structures		
Principal Uses and Structures	Required Parking	Additional Regulations
Cemeteries	20 spaces off the right of way on drives or parking areas As per site plan approved by Zoning Administrator	Ch. 6 Definitions, Section 2.9

C. ~~Permitted~~**Allowed** Accessory Uses and Structures and Required Parking. The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.

A-1 District Accessory Uses and Structures		
Accessory Uses and Structures	Required Parking	Additional Regulations
Burial site	As per site plan approved by Zoning Administrator	Ch. 6 Definitions, Section 2.9

Section 6.1 Definitions

Burial site: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Cemetery: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Columbarium: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Mausoleum: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Pioneer Cemetery: As defined and regulated in Iowa Code Chapter 523I Iowa Cemetery Act.

Section 2.2 A-1 Agricultural District

B. Allowed Principal Uses and Structures and Required Parking. The table below lists the allowed principal uses and structures in the A-1 District and their required off-street parking. Additional Regulations reference related sections in the Zoning Ordinance

A-1 District Principal Uses and Structures		
Principal Uses and Structures	Required Parking	Additional Regulations
Cemeteries	As per site plan approved by Zoning Administrator	Ch. 6 Definitions, Section 2.9

C. Allowed Accessory Uses and Structures and Required Parking. The table below lists the allowed accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance.

A-1 District Accessory Uses and Structures		
Accessory Uses and Structures	Required Parking	Additional Regulations
Burial site	As per site plan approved by Zoning Administrator	Ch. 6 Definitions, Section 2.9



June 10, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Revised Draft of Section 2.3 R-1 Residential District (06-09-25)

Dear Lori,

Attached is the revised draft of Section 2.3 R-1 Residential District (06-10-25) for the Zoning Ordinance Update for review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

The R-1 District has been reformatted to use tables. Revisions discussed at the Commission's April 21, 2025 meeting have been completed. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure.

Major updates proposed are as follows:

- Tables are used for Principal, Accessory, and Conditional Uses and Structures.
- Land uses and parking requirements are revised according to the Matrix of Allowed Uses.
- References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

Specific updates to address older subdivisions also have been proposed as follows:

- Subdivisions were platted in the County's unincorporated areas prior to the effective date of the first Zoning Ordinance on May 6, 1976. One of the planned Zoning Ordinance updates to accommodate these older subdivisions was creation of an R-2A Alternative Residential District.
- Rather than create a new zoning district, County Zoning and ECIA staff have drafted a revised R-1 Residential District that we think can accomplish the same goals without having to rezone any parcels.
- The report researched and prepared for the Leisure Lake Planned Unit Development (LLPUD) proposal formed the basis for the alternative recommendations. This report included input from the Leisure Lake Property Owners' Association (LLPOA).
- Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns.

- **Statement of Intent** seeks to: Establish zoning regulations that reflect the existing development pattern a
- **Allowable Uses and Structures** are intended to reflect existing residential development.

Principal

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

Accessory

- The accessory structure related to a principal use or structure on a separate lot that has been the subject of zoning enforcement would be allowed in the pre-1976 subdivisions.
 - Accessory structures related to a principal use or structure may be permitted on the same lot as the principal use or structure or on a separate lot.
 - Accessory structures related to a principal seasonal dwelling use with no principal structure on the same lot are permitted.
- **Development Regulations** are based on the regulations for dwellings in the R-1 Residential District, and the regulations governing a seasonal resort (special exception use in the A-1 Agricultural district). The minimums for lot area and street frontage are based on analysis of the 549 R-1 zoned parcels in Leisure Lake area.

Comparison of Zoning Regulations with Existing Conditions			
Zoning District	Minimum Lot Area (SF)	# Parcels Below Minimum Lot Area	Percent of Total
R-1 with well & septic	20,000	358	65.2%
R-1 with community water and sewer	12,000	212	38.6%
A-1 seasonal resort	10,000	173	31.5%

Recommendation

The Commission is asked to review and approve by consensus the revised draft of Section 2.3 R-1 Residential District (04-16-25), and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,



Laura Carstens
Senior Planner

Attachments

Below are the draft development regulations. Those in yellow are from the R-1 district. Those in green are from the A-1 district. Those in blue are general regulations in the Zoning Ordinance.

Development Regulations	Dwellings and LLPOA uses with private well and septic system	Dwellings and LLPOA uses served by community water and sewage systems	Other Seasonal Dwellings	Accessory Uses and Structures
Minimum Lot Area	20,000 square feet	12,000 square feet	10,000 square feet	N/A
Minimum Lot Frontage	100 feet	80 feet	70 feet	N/A
Minimum Front Yard	10 feet	10 feet	10 feet	10 feet
Minimum Side Yard	10 feet	10 feet	10 feet	10 feet
Minimum Street Side Yard	10 feet	10 feet	10 feet	10 feet
Minimum Rear Yard	10 feet	10 feet	10 feet	5 feet
Maximum Height	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories	35 feet or 2.5 stories

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.

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).

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

The table below lists the standard and alternative principal uses and structures allowed in the R-1 District and their required off-street parking. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts. Alternative regulations only apply to subdivisions platted before May 6, 1976.

R-1 District Principal Uses and Structures		
Standard Principal Uses and Structures	Required Parking	Additional Regulations
Single family dwellings	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Seasonal dwellings	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Public Recreation parks, playgrounds and recreation areas	5 spaces for each per acre developed for active and recreation area use	Ch. 6 Definitions; Section 2.9
Community meeting or recreation buildings	1 space per 4 seats for every 50 square feet of floor area	Ch. 6 Definitions; Section 2.9
Community meeting or recreation center buildings	1 space for every 250 square feet of floor area	Ch. 6 Definitions; Section 2.9
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	Ch. 6 Definitions; Section 2.9
Elementary School	1.5 spaces per employee on maximum shift plus drop-off/pickup or bus queue area 1 space per classroom or office	Ch. 6 Definitions; Section 2.9
Secondary School	1.5 spaces per employee on maximum shift plus 1 space per 10 students plus drop-off/pickup or bus queue area 1 space per classroom or office	Ch. 6 Definitions; Section 2.9
Preschool	1 space per 400 square feet of floor area	Ch. 6 Definitions; Section 2.9
Churches Place of Assembly	1 space for every 5 per 4 seats in the main auditorium	Ch. 6 Definitions; Section 2.9

Commented [LC1]: Combined public parks, playgrounds, and recreation areas under new general use category Public Recreation

Commented [LC2]: Community building is part of new general use Place of Assembly, required parking is 1 space per 4 seats

Commented [LC3]: Community recreation center is part of new general land use Indoor Recreation, required parking is 1 space per 250 square feet of floor area

R-1 District Principal Uses and Structures		
Standard Principal Uses and Structures	Required Parking	Additional Regulations
Cemeteries Cemetery	20 spaces off the public right-of-way on drives and parking areas	Ch. 6 Definitions; Section 2.9
Alternative Principal Uses and Structures (platted before 5/6/1976)	Required Parking	Additional Regulations
Mobile home	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Mobile home converted to real estate	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
POA owned buildings for meetings, showers, restrooms, and recreational activities	1 space per 250 square feet of floor area	Ch. 6 Definitions; Section 2.9
POA owned parks, playgrounds, marinas, boat docking facilities, and recreation areas	5 spaces per acre developed for active and recreation area usage	Ch. 6 Definitions; Section 2.9

B. ~~Permitted~~ Allowed Accessory Uses and Structures. The table below lists the standard and alternative accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts. Alternative regulations only apply to subdivisions platted before May 6, 1976.

R-1 District Accessory Uses and Structures	
Standard Accessory Uses and Structures	Additional Regulations
Uses and structures clearly incidental to the allowed principal uses and structures of this district	Ch. 6 Definitions; Section 2.8
Accessory Dwelling Unit (ADU)	Ch. 6 Definitions; Section 2.8
Attached and/or detached private garage or carport	Ch. 6 Definitions; Section 2.8
Deck, porch, balcony, carport , boat dock, and other similar structure	Ch. 6 Definitions; Section 2.8
Hedges and fences, shall not exceed 4 feet in a required front yard <u>setback</u> , and fences shall not exceed 6 feet in a required side or rear yard <u>setback</u>	Subject to subsection 1.8 (1) 2.8.A. of the Zoning Ordinance; Ch. 6 Definitions; Section 2.8
Private swimming pool, <u>sports court</u> , tennis court, <u>and playground equipment</u>	Ch. 6 Definitions; Section 2.8
<u>Shed, gazebo, pergola, and other similar roofed freestanding structure</u>	Ch. 6 Definitions; Section 2.8
<u>Non-commercial nursery, garden and greenhouse</u>	Ch. 6 Definitions; Section 2.8
<u>Outdoor fixed fire pits and cooking equipment</u>	Ch. 6 Definitions; Section 2.8
<u>Home-based business occupation</u>	Ch. 6 Definitions; Section 2.8
<u>Consumer-scale solar array: building-mounted</u>	Ch. 6 Definitions; Section 2.8
Temporary building used in conjunction with construction work provided that such building is removed promptly upon completion of the work.	Off-street parking as determined by Zoning Administrator; Ch. 6 Definitions; Section 2.8
Alternative Accessory Uses and Structures	Additional Regulations

<u>(platted before 5/6/1976)</u>	
<u>Accessory structure related to a principal use or structure on a separate lot</u>	<u>Ch. 6 Definitions; Section 2.8</u>
<u>Accessory structure related to a principal seasonal dwelling with no principal structure on lot</u>	<u>Ch. 6 Definitions; Section 2.8</u>

~~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.~~

B-C. Allowed Special Exception Conditional Uses and Structures. Below is the table of the allowed conditional uses and structures in the R-1 District as defined in Chapter 6 of this Ordinance. These uses and structures shall comply with R-1 district development regulations in Section 2.2.E of this Ordinance unless specified otherwise in their specific conditions for approval in Section 2.9 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 permit the following:

R-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Railroads, <u>public maintenance</u> , and public utilities <u>utility facilities</u>	2 spaces per substation or 1 space per employee at the site, be provided, <u>whichever is more.</u>	<u>Ch. 6 Definitions; Section 2.9</u>
Mobile home parks on tracts of <u>five (5)</u> acres or more	2 parking spaces per <u>dwelling</u> unit	<u>Ch. 6 Definitions; Section 2.9</u>
Mobile home subdivisions on tracts of <u>ten (10)</u> acres or more	2 spaces per lot	<u>Ch. 6 Definitions; Section 2.9</u>
Addition of accessory structures to principal structures devoted to legal nonconforming uses	<u>As per Zoning Administrator</u>	<u>Ch. 6 Definitions; Section 2.9</u>
Multiple-family dwellings, including residential condominiums	2 parking spaces per dwelling unit	<u>Ch. 6 Definitions; Section 2.9</u>

1. Railroads, public maintenance, and public utilities-utility facilities, but not including equipment storage or maintenance yards and buildings or administrative and sales offices, provided that:
 - a. Any substation or building shall meet the front and rear yard setback requirements for dwellings, and ~~shall~~
 - b. Provide side yard setbacks of not less than twenty-five (25) feet, and ~~that~~
 - ~~a-c.~~ Provide two (2) parking spaces per substation or one (1) per employee at the site, be provided whichever is more.

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;

Commented [LC4]: Delete #5 Addition of accessory structures to principal structures devoted to legal nonconforming uses; required to be a special exception in current ordinance

- 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 [LC5]: Delete #4 Home Industries (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. 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 twenty thousand (20,000) square feet.
- 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. ~~Additionally,~~ The side yard requirement shall be at least ten (10) feet per dwelling unit up to a maximum requirement of forty (40) feet.
- g. ~~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 [LC6]: These conditions will be moved to Section 2.9 Supplemental Regulations

D. Temporary Uses and Structures Allowed by Zoning Administrator.

The following temporary uses and structures may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below.

1. Reserved.
2. Reserved.

G.E. Development Regulations.

1. **Table 1.** The standard development regulations in Table 1 below shall be met for all principal, accessory, and special exception uses and structures in the R-1 District platted on or after May 6, 1976 unless specified otherwise in this Ordinance.

For lots platted before May 6, 1976 that meet the Table 1 regulations: Development of these lots shall comply with Table 1 regulations unless specified otherwise in this Ordinance.

Table 1. R-1 District Standard Development Regulations (platted on or after May 6, 1976)

Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Allowed Principal Uses and Structures							
Dwellings and institutional uses <u>with private well and septic system except as provided elsewhere in this ordinance</u>	20,000 square feet <u>per dwelling unit or institutional use</u>	100 feet <u>per dwelling unit or institutional use</u>	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Dwellings and institutional uses served by community or municipal water supply and sewage disposal systems	12,000 square feet <u>per dwelling unit or institutional use</u>	80 feet <u>per dwelling unit or institutional use</u>	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
<u>Other Principal uses and structures</u>	<u>See Note 1.</u>		30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Allowed Accessory Uses and Structures							
<u>Accessory Dwelling Unit</u>	<u>Shall comply with the same development regulations as for the single-family residence under principal uses and structures; see also Section 2.9</u>						
<u>Other Accessory uses and structures</u>	<u>See Note 1.</u>		<u>30 feet</u>	<u>5 feet</u>	<u>10 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
Allowed Special Exception Uses and Structures							
Railroads, public maintenance, and public utility facilities	<u>See Note 1.</u>		<u>30 feet</u>	<u>35 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>2.5 stories or 35 feet</u>
<u>Mobile home park or subdivision, and multiple-family</u>	<u>See Section 2.4.D. for specific development regulations</u>						

Table 1. R-1 District Standard Development Regulations (platted on or after May 6, 1976)

Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
<u>dwelling</u>							
<u>Other Conditional uses and structures</u>	See Note 1.		30 feet	5 feet	20 feet	30 feet	2.5 stories or 35 feet

2. **Table 2.** The alternative development regulations in Table 2 below shall be met for all principal, accessory, and special exception uses and structures in the R-1 District located in subdivisions 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.

Table 2. R-1 District Alternative Development Regulations (platted before May 6, 1976)

Table 2. R-1 District Alternative Development Regulations (platted before May 6, 1976)							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Allowed Principal Uses and Structures							
Dwellings and POA uses with private well and septic system	20,000 square feet per dwelling unit or POA use	100 feet per dwelling unit or POA use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Dwellings and POA uses served by community or municipal water supply and sewage disposal systems	12,000 square feet per dwelling unit or POA use	80 feet per dwelling unit or POA use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Other seasonal dwellings	10,000 square feet	70 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Other Principal uses and structures	See Note 1.		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Allowed Accessory Uses and Structures							
Accessory Dwelling Unit	Shall comply with the same development regulations as for the single-family residence under principal uses and structures; see also Section 2.9						
Attached and/or detached private garage or carport (see Note 4)	See Note 1.		10 feet	5 feet	10 feet	10 feet	2.5 stories or 35 feet
Other Accessory uses and structures	See Note 1.		10 feet	5 feet	10 feet	10 feet	2.5 stories or 35 feet
Allowed Special Exception Uses and Structures							
Railroads, public	See Note 1.		30 feet	35 feet	25 feet	25 feet	2.5 stories

Table 2. R-1 District Alternative Development Regulations (platted before May 6, 1976)

<u>Type of Uses and Structures</u>	<u>Minimum Lot Size</u>		<u>Minimum Setback Requirements</u> (see Notes 2 and 3)				<u>Maximum Height</u>
	<u>Area</u>	<u>Width</u>	<u>Front</u>	<u>Rear</u>	<u>Side</u>	<u>Street side, corner lot</u>	
<u>maintenance, and public utility facilities</u>							<u>or 35 feet</u>
<u>Mobile home park or subdivision, and multiple-family dwelling</u>	<u>See Section 2.4.D. for specific development regulations</u>						
<u>Other Conditional uses and structures</u>	<u>See Note 1.</u>		<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>	<u>2.5 stories or 35 feet</u>

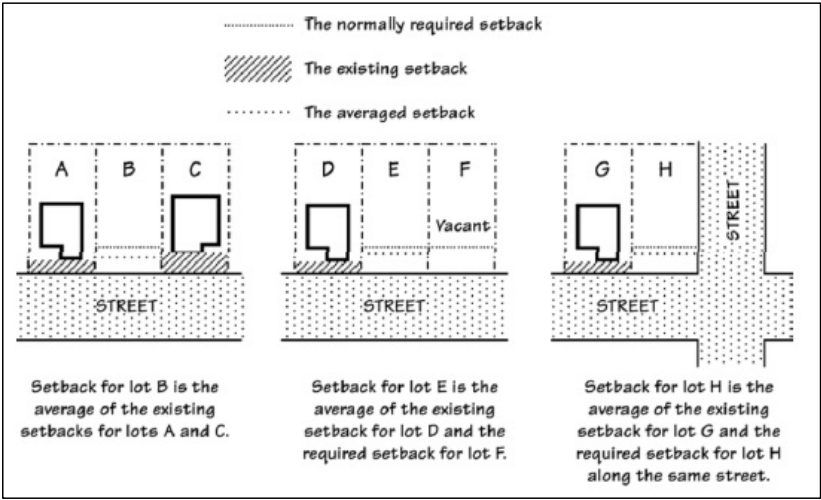
Notes for R-1 District Development Regulations:

1. Minimum lot area and width: None except as may be required by the County Health Department to provide adequate sewage disposal facilities.

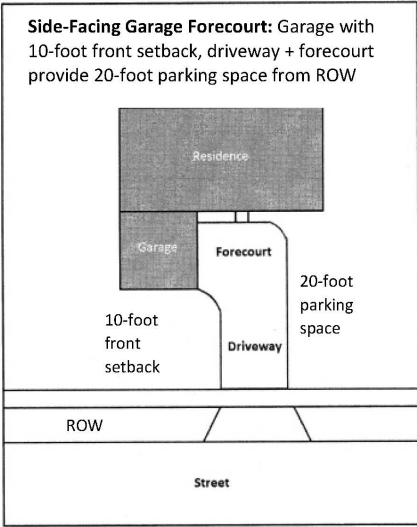
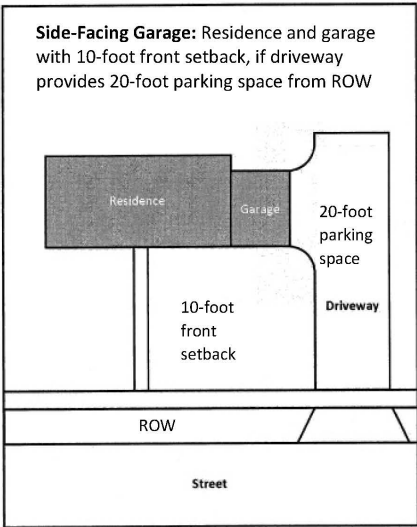
2. Average Front and Rear Setbacks: Where legally existing front or rear ~~yards-setbacks~~ on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred ~~(500') feet~~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

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

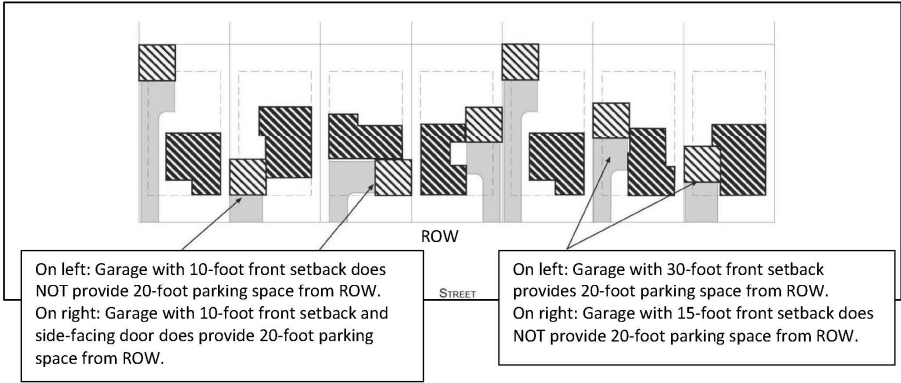
4. Front Setback for Off-Street Parking: For lots subject to Table 2 regulations, attached and/or detached private garages or carports must maintain a setback of twenty (20) feet from the door or opening of the garage facing the public right-of way. This setback is necessary to allow sufficient room for off-street parking. The sides of the garage or carport that do not face a public-right-of-way shall comply with the alternative setbacks listed in Table 2 in italicized font (see illustrations).



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



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)

MINIMUM LOT AREA AND WIDTH REQUIREMENTS	MINIMUM YARD	MAXIMUM HEIGHT
Dwellings and institutional uses except as provided elsewhere in this ordinance:	Front: 30 feet Rear: principal structure 35 feet	2 and one half stories or 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 following sign regulations shall be met for all principal, accessory, special exception uses and structures in the R-1 District unless specified otherwise in this Ordinance. (Under Review as part of section 2.9)

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.

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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 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.

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 [LC8]: Moved to Accessory Uses and Structures

1. **Sanitary Waste Disposal System Required.** Any dwelling, structure, mobile home, camper, or recreational vehicle in the Leisure Lake POA area, determined by the Leisure Lake POA Executive Board to serve as an individual's or group's primary or extended residence for more than one hundred eighty (180) days during any calendar year shall have a sanitary waste disposal system approved by the Jackson County Health Department or Iowa Department of Natural Resources (DNR).

- ~~1.2.~~ **More Than One Principal Structure on A Lot.** More than one (1) principal structure housing a permitted principal use may be erected on a single lot for subdivisions platted on or before May 6, 1976, provided that the area, yard and other requirements of this district shall be met for each structure as though it were on an individual lot.

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.

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).

Allowed Principal Uses and Structures and Required Parking. The table below lists the standard and alternative principal uses and structures allowed in the R-1 District and their required off-street parking. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts. Alternative regulations only apply to subdivisions platted before May 6, 1976.

R-1 District Principal Uses and Structures		
Standard Principal Uses and Structures	Required Parking	Additional Regulations
Single family dwelling	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Seasonal dwelling	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Public Recreation	5 spaces per acre developed for active and recreation area usage	Ch. 6 Definitions; Section 2.9
Community building	1 space per 4 seats	Ch. 6 Definitions; Section 2.9
Community recreation center	1 space for every 250 square feet of floor area	Ch. 6 Definitions; Section 2.9
Golf course and clubhouse but not including miniature course operated for a profit	3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater	Ch. 6 Definitions; Section 2.9
Elementary School	1.5 spaces per employee on maximum shift plus drop-off/pickup or bus queue area	Ch. 6 Definitions; Section 2.9
Secondary School	1.5 spaces per employee on maximum shift plus 1 space per 10 students plus drop-off/pickup or bus queue area	Ch. 6 Definitions; Section 2.9
Preschool	1 space per 400 square feet of floor area	Ch. 6 Definitions; Section 2.9
Place of Assembly	1 space per 4 seats in the main auditorium	Ch. 6 Definitions; Section 2.9
Cemetery	20 spaces off the public right-of-way on drives and parking areas	Ch. 6 Definitions; Section 2.9

R-1 District Principal Uses and Structures		
Standard Principal Uses and Structures	Required Parking	Additional Regulations
Alternative Principal Uses and Structures (platted before 5/6/1976)	Required Parking	Additional Regulations
Mobile home	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Mobile home converted to real estate	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
POA owned buildings for meetings, showers, restrooms, and recreational activities	1 space per 250 square feet of floor area	Ch. 6 Definitions; Section 2.9
POA owned parks, playgrounds, marinas, boat docking facilities, and recreation areas	5 spaces per acre developed for active and recreation area usage	Ch. 6 Definitions; Section 2.9

- B. Allowed Accessory Uses and Structures.** The table below lists the standard and alternative accessory uses and structures clearly incidental to the allowed principal uses and structures of this district, provided they comply with this Ordinance. Additional Regulations reference related sections in the Zoning Ordinance. Standard regulations apply to all R-1 districts. Alternative regulations only apply to subdivisions platted before May 6, 1976.

R-1 District Accessory Uses and Structures	
Standard Accessory Uses and Structures	Additional Regulations
Uses and structures clearly incidental to the allowed principal uses and structures of this district	Ch. 6 Definitions; Section 2.8
Accessory Dwelling Unit (ADU)	Ch. 6 Definitions; Section 2.8
Attached and/or detached private garage or carport	Ch. 6 Definitions; Section 2.8
Deck, porch, balcony, boat dock, and other similar structure	Ch. 6 Definitions; Section 2.8
Hedges and fences, not exceed 4 feet in a required front yard setback, and fences not exceed 6 feet in a required side or rear yard setback	Subject to subsection 2.8.A. of the Zoning Ordinance; Ch. 6 Definitions; Section 2.8
Private swimming pool, sports court, tennis court, and playground equipment	Ch. 6 Definitions; Section 2.8
Shed, gazebo, pergola, and other similar roofed freestanding structure	Ch. 6 Definitions; Section 2.8
Non-commercial nursery, garden and greenhouse	Ch. 6 Definitions; Section 2.8
Outdoor fixed fire pits and cooking equipment	Ch. 6 Definitions; Section 2.8
Home-based business	Ch. 6 Definitions; Section 2.8
Consumer-scale solar array: building-mounted	Ch. 6 Definitions; Section 2.8
Temporary building used in conjunction with construction work provided that such building is removed promptly upon completion of the work.	Off-street parking as determined by Zoning Administrator; Ch. 6 Definitions; Section 2.8
Alternative Accessory Uses and Structures (platted before 5/6/1976)	Additional Regulations
Accessory structure related to a principal use or structure on a separate lot	Ch. 6 Definitions; Section 2.8
Accessory structure related to a principal seasonal dwelling with no principal structure on lot	Ch. 6 Definitions; Section 2.8

- C. Allowed Conditional Uses and Structures.** Below is the table of the allowed conditional uses and structures in the R-1 District as defined in Chapter 6 of this Ordinance. These uses and structures shall comply with R-1 district development regulations in Section 2.2.E of this Ordinance unless specified otherwise in their specific conditions for approval in Section 2.9 and as listed below. Subject to Section 4.5 of this Ordinance and the other requirements contained herein, the Board of Adjustment may permit the following:

R-1 District Conditional Uses and Structures		
Conditional Uses and Structures	Required Parking	Additional Regulations
Railroads, public maintenance, and public utility facilities	2 spaces per substation or 1 space per employee at the site, whichever is more.	Ch. 6 Definitions; Section 2.9
Mobile home parks on tracts of five (5) acres or more	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9
Mobile home subdivisions on tracts of ten (10) acres or more	2 spaces per lot	Ch. 6 Definitions; Section 2.9
Addition of accessory structures to principal structures devoted to legal nonconforming uses	As per Zoning Administrator	Ch. 6 Definitions; Section 2.9
Multiple-family dwellings, including residential condominiums	2 spaces per dwelling unit	Ch. 6 Definitions; Section 2.9

D. Temporary Uses and Structures Allowed by Zoning Administrator.

The following temporary uses and structures may be allowed by the Zoning Administrator, provided they comply with this Ordinance and the specific provisions listed below.

1. *Reserved.*
2. *Reserved.*

E. Development Regulations.

1. **Table 1.** The standard development regulations in Table 1 below shall be met for all principal, accessory, and special exception uses and structures in the R-1 District platted on or after May 6, 1976 unless specified otherwise in this Ordinance. For lots platted before May 6, 1976 that meet the Table 1 regulations: Development of these lots shall comply with Table 1 regulations unless specified otherwise in this Ordinance.

Table 1. R-1 District Standard Development Regulations (platted on or after May 6, 1976)							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Allowed Principal Uses and Structures							
Dwellings and institutional uses with private well and septic system	20,000 square feet per dwelling unit or institutional use	100 feet per dwelling unit or institutional use	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Dwellings and institutional uses served by	12,000 square feet per dwelling	80 feet per dwelling unit or	30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet

Table 1. R-1 District Standard Development Regulations (platted on or after May 6, 1976)							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
community or municipal water supply and sewage disposal systems	unit or institutional use	institutional use					
Other Principal uses and structures	See Note 1.		30 feet	35 feet	10 feet	25 feet	2.5 stories or 35 feet
Allowed Accessory Uses and Structures							
Accessory Dwelling Unit	Shall comply with the same development regulations as for the single-family residence under principal uses and structures; see also Section 2.9						
Other Accessory uses and structures	See Note 1.		30 feet	5 feet	10 feet	25 feet	2.5 stories or 35 feet
Allowed Special Exception Uses and Structures							
Railroads, public maintenance, and public utility facilities	See Note 1.		30 feet	35 feet	25 feet	25 feet	2.5 stories or 35 feet
Mobile home park or subdivision, and multiple-family dwelling	See Section 2.4.D. for specific development regulations						
Other Conditional uses and structures	See Note 1.		30 feet	5 feet	20 feet	30 feet	2.5 stories or 35 feet

2. **Table 2.** The alternative development regulations in Table 2 below shall be met for all principal, accessory, and special exception uses and structures in the R-1 District located in subdivisions 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.

Table 2. R-1 District Alternative Development Regulations (platted before May 6, 1976)							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
Allowed Principal Uses and Structures							
Dwellings and POA uses with private well and septic system	20,000 square feet per dwelling unit or POA use	100 feet per dwelling unit or POA use	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Dwellings and POA uses served	12,000 square feet	80 feet per dwelling	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet

Table 2. R-1 District Alternative Development Regulations (platted before May 6, 1976)							
Type of Uses and Structures	Minimum Lot Size		Minimum Setback Requirements (see Notes 2 and 3)				Maximum Height
	Area	Width	Front	Rear	Side	Street side, corner lot	
by community or municipal water supply and sewage disposal systems	per dwelling unit or POA use	unit or POA use					
Other seasonal dwellings	10,000 square feet	70 feet	10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Other Principal uses and structures	See Note 1.		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet
Allowed Accessory Uses and Structures							
Accessory Dwelling Unit	Shall comply with the same development regulations as for the single-family residence under principal uses and structures; see also Section 2.9						
Attached and/or detached private garage or carport (see Note 4)	See Note 1.		10 feet	5 feet	10 feet	10 feet	2.5 stories or 35 feet
Other Accessory uses and structures	See Note 1.		10 feet	5 feet	10 feet	10 feet	2.5 stories or 35 feet
Allowed Special Exception Uses and Structures							
Railroads, public maintenance, and public utility facilities	See Note 1.		30 feet	35 feet	25 feet	25 feet	2.5 stories or 35 feet
Mobile home park or subdivision, and multiple-family dwelling	See Section 2.4.D. for specific development regulations						
Other Conditional uses and structures	See Note 1.		10 feet	10 feet	10 feet	10 feet	2.5 stories or 35 feet

Notes for R-1 District Development Regulations:

1. Minimum lot area and width: None except as may be required by the County Health Department to provide adequate sewage disposal facilities.

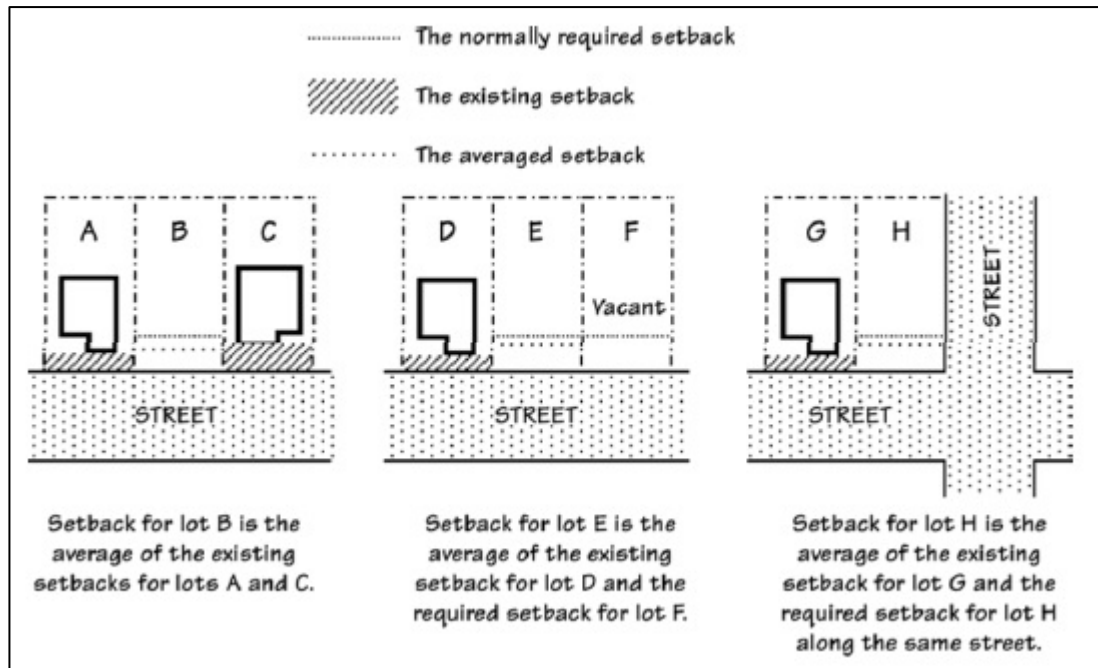
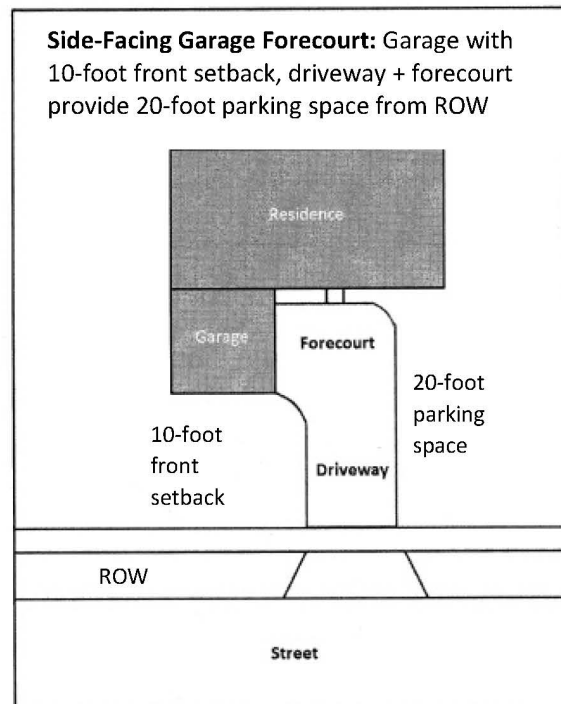
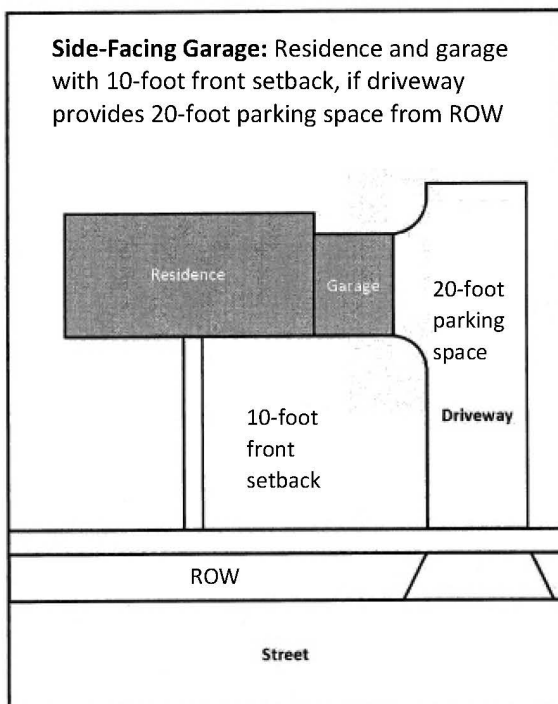
2. Average Front and Rear Setbacks: Where legally existing front or rear setbacks on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within five hundred (500) feet on parcels of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

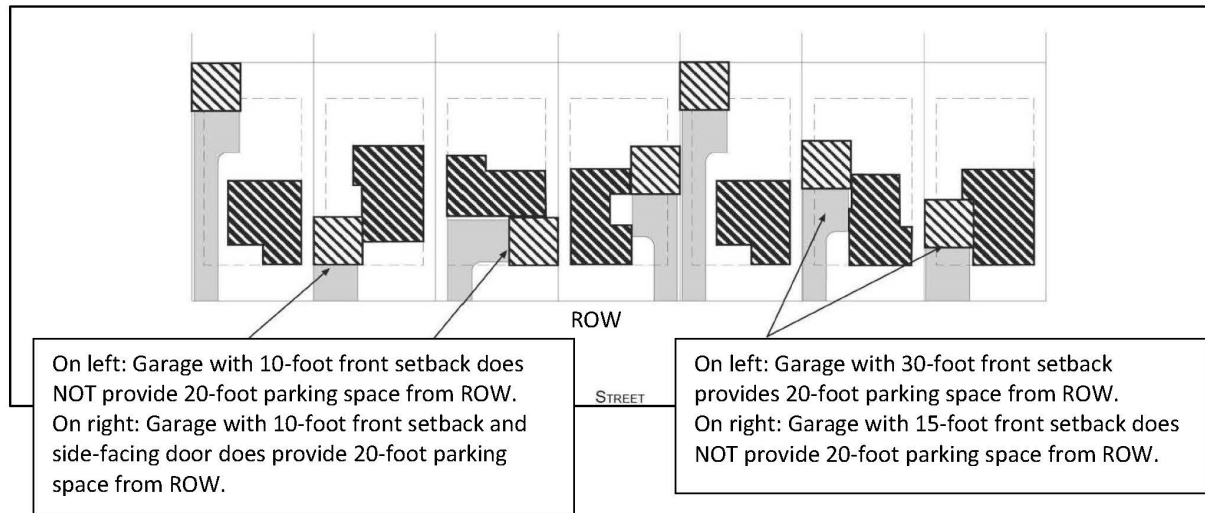
3. Special Side Setback: For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be five (5) feet.

4. Front Setback for Off-Street Parking: For lots subject to Table 2 regulations, attached and/or detached

Notes for R-1 District Development Regulations:

private garages or carports must maintain a setback of twenty (20) feet from the door or opening of the garage facing the public 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-right-of-way shall comply with the alternative setbacks listed in Table 2 in italicized font (see illustrations).

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

G. Allowed Signs. The following sign regulations shall be met for all principal, accessory, special exception uses and structures in the R-1 District unless specified otherwise in this Ordinance. (Under Review as part of section 2.9)

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 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.
9. 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.



June 11, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – **Revised Draft of Section 2.8 Supplemental Regulations (06-11-25)**

Dear Lori,

Attached is the revised draft of Section 2.8 Supplemental Regulations (06-10-25) for the Zoning Ordinance Update for review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

Section 2.8 Supplemental Regulations has been updated with revisions and placeholders for new subsections. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure. Major updates proposed are as follows:

- Visibility at intersections has been revised per discussion at the Commission's March meeting.
- New language is proposed regarding more than one principal structure on a "residential lot."
- A new subsection for Accessory Dwelling Units has been updated based on new Iowa Code (attached) and compliance with development regulations for single-family residences in A-1 and R-1 Districts.
- A proposed subsection for Solar Energy Systems has been added.
- References for Wind Energy Conversion System and Data Processing Centers Ordinances have been added.
- References are highlighted for relevant sections of the Iowa Code, Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

Recommendation

The Commission is asked to review and approve by consensus the revised draft of Section 2.8 Supplemental Regulations (06-11-25), and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Carstens".

Laura Carstens, Senior Planner

Attachments

AN ACT RELATING TO COUNTY AND CITY REGULATION OF ACCESSORY DWELLING UNITS.

COUNTIES

Section 1. Section 331.301, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 27. *a.* A county shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

(1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.

(2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.

(3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a county in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.

(4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1, subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

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) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a county shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsection 18 of this section and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) The requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the county can require new or separate utility lines.

(6) Imposition of a different county impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A county shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph “*a*” and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a county’s normal review schedule for a single family

residence. If the county denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A county ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a county from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

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.

CITIES

Sec. 2. Section 364.3, Code 2025, is amended by adding the following new subsection:

NEW SUBSECTION. 20. *a.* A city shall allow a minimum of one accessory dwelling unit on the same lot as a single family residence in accordance with the following conditions:

(1) An accessory dwelling unit shall comply with all applicable building regulations as defined in chapter 103A.

(2) An accessory dwelling unit shall not exceed one thousand square feet or fifty percent of the size of the single family residence, whichever is larger.

(3) An accessory dwelling unit shall be prohibited or limited only to the extent that a state historic building code restriction, as adopted by a city in accordance with section 103A.43, subsection 3, a deed restriction, or a rule of a common interest community, as defined in section 499C.1, limits or prohibits the construction or use of an accessory dwelling unit. The imposition of an ordinance, motion, resolution, or amendment regulating accessory dwelling units that is more restrictive when applied to a common interest community than when applied to a single family residence is prohibited.

(4) If a manufactured home as defined in section 435.1, subsection 3, or a mobile home as defined in section 435.1, subsection 5, is used as an accessory dwelling unit, the manufactured home or mobile home shall be converted to real property by being placed on a permanent foundation and assessed for real estate taxes pursuant to section 435.26.

b. Except as otherwise provided in paragraph “*a*” or by state law, a city shall not impose any of the following limitations or restrictions:

(1) Requirements related to the placement or appearance of an accessory dwelling unit that are more restrictive than those imposed on a single family residence including but not limited to the following: maximum building heights; minimum setback requirements; minimum lot sizes; minimum building frontages; maximum lot coverages; density requirements; and aesthetic or architectural standards or requirements. Additionally, a city shall not require an accessory dwelling unit to match the exterior design, roof pitch, or finishing materials of the single family residence.

(2) Regulations on the use of an accessory dwelling unit as a rental property that are more restrictive than those provided for in subsections 9 and 16 of this section, section 414.1, subsection 1, paragraph “*e*”, and chapter 562A.

(3) A requirement that the lot containing a single family residence and an accessory dwelling unit have additional parking beyond that required for a single-family residence or payment of a fee in lieu of providing additional parking.

(4) Restrictions on the occupancy of either the single family residence or the accessory dwelling unit by any of the following manners: requiring the property owner to be a resident; requiring a familial, marital, or employment relationship to exist between the occupants of the single family residence and the occupants of the accessory dwelling unit; or restricting the occupancy of an accessory dwelling unit based on income or age.

(5) A requirement of new or separate utility lines between the accessory dwelling unit and public utility service connections. However, if full utility access that includes a separate metering system for billing purposes cannot be provided to the accessory dwelling unit, then the city can require new or separate utility lines.

(6) Imposition of a different city impact fee structure or development standard for an accessory dwelling unit than those used for the single family residence on the same lot.

(7) The requirement of improvements or repairs to public streets or sidewalks beyond those imposed on the single family residence on the same lot.

c. A city shall approve an accessory dwelling unit permit application that meets the requirements set forth in paragraph "a" and by state law without discretionary review or hearing and consistent with the time frame assigned to the approval of a single family residence. An accessory dwelling unit permit application shall not have a review timeline or schedule in excess of a city's normal review schedule for a single family residence. If the city denies an accessory dwelling unit permit, the reason for denial shall be provided in writing to the applicant and include any remedy necessary to secure approval.

d. A city ordinance, motion, resolution, or amendment regulating accessory dwelling units in a manner that conflicts with this subsection is void. Nothing in this subsection prohibits a city from adopting an ordinance, motion, resolution, or amendment that is more permissive than the requirements provided in this subsection.

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 an 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.

____s/____

AMY SINCLAIR

President of the Senate

____s/____

PAT GRASSLEY

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 592, Ninety-first General Assembly.

____s/____

W. CHARLES SMITHSON

Secretary of the Senate

Approved ____ May 1st ____, 2025

____s/____

KIM REYNOLDS

Governor

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 Intersection. On a corner lot in any district, no fence, wall, hedge or other planting or structure that will obstruct vision ~~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 according to 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.~~

A.B. Accessory Buildings. No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also Chapter 2. Zoning District Regulations.

B.C. More Than One Principal Structure on a Lot. In any district, more than one (1) principal structure housing ~~a permitted~~ an allowed principal use may be erected on a single lot provided that the area, yard setback and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. For purposes of this Section, more than one (1) principal structure housing a single-family residence may not be built on a "residential lot". "Residential lot" is a platted lot designated for building a single-family residence that complies with the development regulations of and is located in the A-1 Agricultural District or R-1 Residential District. However, an Accessory Dwelling Unit may be built on a "residential lot" in accordance with Section 2.8.L. Accessory Dwelling Unit.

C.D. Height Regulation Exceptions. The height limitations contained in ~~the Schedules of~~ Chapter 2. Zoning 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 or other structures placed above the roof level and not intended for human occupancy.

D.E. Use of Obstruction in Public Road 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 per 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, 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 Text Changes and Amendments of this Ordinance before a permit is issued for such proposed use or structure.

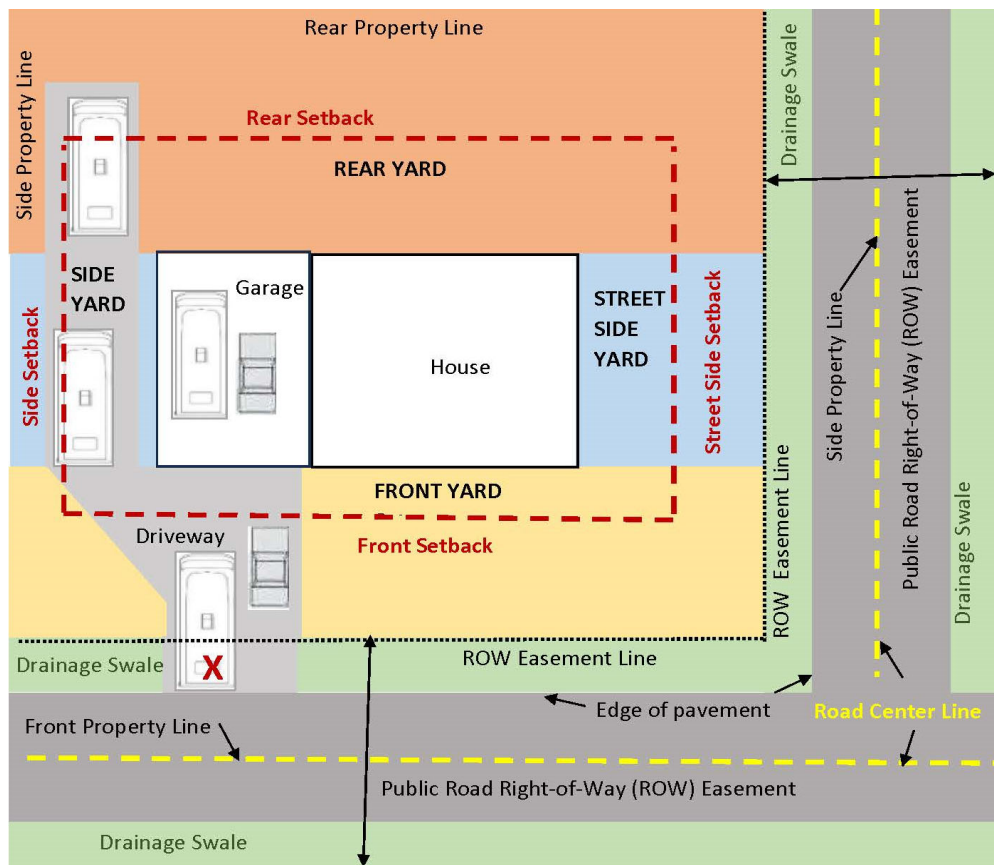
G. Buildings to have Access. Unless alternate access is specifically approved by official action of the Board of Supervisors, every building hereafter erected shall be on a lot or parcel having access to the public road system as follows:

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.
4. 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. Off-Street Parking. The following provisions, regulations, or exceptions shall apply equally to off-street parking in all zoning districts as hereinafter provided.

1. Parking in Required Setbacks Allowed.

- a. Residential District. ~~No~~ Any parking space required by this Ordinance ~~shall~~ may be provided in any required front, side, or rear ~~yard setback~~ in a residential district, but not in the public right-of-way as per Subsection 2.8.E. (see Illustration) ~~and no~~
- b. Non-residential District. Any required parking space, driveway nor any merchandise, display or exterior storage shall 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.



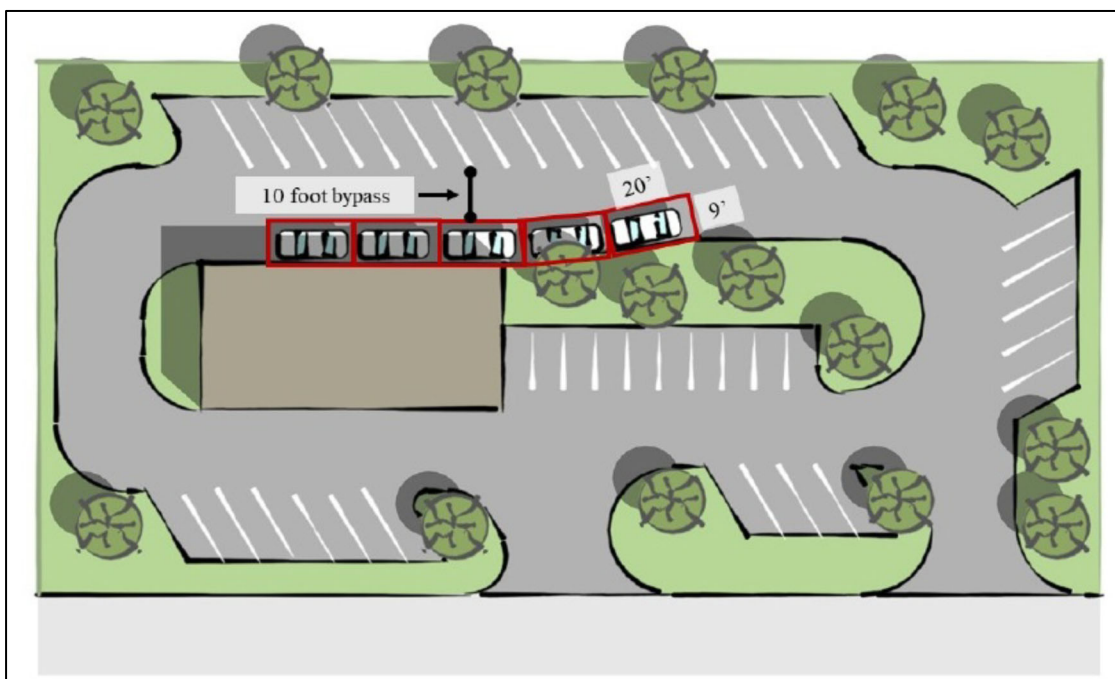
Allowable Setback parking in Residential Districts (Source: ECIA)

2. Minimum Off-Street Parking Requirements. The off-street parking spaces detailed in this Ordinance shall be the minimum provided for principal and accessory uses and structures in all zoning districts. In the case of a fraction, the parking space requirement shall be calculated by rounding up to the next whole number. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the off-street parking provisions for a use which is so mentioned and to which said use is similar, shall apply as determined by the Zoning Administrator.

3. Off-Street Stacking Regulations.

- a. 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, as provided in the table below. 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 below).
- b. Off-Street Stacking Requirements. Off-street stacking requirements by land use and type of operation are summarized in the table below.

<u>Off-Street Stacking Requirements</u>	
<u>General Land Use/Type of Operation</u>	<u>Minimum Stacking Space</u>
<u>Retail, Service, Healthcare, Office, ATM</u>	<u>2 vehicles per service window or kiosk</u>
<u>Car Wash, Gas Station with Car Wash</u>	<u>2 vehicles per wash bay</u>
<u>Restaurant with Drive-Through</u>	<u>2 vehicles behind the menu board</u>



Stacking Requirements for Drive-Thru Services (Source: City of Dyersville, IA)

F.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.

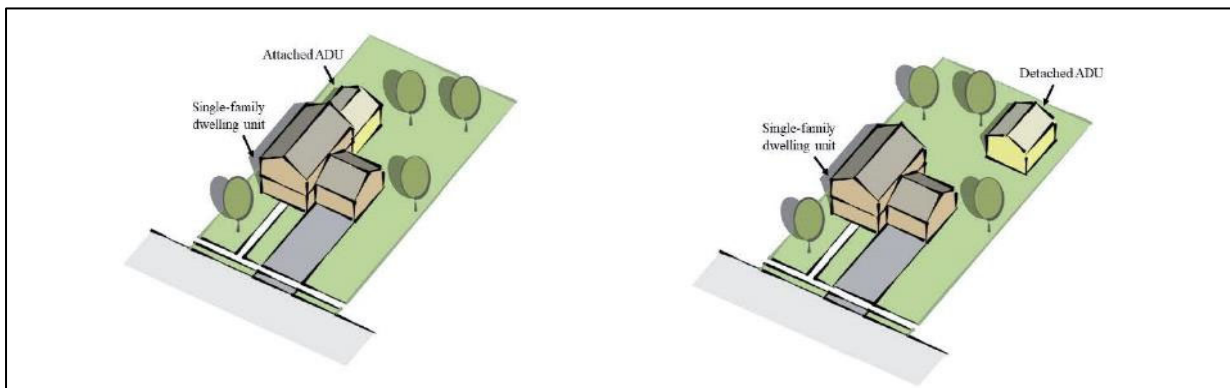
G.J. Flag Lots. Flag lots as defined shall be permitted in any district. That portion of the lot primarily suitable for access (the flagpole portion) shall have a minimum width of sixty (60) feet or, for lots in the A-1 Agricultural and R-1 Residential Zoning Districts having an area of less than double 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.

K. Compliance With Other County Development Requirements. Applications for a Construction Compliance Certificate and/or Occupancy Compliance Certificates shall not be considered complete until the Zoning Administrator has ascertained that the proposed development proposed-is-in

~~compliance complies~~ with all provisions of the Jackson County Code of Ordinances and other County development requirements, including: as noted below.

1. ~~Provisions of Jackson County Ordinances~~ Title VI Property and Land Use, Chapter 2. relating to Flood Plain Management and Chapter 3. Airport Tall Structures Ordinance near airports have ~~been fully met.~~
2. The land parcel cited in the application was created in compliance with ~~the~~ Title VI Property and Land Use, Chapter 1. ~~Jackson County Subdivision Ordinance Regulations.~~
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 in accordance with Title V Public Order, Safety, and Health.
4. Proper application has been made for a rural address, where appropriate, in accordance with Title IV Streets, Roads and Public Ways, Chapter 4. Rural Address System.

L. Accessory Dwelling Unit. The siting, design, and construction of an accessory dwelling unit on the same lot as a single-family residence that is either attached, detached, or internal shall be regulated in accordance with Iowa Code Section 331.301, Subsection 27; Chapter 6. Definitions of this Ordinance, and the following County regulations (see illustration).



Attached and Detached ADUs (Source: City of Dyersville, IA accessed 2023)

1. **Definitions.** For purposes of this subsection, the definitions set forth in Iowa Code Section 331.301, Subsection 27.e. and in Chapter 6. Definitions for “Internal ADU” 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).
3. **Maximum Size.** An ADU shall be no larger than the single-family residence on the same lot or one-thousand (1,000) square feet, whichever size is smaller in accordance with Iowa Code Section 331.301, Subsection 27. a.(2).
4. **Development Regulations.** An ADU shall comply with the development regulations in related to the placement or appearance of a single-family residence in the A-1 Agricultural and R-1 Residential Districts and in accordance with Iowa Code Section 331.301, Subsection 27. b.

5. Residential Restriction. An ADU shall be restricted to a residential lot. For purposes of this Section, a “residential lot” is a platted lot designated for building a single-family residence that complies with the development regulations of and is located in the A-1 Agricultural District or R-1 Residential District. See also [Section 2.8.C](#).

6. 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. Administration and Enforcement](#).

7. 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. 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. Administration and Enforcement](#).

M. 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:

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.

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](#).

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](#)).

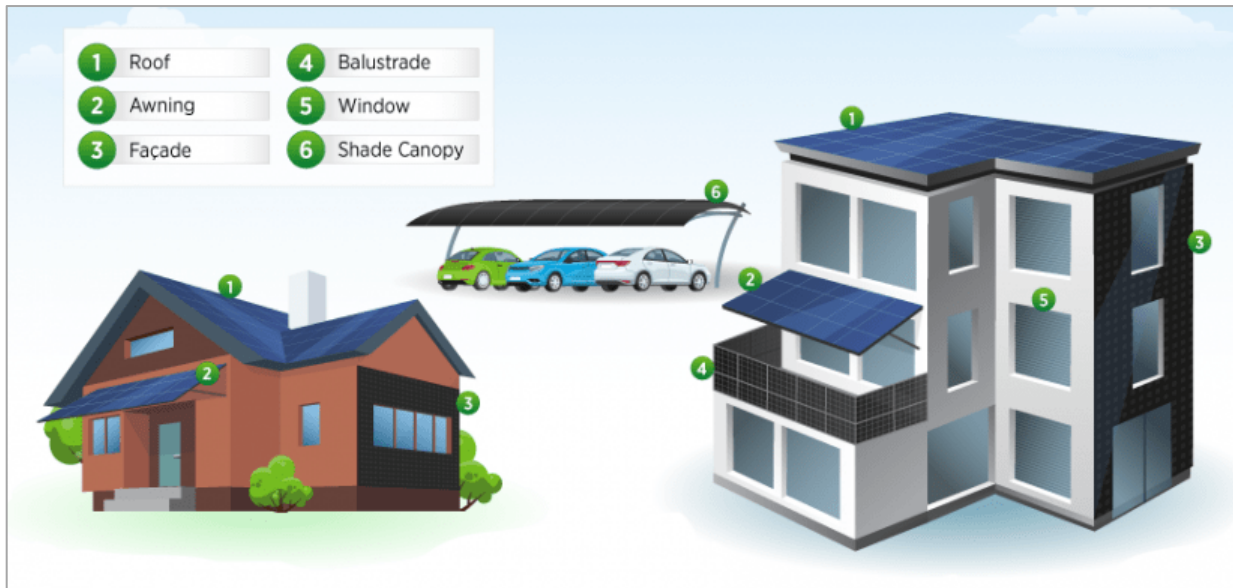
Solar array, freestanding -- A solar energy system mounted on the ground; typical uses are freestanding solar panels (see [illustration](#)).

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.



Freestanding solar array at Hurstville Interpretive Center. Photo Credit: Jackson County Energy District

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.



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

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.

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.

N. 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.

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

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.8 Supplemental District Regulations. Subject to Section 1.20, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

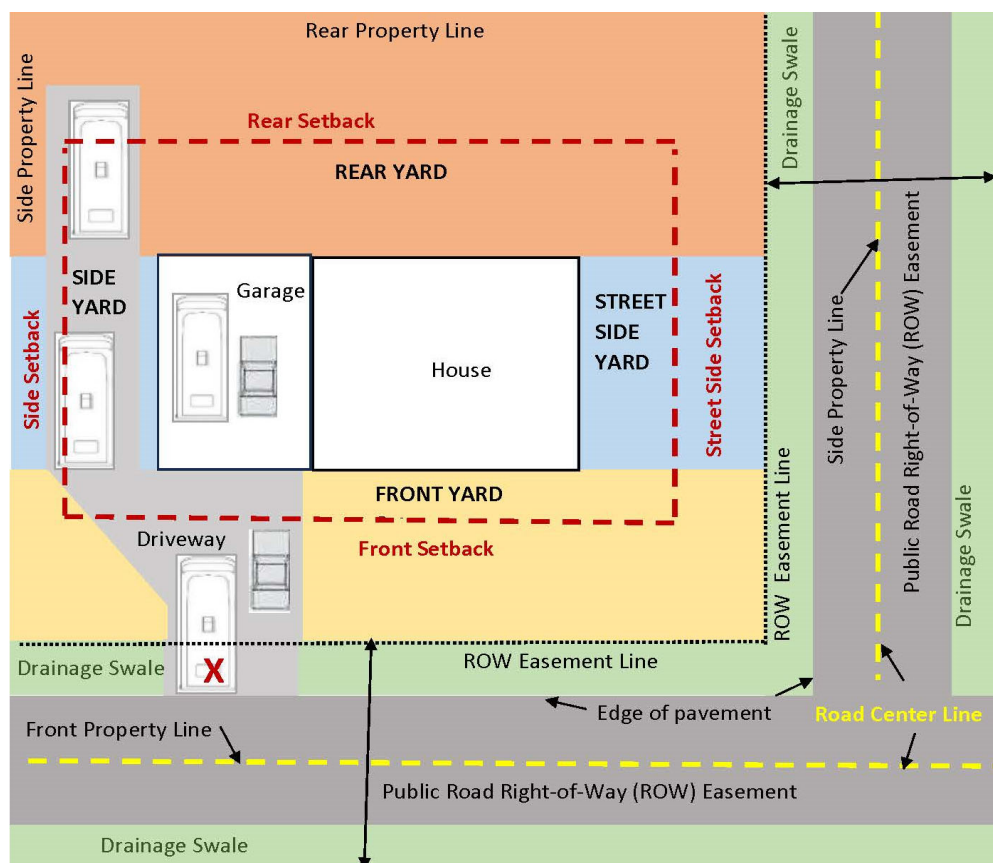
- A. Visibility at Intersection.** On a corner lot in any district, no fence, wall, hedge or other planting or structure that will obstruct vision shall be erected, placed or maintained within the sight triangle as determined by the County Engineer according to the Jackson County Secondary Roads Department Entrance Policy.
- B. Accessory Buildings.** No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also Chapter 2. Zoning District Regulations.
- C. More Than One Principal Structure on a Lot.** In any district, more than one (1) principal structure housing an allowed principal use may be erected on a single lot provided that the area, setback and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. For purposes of this Section, more than one (1) principal structure housing a single-family residence may not be built on a “residential lot”. “Residential lot” is a platted lot designated for building a single-family residence that complies with the development regulations of and is located in the A-1 Agricultural District or R-1 Residential District. However, an Accessory Dwelling Unit may be built on a “residential lot” in accordance with Section 2.8.L. Accessory Dwelling Unit.
- D. Height Regulation Exceptions.** The height limitations contained in Chapter 2. Zoning 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 or other structures placed above the roof level and not intended for human occupancy.
- E. Obstruction in Public Road 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 per Iowa Code Chapter 318.
- F. Proposed Use or Structure Not Covered in Ordinance.** Any proposed use or structure not covered in this Ordinance as a principal, accessory, special exception, 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 5.4 Text Changes and Amendments of this Ordinance before a permit is issued for such proposed use or structure.
- 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 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.
4. 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. Off-Street Parking. The following provisions, regulations, or exceptions shall apply equally to off-street parking in all zoning districts as hereinafter provided.

1. Parking in Required Setbacks Allowed.

- a. Residential District. Any parking space required by this Ordinance may be provided in any required front, side, or rear setback in a residential district, but not in the public right-of-way as per **Subsection 2.8.E.** (see Illustration)



Allowable Setback parking in Residential Districts (Source: ECIA)

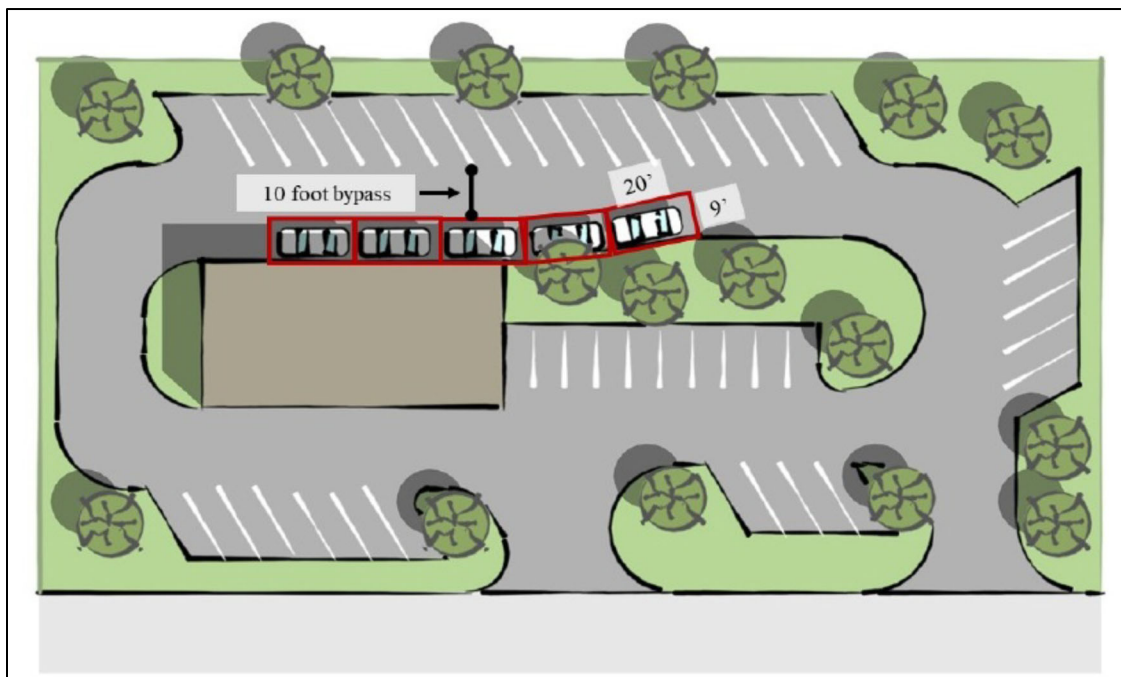
- b. Non-residential District. Any required parking space, driveway nor any merchandise, display or exterior storage shall be provided in any required front setback or in the first five (5) feet

inside the property line of any required side or rear setback in a non-residential industrial district, but not in the public right-of-way as per Subsection 2.8.E.

2. Minimum Off-Street Parking Requirements. The off-street parking spaces detailed in this Ordinance shall be the minimum provided for principal and accessory uses and structures in all zoning districts. In the case of a fraction, the parking space requirement shall be calculated by rounding up to the next whole number. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the off-street parking provisions for a use which is so mentioned and to which said use is similar, shall apply as determined by the Zoning Administrator.

3. Off-Street Stacking Regulations.

- a. 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, as provided in the table below. 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 below).



Stacking Requirements for Drive-Thru Services (Source: City of Dyersville, IA)

- b. Off-Street Stacking Requirements. Off-street stacking requirements by land use and type of operation are summarized in the table below.

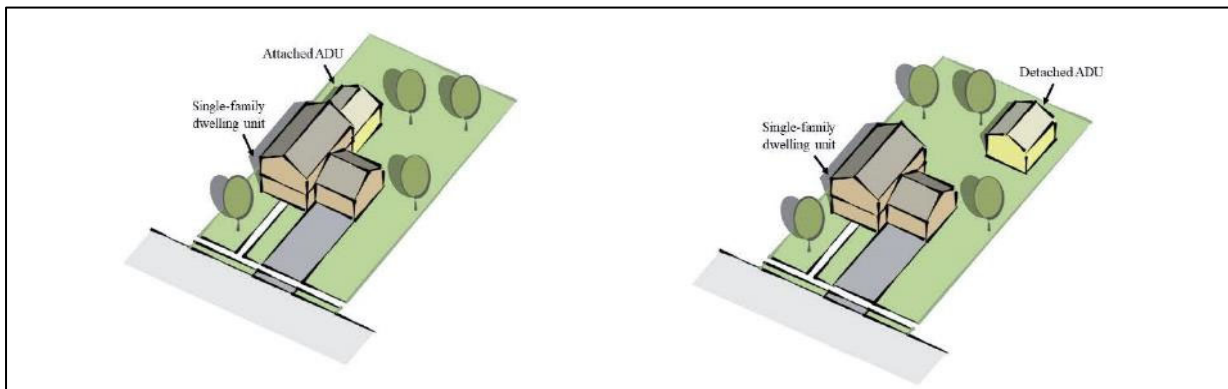
Off-Street Stacking Requirements	
General Land Use/Type of Operation	Minimum Stacking Space
Retail, Service, Healthcare, Office, ATM	2 vehicles per service window or kiosk
Car Wash, Gas Station with Car Wash	2 vehicles per wash bay
Restaurant with Drive-Through	2 vehicles behind the menu board

- 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 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.

- K. **Compliance With Other County Development Requirements.** Applications for a Construction Compliance Certificate and/or Occupancy Compliance Certificate shall not be considered complete until the Zoning Administrator has ascertained that the proposed development complies with all provisions of the Jackson County Code of Ordinances and other County development requirements, including:
 - 1. Title VI Property and Land Use, Chapter 2. Flood Plain Management and Chapter 3. Airport Tall Structures Ordinance .
 - 2. The land parcel cited in the application was created in compliance with Title VI Property and Land Use, Chapter 1. Subdivision Regulations.
 - 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 in accordance with Title V Public Order, Safety, and Health.
 - 4. Proper application has been made for a rural address, where appropriate, in accordance with Title IV Streets, Roads and Public Ways, Chapter 4. Rural Address System.

- L. **Accessory Dwelling Unit.** The siting, design, and construction of an accessory dwelling unit on the same lot as a single-family residence that is either attached, detached, or internal shall be regulated in accordance with Iowa Code Section 331.301, Subsection 27; Chapter 6. Definitions of this Ordinance, and the following County regulations (*see illustration*).



Attached and Detached ADUs (Source: City of Dyersville, IA accessed 2023)

1. **Definitions.** For purposes of this subsection, the definitions set forth in Iowa Code Section 331.301, Subsection 27.e. and in Chapter 6. Definitions for “Internal ADU” 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).
 3. **Maximum Size.** An ADU shall be no larger than the single-family residence on the same lot or one-thousand (1,000) square feet, whichever size is smaller in accordance with Iowa Code Section 331.301, Subsection 27. a.(2).
 4. **Development Regulations.** An ADU shall comply with the development regulations in related to the placement or appearance of a single-family residence in the A-1 Agricultural and R-1 Residential Districts and in accordance with Iowa Code Section 331.301, Subsection 27. b.
 5. **Residential Restriction.** An ADU shall be restricted to a residential lot. For purposes of this Section, a “residential lot” is a platted lot designated for building a single-family residence that complies with the development regulations of and is located in the A-1 Agricultural District or R-1 Residential District. See also Section 2.8.C.
 6. **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. Administration and Enforcement.
 7. **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. 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. Administration and Enforcement.
- M. 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:

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.

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.

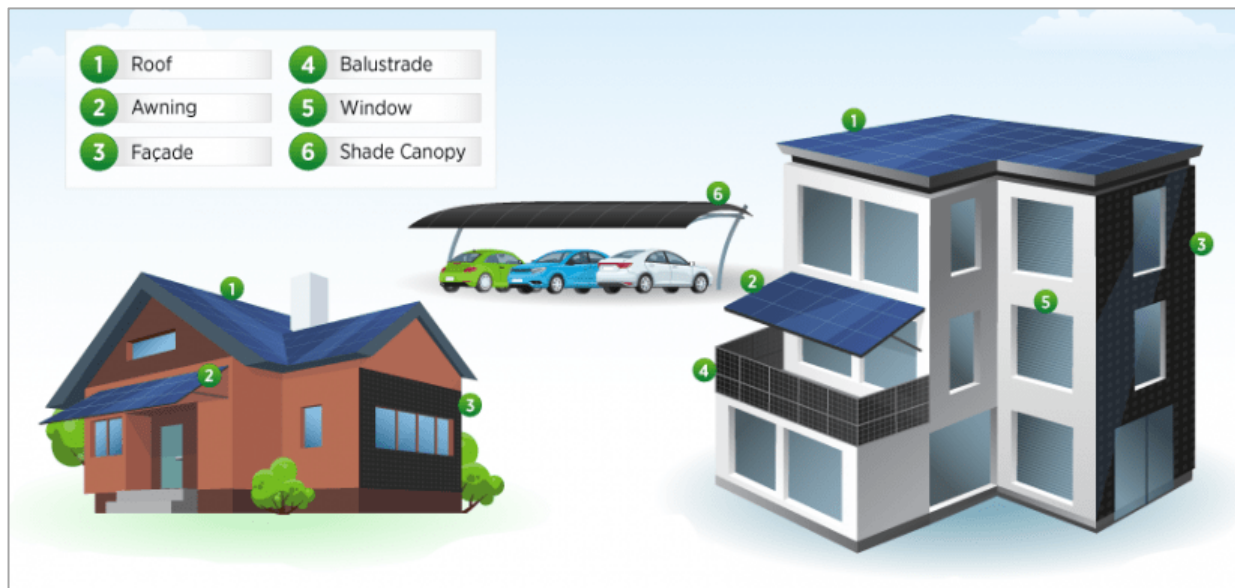
Solar array, building-mounted – A solar energy system mounted on a building or structure; typical uses are attached solar panels and solar energy devices integrated as part of the principal or accessory structure (see illustration).

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

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.



Freestanding solar array at Hurstville Interpretive Center. Photo Credit: Jackson County Energy District



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

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.

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.

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*.

- N. 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.

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



June 12, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update –

- **Draft of Ch. 6 Definitions – Sign Definitions (06-12-25)**
- **Draft of Section 2.9 Application of District Regulations - Signs (06-12-25)**

Dear Lori,

Attached is the Draft of Ch. 6 Definitions – Sign Definitions (06-10-25) and Draft of Section 2.9 Application of District Regulations - Signs (06-10-25) review and consensus approval by the Zoning Commission at their June 16, 2025 meeting.

Discussion

Chapter 6 Definitions has been updated with revised and new definitions that support the new regulations in Section 2.9, where current and new sign regulations have been added. The attached REDLINE versions outline the proposed changes, and the CLEAN versions shows the resulting restructure. Major updates proposed are:

- Adding new definitions for signs in Chapter 6.
- Establishing sign regulations and a sign permit in Section 2.9.
- Grouping sign regulations for all zoning districts in Section 2.9.
- Referring to Iowa Code and Iowa DOT requirements related to billboards and LED displays.
- Increasing the sign area from 100 to 200 square feet for free-standing signs in the commercial and industrial districts to reflect existing signs, and combining their regulations.

Recommendation

The Commission is asked to review and approve by consensus the Draft of Ch. 6 Definitions – Sign Definitions (06-12-25) and the Draft of Section 2.9 Application of District Regulations - Signs (06-12-25), and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens, Senior Planner

Attachments

CHAPTER 6. DEFINITIONS

54.—Signs. Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication designed to inform or attract the attention of persons the public and visible to the public right-of-way or other properties. ~~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: The list below was moved to Section 2.9~~

~~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.~~

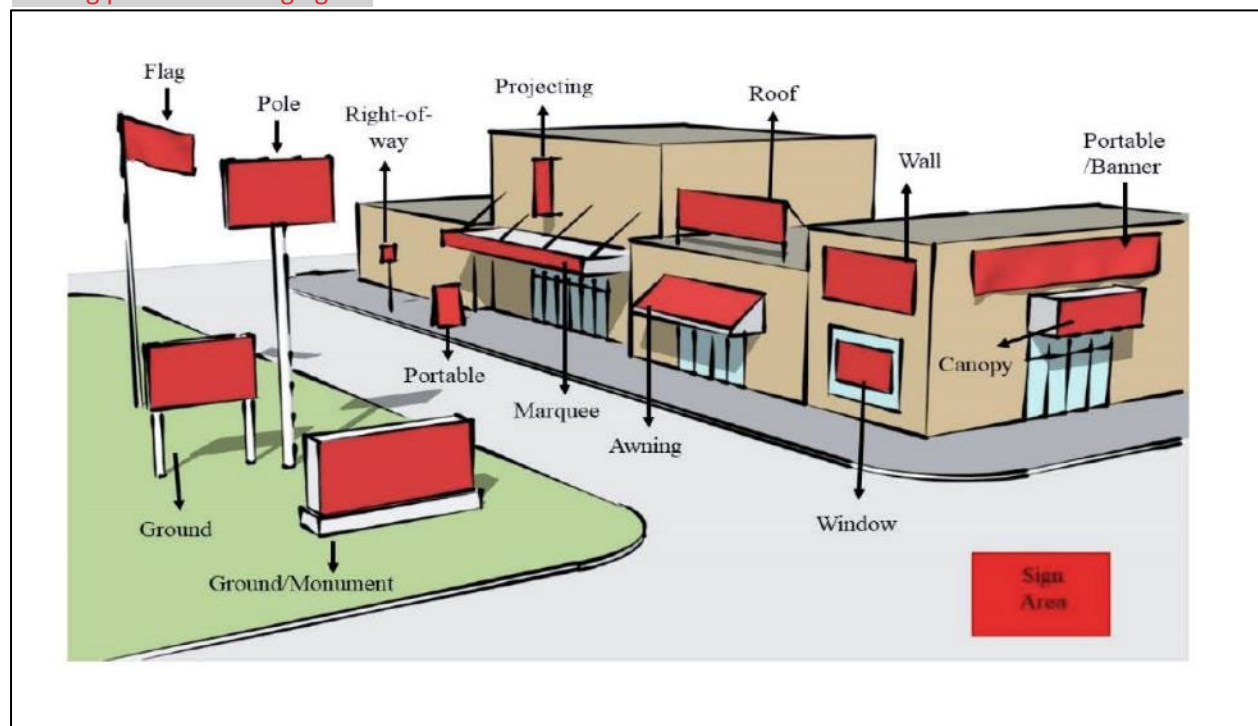
~~b. Flags and insignia of any government except when displayed in connection with commercial promotion.~~

~~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.~~



Sign Type and Area Illustrative Examples (Source: City of Dyersville Zoning Ordinance accessed 2023)

Sign, Abandoned. A sign, including the sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six (6) months.

Sign Area. The area of the surface of a sign, bounded by the top, bottom and sides.

6. — Sign, Billboard and Advertising. An off-site advertising sign or device for a business, commodity or service ~~located or offered elsewhere than upon the premises where such sign or billboard is located~~ as defined and regulated in **Iowa Code Chapter 306C Subchapter II Billboard Control** and **Iowa Administrative Code 761 IAC 117**.

Sign, Bulletin Board. Any sign erected by a charitable, educational, or religious institution or public body which is erected upon the same property as said institution for purposes of announcing events which are held on the premises.

Sign, Canopy – A sign that is attached or made an integral part of a canopy.

15. — Signs, Directional-Signs. A sign that includes information in directing and guiding pedestrian and vehicular traffic, such as enter, exit, parking. Etc. on public or private property. ~~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.~~

Sign, Double-Faced. A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. Also known as a back-to-back sign.

Sign, Electronic Message. A sign which uses an array of electronic illuminated lights, generally controlled by a computer or other electronic programming device to display information or supporting graphics.

Sign, Free-standing. A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building. Examples include: pole signs, ground signs, and monument signs.



Identification Pole Sign with Electronic Message Sign



Ground or Monument Identification Sign

Sign, Fuel Island – A sign affixed to or mounted on a fuel island.

Sign, Government. A sign, posting, notice, or similar elements placed, installed, or required by law by a city, county, state, or federal governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, or for civic or recreational purposes.

Sign, Identification. A sign identifying a specific business, service, activity, or profession, including but not limited to logo, trademark, name, address, and contact information, located on the premises.

Sign, Illuminated. A sign with an artificial light source incorporated internally or externally (directly or indirectly) for the purpose of illuminating the sign.

Sign, Moving. A sign that conveys its message through rotating, changing, or animated elements by mechanical means or by action of wind currents.

Sign, Nameplate. A sign indicating the name, address, and the practice of a permitted occupation.

Sign, Nonconforming. A sign that was legally erected prior to the adoption of this Zoning Ordinance but which now violates the regulations of this Zoning Ordinance.

Sign, Off-Site. A sign identifying or advertising a business, profession, activity, service, or product that is not located, sold, or produced on the same site or premises as the sign.



Canopy Sign and Fuel Island Signs

Photo Credits: Model Sign Ordinance, Montgomery County Planning Commission, 2014

Sign, On-Site. A sign identifying or advertising a business, profession, activity, service, or product that is located, sold, or produced on the same site or premises as the sign.

Sign, Political Campaign. Any yard sign that is designed to influence the passage or defeat of any measure on the ballot or designed to influence the voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state or local general or special election, as regulated by **Iowa Code 68A.406 Campaign signs — yard signs.**

Sign, Projecting. A sign other than a wall sign that is attached to and projects from a building face.

Sign, Temporary. A sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated, are made of materials of relatively low durability, or are intended to be removed or replaced within a period of six (6) months or less.

Sign, Tourist Oriented Directional (TODS). Blue directional government signs erected by the Iowa Department of Transportation (DOT) within the rights-of-way of primary routes for the purpose of identifying and directing traffic to a particular destination.

Sign, Wall – A sign attached to and parallel with the side of a building that does not project more than two (2) feet from the building wall.

Sign, Window – A sign painted on or installed inside a window for the purpose of viewing from outside the premises.



Tourist Oriented Directional Sign (Photo credit: Iowa DOT)

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.9 Application of District Regulations. Subject to Section 1.7-20 the regulations and restrictions of this ordinance shall apply as follows:

- A. Regulations to be Uniformly Applied.** The regulations set by this Ordinance shall apply uniformly to each class or kind of use, structure or land, and particularly within each district, except as hereinafter provided.
- B. All Uses, Buildings, and Structures to Conform.** No building, structure or ~~land-lot~~ shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- C. Height, Density or ~~YardSetbacks~~ Shall Not Be Violated.** No use, building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families or to have narrower or smaller rear ~~yardsetbacks~~, front ~~yardsetbacks~~, side ~~yardsetbacks~~, street side setbacks, -or- other open spaces, than herein required or in any other manner contrary to the provisions of this Ordinance.
- D. Separate ~~YardSetbacks~~, Open Space and Off-Street Parking Required.** No part of a ~~yard-setback~~ or other open space or off-street parking or loading space required about or in connection with any use, building, or structure for the purpose of complying with this Ordinance shall be included as part of a ~~yardsetback~~, open space or off-street parking or loading space similarly required for any other use, building, or structure.
- E. Minimum ~~Yard-Setbacks~~ and Lot Areas May Not Be Reduced.** No ~~yard-setback~~ or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. ~~Yards-Setbacks~~ or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. New Areas.** All territory which may hereafter become a part of the unincorporated area of the County shall be classified in the A-1 Agricultural District until otherwise classified, ~~;~~ provided, however, that the Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the County, and upon the holding of a public hearing and approval by the Board of Supervisors, the territory, upon becoming a part of the county, may be immediately so classified.
- F.G. Sign Regulations.** The following provisions, regulations, or exceptions shall apply equally to signs in all zoning districts as hereinafter provided. All signs requiring a permit must be evaluated before issuance of a permit by the Zoning Administrator. No signs will be allowed in the public road right of way except as hereinafter provided.
 - 1. Exempted Signs.** The following signs shall be exempt from the sign regulations of this Section:
 - a. Nameplate** signs not to exceeding ~~two (2)~~six (6) 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.

- ~~a-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.~~ Directional signs not to exceed six (6) square feet directing and guiding traffic and parking on public or private property but bearing no advertising matter; these signs may be placed in required front setbacks.
- ~~b-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.
- ~~e-g.~~ Inside window signs, including but not limited to signs for hours of operation, goods and services, or credit cards accepted.



Directional Sign

*Photo Credit: Model Sign
Ordinance, Montgomery County
Planning Commission, 2014*

2. Allowed Signs Not Requiring a Sign Permit.

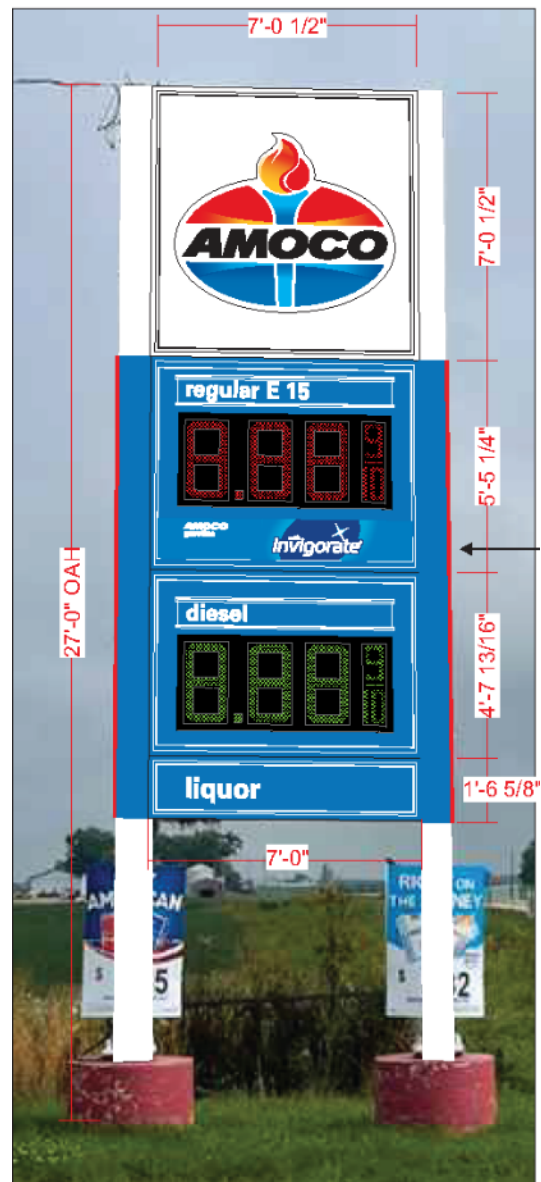
- ~~a.~~ Exempted signs as listed in this Section.
- ~~b.~~ For each single-family or two-family dwelling, one (1) nameplate not to exceed six (6) square feet of area for each dwelling unit.
- ~~c.~~ For a multiple-family dwelling, boarding and lodging house, and bed and breakfast home or inn, one (1) identification sign for each such building not to exceed twelve (12) square feet in area.
- ~~a-d.~~ For a home-based business or home industry, one (1) identification sign not to exceed six (6) square feet in area.
- ~~b-e.~~ Church and Public bulletin boards and identification signs at places of assembly, educational institutions, and public buildings and sites not to exceed sixteen (16) square feet in area in the A-1 and R-1 Districts.
- ~~f.~~ Identification signs for entrances and key facilities in residential subdivisions, mobile home parks, and homeowner/property owner associations not to exceed sixteen (16) square feet in area and limited to one (1) such sign per street frontage.
- ~~g.~~ Temporary signs advertising the lease or sale of the premises in the A-1 Agricultural, R-1 Residential, and C-1 Highway Commercial Districts not to exceed sixteen (16) square feet in area, and in the M-1 Limited Industrial and M-2 General Industrial Districts not to exceed twenty-four (24) square feet in area.
- ~~h.~~ Canopy or fuel island signs for gas stations.

3. General Regulations.

- ~~a.~~ All signs requiring a permit shall have an approved permit from the Zoning Administrator before being erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof, in accordance with Chapter 3. Administration and Enforcement.
- ~~b.~~ All signs shall be maintained in a neat, safe presentable condition and in the event their use shall cease, they shall be promptly removed within thirty (30) days and the surrounding area restored to a condition free from refuse and rubbish.

- c. Any sign not conforming to the provisions of this Ordinance shall be made to conform or be removed in accordance with **Section 2.10. Nonconformities** of this Ordinance.
- d. Signs shall be located in such a nature as to not obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device and to not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the Zoning Administrator and the County Engineer.
- e. All signs shall be located in compliance with the setbacks established for all zoning districts except as hereinafter provided.
- f. All signs shall be prohibited on the public road right-of-way with the following exceptions: legal notices, traffic signs, street identification, information or directional signs erected or required by governmental bodies, nameplates on mailboxes, and noncommercial informational signs approved by the Zoning Administrator and the County Engineer.

- 4. Sign Measurements.** For regulating signs as described in this Zoning Ordinance the following shall apply:
- a. **Area.** Computation of sign area shall include the combination of the writing, emblem, illustrations, or other display, together with any background material or color forming an integral part of the display, but not including the supporting framework. On a multi-face sign the area is computed only from one face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet (see illustration).
 - b. **Height.** Height shall be measured from the average ground level exclusive of any fill, berm, mounds, or excavation solely for locating the sign, to the highest point of the sign, or support structure, whichever is taller (see illustration).
 - c. **Projection.** Any building sign extending more than six (6) inches from the wall to which it is attached shall provide clearance of at least eight (8) feet above walkways and at least fifteen (15) feet above driveways.
 - d. **Setback.** The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.
 - e. **Number of Faces.** No sign shall have more than two (2) faces. Sign faces shall be parallel, unless determined by the City to be



Sign Area and Height calculations
(Photo credit: CR Signs & Lighting, Inc.)

consistent with the architectural character of the building.

5. Sign Permit. A sign permit shall be obtained from the Zoning Administrator before any sign or sign structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof. Any maintenance item such as a new sign panel, sign structure and other repair items which do not enlarge the sign or change the height or location, shall not require a sign permit. Sign permits must be approved before the beginning of construction, and shall be issued in accordance with this Ordinance. A certificate of compliance shall be issued after the lawful erection or alteration of the sign is completed and inspected by the Zoning Administrator in accordance with this Ordinance. A record of all certificates of compliance shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the sign affected.

6. Sign Permit Required for Billboard and Advertising Signs.

- a. **State Permit Required.** In accordance with Iowa Code Chapter 306C Subchapter II Billboard Control and Iowa Administrative Code 761 IAC 117, these off-site signs are regulated by the Iowa Department of Transportation (DOT) when placed in areas visible to the primary highway system. These signs are prohibited along scenic byways and in A-1 Agricultural and R-1 Residential Districts along the primary highway system. Any lawful nonconforming sign in these areas requires an Iowa DOT permit. These signs are allowed with an Iowa DOT permit along the primary highway system in C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts. Signs regulated with an Iowa DOT permit do not require a County sign permit.
- b. **County Permit Required.** If not regulated with an Iowa DOT permit, these signs require a County permit. These signs are allowed in the A-1 Agricultural, C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts, provided that: The County will regulate these signs in accordance with the Iowa DOT regulations and guidelines, including general, scenic byway, and zoning prohibitions; size and spacing requirements; and light emitting diode (LED) displays.
 - a. ~~They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building. They are not within 300 feet of another billboard or advertising sign facing the same direction. No billboard or advertising sign shall exceed 750 square feet in area per face or 25 feet in height.~~



Sign Examples in Jackson County

A. Billboard and advertising sign: off-site, free-standing, back-to-back faces, external illumination

B. Identification signs: on-site, free-standing, double-faced, internal illumination, electronic message sign

C. Governmental directional signs: exempt

Photo credit: ECIA, 5/13/2025

7. Sign Permit Required for ~~trade, business, or industry~~ Identification Signs for ~~permitted-allowed~~ onsite principal ~~uses~~, accessory ~~uses~~, and ~~special exception~~ conditional uses of ~~this the zoning~~ district ~~identifying the business, firm or service located on the premises~~, provided that signs that utilize digital LED displays are restricted to messages for businesses and activities located on the property and to general messages (i.e., time, temperature, etc.) in accordance with Iowa DOT guidelines. These signs shall comply with the following provisions by zoning district:

a. In the A-1 Agricultural District:

- i. One (1) sign not to exceed thirty-two (32) square feet in area for that use on each street or road frontage; however, each sign may be a double-faced ~~or back-to-back~~ sign.
- ii. Such signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.
- iii. Illumination of signs and bulletin boards shall be ~~indirect, non-intermittent external, non-flashing~~ lighting.

b. In the R-1 Residential District:

- ~~ii.~~ i. One (1) sign not to exceed four (4) square feet in area for that use on each street or road frontage; however, each sign may be a double-faced ~~or back-to-back~~ sign.
- ~~iii.~~ ii. Such signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.
- iii. ~~There shall be no~~ illumination of signs and bulletin boards ~~shall be indirect, non-intermittent lighting.~~

~~b. In the C-1 Highway Commercial District:~~

- ~~i. One free-standing sign per business not exceeding 25 feet in height and 100 square feet per face;~~
- ~~ii. signs per business 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;~~

~~iii. 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.~~

~~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.~~

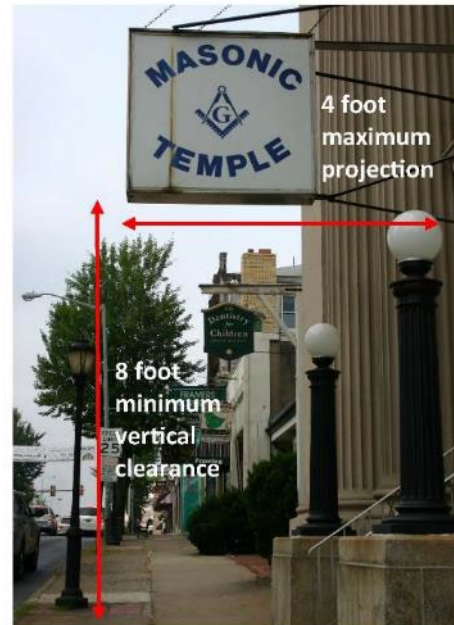
c. In the C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts:

i. One (1) free-standing sign per business shall not exceed ~~thirty-five (35)~~ 20 feet in height and ~~two hundred (100) 200~~ square feet per face; however, each sign may be a double-faced sign.

ii. One (1) signs per business mounted or painted on the wall of a building shall not cover more than ~~twenty (20)~~ 20 percent of the wall of the building in which they are located, or ~~two hundred (200)~~ square feet, whichever is smaller;

~~iii.~~ No sign shall be located in, overhang or project into a required side or rear yard setback, but permitted-allowed signs may be placed in a required front yard setback.

iv. In the M-2 District only, Signs attached to a building shall not project above the height of the building, or more than ~~four (4)~~ 4 feet from the wall of the building and shall not have more than ~~one hundred (100)~~ square feet of area; however, each sign may be a double-faced sign. (see illustration).



Projecting Sign

- Maximum 4-foot projection from building wall
- Minimum 8-foot clearance above walkways
- Minimum 15-foot clearance above driveways

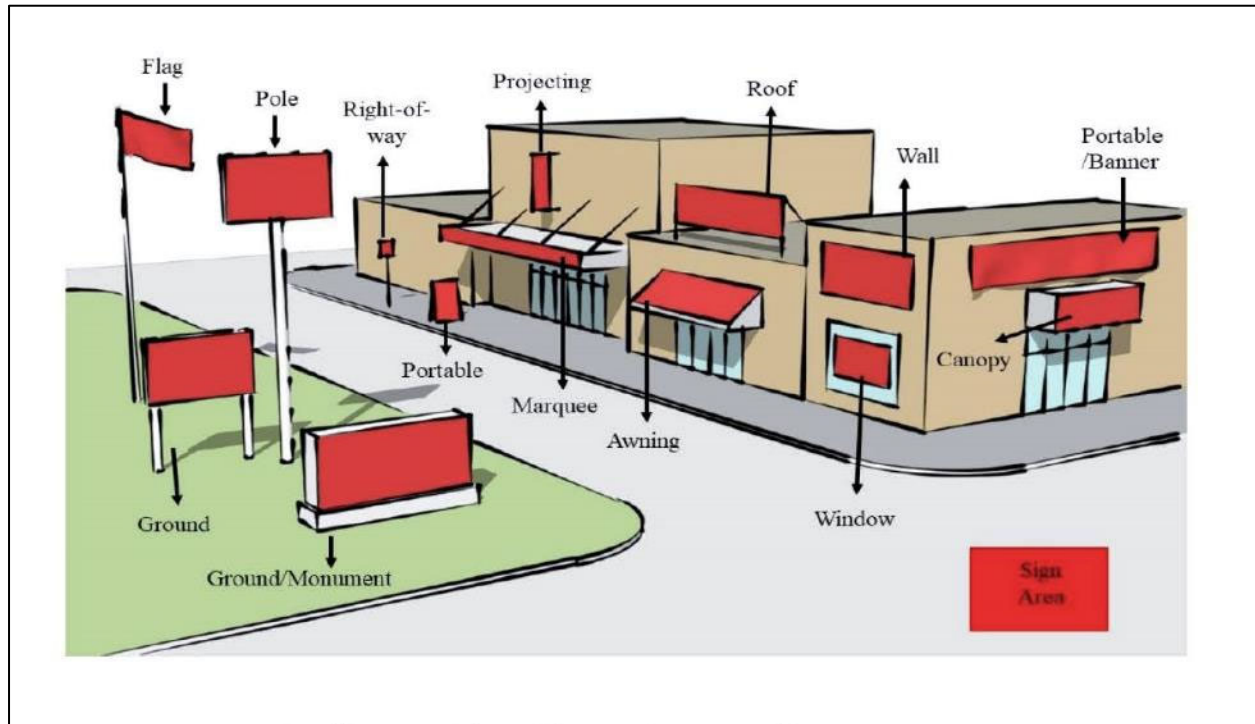
Photo Credit: Model Sign Ordinance, Montgomery County Planning

~~A-1: 1. Directional signs as defined not to exceed 150 square feet in area only along U. S. Highway 61 or 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.~~

~~R-1: 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.~~

CHAPTER 6. DEFINITIONS

Signs. Any device (including but not limited to letters, words, numerals, figures, emblems, pictures, or any part or combination) used for visual communication designed to inform or attract the attention of the public and visible to the public right-of-way or other properties



Sign Type and Area Illustrative Examples (Source: City of Dyersville Zoning Ordinance accessed 2023)

Sign, Abandoned. A sign, including the sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six (6) months.

Sign Area. The area of the surface of a sign, bounded by the top, bottom and sides.

Sign, Billboard and Outdoor Advertising. An off-site advertising sign or device for a business, commodity or service as defined and regulated in Iowa Code Chapter 306C Subchapter II Billboard Control and Iowa Administrative Code 761 IAC 117.

Sign, Bulletin Board. Any sign erected by a charitable, educational, or religious institution or public body which is erected upon the same property as said institution for purposes of announcing events which are held on the premises.

Sign, Canopy – A sign that is attached or made an integral part of a canopy.

Signs, Directional. A sign that includes information in directing and guiding pedestrian and vehicular traffic, such as enter, exit, parking. Etc. on public or private property.

Sign, Double-Faced. A sign consisting of no more than two (2) parallel or near parallel faces supported by a single structure. Also known as a back-to-back sign.

Sign, Electronic Message. A sign which uses an array of electronic illuminated lights, generally controlled by a computer or other electronic programming device to display information or supporting graphics.

Sign, Free-standing. A sign anchored directly to the ground or supported by one (1) or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building. Examples include: pole signs, ground signs, and monument signs.



Identification Pole Sign with Electronic Message Sign



Ground or Monument Identification Sign

Sign, Fuel Island – A sign affixed to or mounted on a fuel island.

Sign, Government. A sign, posting, notice, or similar elements placed, installed, or required by law by a city, county, state, or federal governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, or for civic or recreational purposes.

Sign, Identification. A sign identifying a specific business, service, activity, or profession, including but not limited to logo, trademark, name, address, and contact information, located on the premises.

Sign, Illuminated. A sign with an artificial light source incorporated internally or externally (directly or indirectly) for the purpose of illuminating the sign.

Sign, Moving. A sign that conveys its message through rotating, changing, or animated elements by mechanical means or by action of wind currents.



Canopy Sign and Fuel Island Signs

Photo Credits: Model Sign Ordinance, Montgomery County Planning Commission, 2014

Sign, Nameplate. A sign indicating the name, address, and the practice of a permitted occupation.

Sign, Nonconforming. A sign that was legally erected prior to the adoption of this Zoning Ordinance but which now violates the regulations of this Zoning Ordinance.

Sign, Off-Site. A sign identifying or advertising a business, profession, activity, service, or product that is not located, sold, or produced on the same site or premises as the sign.

Sign, On-Site. A sign identifying or advertising a business, profession, activity, service, or product that is located, sold, or produced on the same site or premises as the sign.

Sign, Political Campaign. Any yard sign that is designed to influence the passage or defeat of any measure on the ballot or designed to influence the voters with respect to the nomination, election, defeat, or removal of a candidate from public office at any national, state or local general or special election, as regulated by Iowa Code 68A.406 Campaign signs — yard signs.

Sign, Projecting. A sign other than a wall sign that is attached to and projects from a building face.

Sign, Temporary. A sign designed or fabricated of materials that advertise or communicate messages that change frequently or that become outdated, are made of materials of relatively low durability, or are intended to be removed or replaced within a period of six (6) months or less.

Sign, Tourist Oriented Directional (TODS). Blue directional government signs erected by the Iowa Department of Transportation (DOT) within the rights-of-way of primary routes for the purpose of identifying and directing traffic to a particular destination.

Sign, Wall – A sign attached to and parallel with the side of a building that does not project more than two (2) feet from the building wall.

Sign, Window – A sign painted on or installed inside a window for the purpose of viewing from outside the premises.



Tourist Oriented Directional Sign (Photo credit: Iowa DOT)

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.9 Application of District Regulations. Subject to Section 1.20 the regulations and restrictions of this ordinance shall apply as follows:

- A. Regulations to be Uniformly Applied.** The regulations set by this Ordinance shall apply uniformly to each class or kind of use, structure or land, and particularly within each district, except as hereinafter provided.
- B. All Uses, Buildings, and Structures to Conform.** No building, structure or lot shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- C. Height, Density or Setbacks Shall Not Be Violated.** No use, building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families or to have narrower or smaller rear setbacks, front setbacks, side setbacks, street side setbacks, or other open spaces, than herein required or in any other manner contrary to the provisions of this Ordinance.
- D. Separate Setbacks, Open Space and Off-Street Parking Required.** No part of a setback or other open space or off-street parking or loading space required about or in connection with any use, building, or structure for the purpose of complying with this Ordinance shall be included as part of a setback, open space or off-street parking or loading space similarly required for any other use, building, or structure.
- E. Minimum Setbacks and Lot Areas May Not Be Reduced.** No setback or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. New Areas.** All territory which may hereafter become a part of the unincorporated area of the County shall be classified in the A-1 Agricultural District until otherwise classified; provided, however, that the Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the County, and upon the holding of a public hearing and approval by the Board of Supervisors, the territory, upon becoming a part of the county, may be immediately so classified.
- G. Sign Regulations.** The following provisions, regulations, or exceptions shall apply equally to signs in all zoning districts as hereinafter provided. All signs requiring a permit must be evaluated before issuance of a permit by the Zoning Administrator. No signs will be allowed in the public road right of way except as hereinafter provided.
 - 1. Exempted Signs.** The following signs shall be exempt from the sign regulations of this Section:
 - a. Nameplate signs not to exceed six (6) 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. Directional signs not to exceed six (6) square feet directing and guiding traffic and parking on public or private property but bearing no advertising matter; these signs may be placed in required front setbacks.
- 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.
- g. Inside window signs, including but not limited to signs for hours of operation, goods and services, or credit cards accepted.



Directional Sign

*Photo Credit: Model Sign
Ordinance, Montgomery County
Planning Commission, 2014*

2. Allowed Signs Not Requiring a Sign Permit.

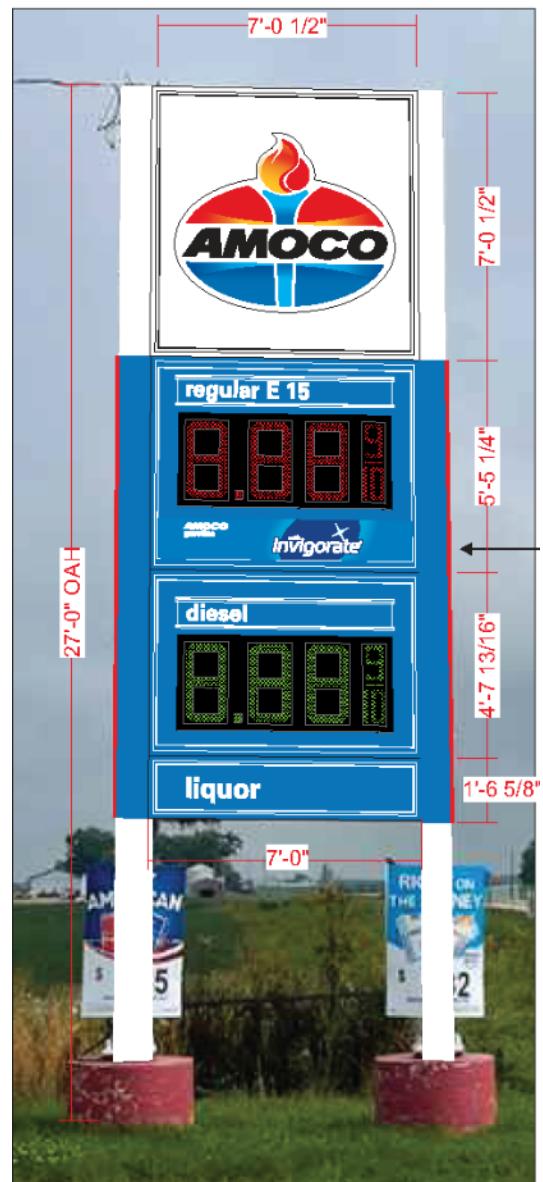
- a. Exempted signs as listed in this Section.
- b. For each single-family or two-family dwelling, one (1) nameplate not to exceed six (6) square feet of area for each dwelling unit.
- c. For a multiple-family dwelling, boarding and lodging house, and bed and breakfast home or inn, one (1) identification sign for each such building not to exceed twelve (12) square feet in area.
- d. For a home-based business or home industry, one (1) identification sign not to exceed six (6) square feet in area.
- e. Public bulletin boards and identification signs at places of assembly, educational institutions, and public buildings and sites not to exceed sixteen (16) square feet in area in the A-1 and R-1 Districts.
- f. Identification signs for entrances and key facilities in residential subdivisions, mobile home parks, and homeowner/property owner associations not to exceed sixteen (16) square feet in area and limited to one (1) such sign per street frontage.
- g. Temporary signs advertising the lease or sale of the premises in the A-1 Agricultural, R-1 Residential, and C-1 Highway Commercial Districts not to exceed sixteen (16) square feet in area, and in the M-1 Limited Industrial and M-2 General Industrial Districts not to exceed twenty-four (24) square feet in area.
- h. Canopy or fuel island signs for gas stations.

3. General Regulations.

- a. All signs requiring a permit shall have an approved permit from the Zoning Administrator before being erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof, in accordance with **Chapter 3. Administration and Enforcement.**
- b. All signs shall be maintained in a neat, safe presentable condition and in the event their use shall cease, they shall be promptly removed within thirty (30) days and the surrounding area restored to a condition free from refuse and rubbish.

- c. Any sign not conforming to the provisions of this Ordinance shall be made to conform or be removed in accordance with **Section 2.10. Nonconformities** of this Ordinance.
- d. Signs shall be located in such a nature as to not obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device and to not obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic, as determined by the Zoning Administrator and the County Engineer.
- e. All signs shall be located in compliance with the setbacks established for all zoning districts except as hereinafter provided.
- f. All signs shall be prohibited on the public road right-of-way with the following exceptions: legal notices, traffic signs, street identification, information or directional signs erected or required by governmental bodies, nameplates on mailboxes, and noncommercial informational signs approved by the Zoning Administrator and the County Engineer.

- 4. Sign Measurements.** For regulating signs as described in this Zoning Ordinance the following shall apply:
- a. Area. Computation of sign area shall include the combination of the writing, emblem, illustrations, or other display, together with any background material or color forming an integral part of the display, but not including the supporting framework. On a multi-face sign the area is computed only from one face. Where the frame or cabinet is not in the shape of a rectangle, square, triangle or circle, the sign face area shall be determined by calculating the area of an imaginary rectangle drawn around the frame or cabinet (*see illustration*).
 - b. Height. Height shall be measured from the average ground level exclusive of any fill, berm, mounds, or excavation solely for locating the sign, to the highest point of the sign, or support structure, whichever is taller (*see illustration*).
 - c. Projection. Any building sign extending more than six (6) inches from the wall to which it is attached shall provide clearance of at least eight (8) feet above walkways and at least fifteen (15) feet above driveways.
 - d. Setback. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.
 - e. Number of Faces. No sign shall have more than two (2) faces. Sign faces shall be parallel, unless determined by the City to be



Sign Area and Height calculations

(Photo credit: CR Signs & Lighting, Inc.)

consistent with the architectural character of the building.

5. **Sign Permit.** A sign permit shall be obtained from the Zoning Administrator before any sign or sign structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions or height, or to accommodate a change in use of the building and/or premises or part thereof. Any maintenance item such as a new sign panel, sign structure and other repair items which do not enlarge the sign or change the height or location, shall not require a sign permit. Sign permits must be approved before the beginning of construction, and shall be issued in accordance with this Ordinance. A certificate of compliance shall be issued after the lawful erection or alteration of the sign is completed and inspected by the Zoning Administrator in accordance with this Ordinance. A record of all certificates of compliance shall be kept on file in the Office of the Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary, or tenancy interest in the sign affected.

6. Sign Permit Required for Billboard and Advertising Signs.

- a. **State Permit Required.** In accordance with Iowa Code Chapter 306C Subchapter II Billboard Control and Iowa Administrative Code 761 IAC 117, these off-site signs are regulated by the Iowa Department of Transportation (DOT) when placed in areas visible to the primary highway system. These signs are prohibited along scenic byways and in A-1 Agricultural and R-1 Residential Districts along the primary highway system. Any lawful nonconforming sign in these areas requires an Iowa DOT permit. These signs are allowed with an Iowa DOT permit along the primary highway system in C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts. Signs regulated with an Iowa DOT permit do not require a County sign permit.
- b. **County Permit Required.** If not regulated with an Iowa DOT permit, these signs require a County permit. These signs are allowed in the C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts. The County will regulate these signs in accordance with the Iowa DOT regulations and guidelines, including general, scenic byway, and zoning prohibitions; size and spacing requirements; and light emitting diode (LED) displays.



Sign Examples in Jackson County

A. Billboard and advertising sign: off-site, free-standing, back-to-back faces, external illumination

B. Identification signs: on-site, free-standing, double-faced, internal illumination, electronic message sign

C. Governmental directional signs: exempt

Photo credit: ECIA, 5/13/2025

- 7. Sign Permit Required for Identification Signs** for allowed onsite principal, accessory, and conditional uses of the zoning district, provided that signs that utilize digital LED displays are restricted to messages for businesses and activities located on the property and to general messages (i.e., time, temperature, etc.) in accordance with Iowa DOT guidelines. These signs shall comply with the following provisions by zoning district:

a. In the A-1 Agricultural District:

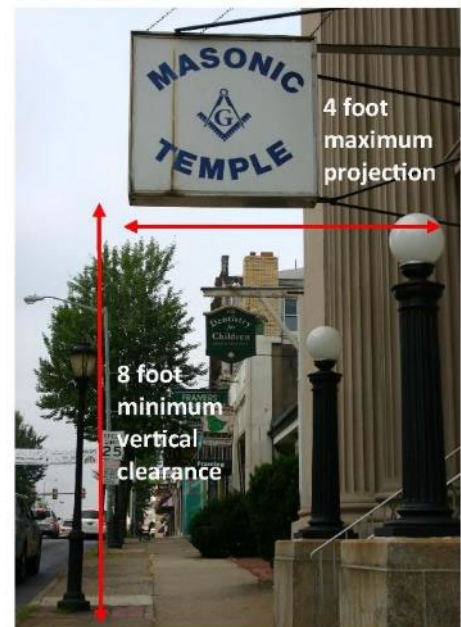
- i. One (1) sign not to exceed thirty-two (32) square feet in area for that use on each street or road frontage; however, each sign may be a double-faced sign.
- ii. Such signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.
- iii. Illumination of signs and bulletin boards shall be external, non-flashing lighting.

b. In the R-1 Residential District:

- i. One (1) sign not to exceed four (4) square feet in area for that use on each street or road frontage; however, each sign may be a double-faced sign.
- ii. Such signs shall be located at least twenty (20) feet from any lot line or not more than five (5) feet from the main building.
- iii. There shall be no illumination of signs and bulletin boards.

c. In the C-1 Highway Commercial, M-1 Limited Industrial, and M-2 General Industrial Districts:

- i. One (1) free-standing sign per business shall not exceed thirty-five (35) feet in height and two hundred (200) square feet per face; ; however, each sign may be a double-faced sign.
- ii. One (1) sign per business mounted or painted on the wall of a building shall not cover more than twenty (20) percent of the wall of the building in which they are located, or two hundred (200) square feet, whichever is smaller.
- iii. No sign shall be located in, overhang or project into a required side or rear setback, but allowed signs may be placed in a required front setback.
- iv. Signs attached to a building shall not project above the height of the building, or more than four (4) feet from the wall of the building and shall not have more than one hundred (100) square feet of area; however, each sign may be a double-faced sign. (see illustration).



Projecting Sign

- Maximum 4-foot projection from building wall
- Minimum 8-foot clearance above walkways
- Minimum 15-foot clearance above driveways

Photo Credit: Model Sign Ordinance, Montgomery County Planning



June 11, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Revised Draft of Section 2.10 Nonconformities (06-11-25)

Dear Lori,

Attached is the revised draft of Section 2.10 Nonconformities (06-11-25) for the Zoning Ordinance Update for consideration by the Zoning Commission at their June 16, 2025 meeting.

Discussion

In Section 2.10 Nonconformities regulations for “grandfathered” lots, uses and structures are organized in an outline format for easier interpretation. The attached REDLINE version outlines the proposed changes, and the CLEAN version shows the resulting restructure. Major updates proposed are:

- Reference to the effective date of the first Jackson County Zoning Ordinance on May 6, 1976.
- Providing more explanatory and consistent regulations for nonconformities.
- Adding provisions for repairs and alterations, reconstruction, discontinuance, and conversion.
- New section for nonconforming signs.

Recommendation

The Commission is asked to review and approve by consensus the revised draft of Section 2.10 Nonconformities (06-11-25), and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Laura Carstens'.

Laura Carstens, Senior Planner

Attachments

2.10 Nonconformities.**A. Intent and Application.** The intent of this Section 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. ~~1.11~~ 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.

~~1.2~~ 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. Administrative Waiver or action of the Board of Adjustment in accordance with Section 4.6. Dimensional Variance.

- 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 Regulations and does not create a nonconforming lot.

G. 1.12 ~~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 2.8.I. of this Section.

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.

6.10. 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.

1. **Continuance.** ~~Where~~ A lawful nonconforming structure existing ~~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 2.8.1, of this Section.
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 2.8.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.~~

~~**1.3. Reconstruction.** If such structure cannot meet the tests for reconstruction in Subsection 2.8.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(2) 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. Sign Regulations.**

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. Sign Regulations.**

~~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, and specify that the sign be removed or made to conform with the requirements of this Section and **Subsection 2.9.G. Sign Regulations** within thirty (30) days.

2.10 Nonconformities.

A. Intent and Application. The intent of this Section 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 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. 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. 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.
 - 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 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 setback requirements shall be obtained only through by the Zoning Administrator in accordance with Section 3.10. Administrative Waiver or action of the Board of Adjustment in accordance with Section 4.6. Dimensional Variance.
 - 3. Adjacent Lots in Single Ownership.** 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.
 - 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 Regulations and does not create a nonconforming lot.

G. Nonconforming Uses.

1. **Continuance.** Any lawful nonconforming use of a lot or a structure may be continued, repaired, maintained, altered, or extended within a structure, subject to the provisions of this Section.
2. **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 existing structure devoted to such use shall be enlarged or extended.
3. **Relocation.** A lawful nonconforming use shall not be moved in whole or in part to any other portion of the lot, r parcel, or “zoning lot” on which it was located at the effective date of adoption or amendment of this Ordinance.
4. **Discontinuance of Use.** When a lawful nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure thereafter shall not be used except in conformity with the regulations of the district in which it 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.
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. Whenever a lawful nonconforming use is superseded by an allowed use, 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 2.8.I. of this Section.
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.
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. Nonconforming Structures.

1. **Continuance.** A lawful nonconforming structure existing on the effective date of adoption or amendment of this Ordinance 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 2.8.I. of this Section.
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.
- I. **Uses and Structures Under Conditional Use Provision.** 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.** If such use ceases for a period of one (1) year, or cannot meet the tests for reconstruction in Subsection 2.8.G. of this Section, the use may not be resumed until a conditional use permit has been granted by the Board of Adjustment.
 3. **Reconstruction.** If such structure cannot meet the tests for reconstruction in Subsection 2.8.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.
- 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. Sign Regulations.
 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. Sign Regulations.
- 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, and specify that the sign be removed or made to conform with the requirements of this Section and Subsection 2.9.G. Sign Regulations within thirty (30) days.



May 12, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Rules of Procedure Update – Zoning Commission (05-12-25)

Dear Lori,

Attached is information regarding the Rules of Procedure Update -- Zoning Commission draft (05-12-25) for review and approval by the Board of Adjustment at their May 27, 2025 meeting.

Discussion

The Rules of Procedure for the Zoning Commission have been updated to

- clarify and simplify the scheduling of meetings to reflect current practice
- clarify when a quorum is present
- conflict of interest
- excused and unexcused absences
- replacing strict timeframes with more flexible options to reflect current practice

Recommendation

The Zoning Commission is asked to review the Rules of Procedure Update -- Zoning Commission draft (05-12-25), and then to provide direction to staff for moving forward with the proposal. Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Laura Carstens'.

Laura Carstens
Senior Planner

Attachments

RESOLUTION #1002-01-02-2024

RESOLUTION ADOPTING RULES AND PROCEDURES FOR THE JACKSON COUNTY ZONING COMMISSION

~~WHEREAS, on April 16, 1975 the Board of Supervisors created the Jackson County Zoning Commission by resolution; and~~

~~WHEREAS, a review showed that the Zoning Commission's recommendation to adopt Rules of Procedure in 2017 was never presented to the Jackson County Board of Supervisors for adoption; and~~

~~WHEREAS, on November 20, 2023, the Jackson County Zoning Commission recommended the adoption of the Jackson County Zoning Commission Rules of Procedure as follows:~~

**RULES OF PROCEDURE
JACKSON COUNTY ZONING COMMISSION**

Article 1. General Governing Rules.

The ~~Jackson County~~ Zoning Commission, hereinafter referred to as the Commission, shall be governed by the provisions of Iowa Code Chapter 335, ~~Code of Iowa~~, as amended, and ~~by the April 16, 1975 resolution of Jackson County, Iowa, establishing the County Zoning Commission Ordinance of Jackson County, Iowa, establishing the Zoning Commission and approved enacted~~ by the Board of Supervisors. No rule herein shall be changed or waived without the affirmative vote of four (4) members of the Commission and concurrence of the Board of Supervisors.

Article 2. Officers and Committees.

Section A. The Commission shall elect a chair~~person~~ and a vice-chair~~person~~, who shall be acting chair~~person~~ in the absence of the chair~~person~~, annually at the first meeting of the year in January. ~~The chairperson may not succeed himself or herself.~~

Section B. The ~~chairperson~~, or in ~~his or her~~their absence the vice-chair~~person~~, shall preside at all meetings and hearings of the Commission and decide all points of order and procedure. The chair~~person~~ shall appoint any committees which may be found necessary to perform the duties of the Commission.

Section C. ~~A~~ The secretary ~~(who need not be a member of the Commission) shall be designated by~~for the Commission shall be the Zoning Administrator. The secretary shall conduct all correspondence of the Commission, keep a minute book recording attendance, the vote of each member upon each question, or if absent or failing to vote indicating such fact and records of examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Commission.

Article 3. Meetings.

Section A. The regular meeting of the Zoning Commission shall be held each month unless there is no cause for holding such meetings. Meetings shall be scheduled annually for the upcoming calendar year, and notice provided in accordance with this Ordinance and Iowa Code Chapter 21 Open Meetings. If ~~there is to be~~ a regular meeting is cancelled, the secretary shall

inform the members of the Commission and the public as soon as possible and at least twenty-four hours in advance.

Section B. Special meetings may be called by the chairperson and at such other time as the Commission may determine, provided that at least twenty-four (24) hours notice of such meeting is given to each member and at such other time as the Board may determine, provided that notice of such meeting is given to each member and the public in accordance with this Ordinance and Iowa Code Chapter 21 Open Meetings. If a special meeting is cancelled, the secretary shall inform the members of the Board of Adjustment and the public as soon as possible and at least twenty-four (24) hours in advance.

Section C. A quorum shall consist of four (4) members of the seven (7) appointed members for the transaction of all business. The concurring vote of four (3) members of the Commission shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass.

If a member is required to abstain, their absence does not affect the quorum count, and the motion proceeds as usual. For example, if only four (4) of the seven (7) Commission members are present but one (1) member must abstain due to a conflict of interest, then the remaining three (3) Commission members shall constitute a quorum for voting purposes for the transaction of all business on that item.

Section D. Representation, Personal Conflict of Interest. Conflict of interest includes: familial relationship with the applicant or property owner, financial dealings with the applicant or property owner, and financial interest in the outcome. Neither the secretary nor any member of the Commission shall appear for or represent any person in any matter pending before the Zoning Commission. No member of the Commission shall hear or vote upon any appeal in which ~~he or she has~~ they have any ~~personal or financial~~ conflict of interest, directly or indirectly.

In case of a conflict of interest, the secretary or Board member shall: disclose the circumstance and nature of the conflict prior to the public hearing, abstain from discussing and voting on the matter, and leave the public hearing or disconnect from audio and visual connection if attending the meeting virtually until the matter is concluded or tabled.

Section E. Conduct of Meetings. All meetings shall be open to the public. The chairperson, or in ~~his or her~~ their absence the vice-chairperson, shall or may ~~administer oaths or compel the attendance of witnesses~~ conduct all proceedings. The order of business at meetings shall be as follows:

1. Roll call
2. Approval of minutes of the previous meeting
3. Reports of committees
4. Unfinished business
5. Hearing of cases, or appeals or referrals
6. New business
7. Reading of correspondence other than that related to new or old business or hearing scheduled

Section F. Voting. The chair~~person~~ or presiding officer shall have equal voting power with the other members of the Commission and may vote on all questions before the Commission unless otherwise limited herein.

Section G. Adjourned Meetings. The Commission may adjourn a regular meeting if all business cannot be disposed of on the day set and no further public notice shall be necessary for such a meeting if the time and place of ~~it~~-s resumption are stated at the time of adjournment and are not changed after adjournment.

Article 4. Vacancies. ~~In the event vacancies occur in the Board's membership, the chair shall inform the Board of Supervisors as promptly as possible so that the Supervisors may appoint a replacement to fill out the unexpired term.~~

Failure to attend four (4) regular consecutive meetings or four (4) of any seven (7) consecutive meeting ~~without an excused absence~~ shall be considered automatic resignation from the Commission and upon such resignation, resignation by other means, or other vacancies occurring in the office, the chair~~person~~ shall inform the Board of Supervisors as promptly as possible so that the ~~Board of~~ Supervisors may appoint a replacement to fill out the unexpired term.

~~An "excused absence" must be deemed an approved and legitimate reason for being absent from a meeting. Examples include: illness, family emergency, pre-planned vacation, medical appointments, work schedule, and similar circumstances. They do not result in negative marks on attendance records.~~

~~Unexcused absences are not approved or recognized reasons for being absent from a meeting. They will result in negative marks on attendance records.~~

Article 5. Public Hearings.

Section A. At public hearings held by the Zoning Commission on any matter as may be required by law or as may be set by the Commission upon its own motion, any person may appear on ~~his~~-their own behalf or be represented by agent or by attorney.

Section B. The order of the hearing shall be:

- ~~1.~~ Statement of case by chair~~person~~ or presiding officer
- ~~4-2.~~ The following statement will be read: "Because of any conflict of interest, either directly or indirectly, do any Commission members wish to recuse themselves from proceedings?"
- ~~2-3.~~ Supporting argument by the applicant or ~~his~~-their agent or attorney
- ~~3-4.~~ Supporting arguments by persons at the hearing
- ~~4-5.~~ Opposing arguments by persons at the hearing
- ~~5-6.~~ Rebuttals by those supporting the application other than the applicant
- ~~6-7.~~ Rebuttals by those opposed to the application
- ~~7-8.~~ Final rebuttal by the applicant

RULES OF PROCEDURE
JACKSON COUNTY ZONING COMMISSION

REDLINE Draft 5-12-25

Article 6. Decisions. ~~Final-d~~Decisions upon all ~~questions-cases~~ shall be made within 45 days of the receipt of the question or referral ~~voted upon~~ by the Commission ~~at the meeting at which the hearing is held or at their next regular meeting after the date of hearing or if acceptable to the applicant, the continuation of such meeting or the tabling of such meeting for more information from the applicant and/or the Zoning Administrator.~~

~~If no motion either to approve or deny the action requested receives four (4) or more aye votes, then the case will be placed as old business on the agenda of each regular or special meeting of the Commission until a motion either to approve or deny does receive four (4) or more aye votes.~~

~~and shall be in the form of a motion made, seconded, and passed by a majority of those present at the meeting, provided that there shall have been a quorum present.~~

The decision shall be promptly transmitted in writing to the Board of Supervisors by the secretary stating the Commission's ~~r~~ action, the vote thereon and the reasons therefore, and any recommendations or modifications or conditions to which the Commission's recommendation is subject. One (1) copy of ~~all the Commission's actions of the Board of Supervisors~~ shall be sent to the applicant or ~~his~~ their agent or attorney where such are concerned, and one (1) copy of all actions shall be filed in the official files of the ~~Jackson County~~ Zoning Commission.

Article 7. Adoption. These rules of procedure were approved and adopted by the ~~Jackson Zoning Commission of Jackson County, Iowa, this~~ _____ day of _____, 2025.

~~County Board of Supervisors on this 2nd day of January 2024.~~

(Signed) _____

Chair, Jackson County Zoning Commission

Article 1. General Governing Rules.

The Zoning Commission, hereinafter referred to as the Commission, shall be governed by the provisions of Iowa Code Chapter 335, as amended, and the Zoning Ordinance of Jackson County, Iowa, establishing the Zoning Commission and enacted by the Board of Supervisors. No rule herein shall be changed or waived without the affirmative vote of four (4) members of the Commission and concurrence of the Board of Supervisors.

Article 2. Officers and Committees.

Section A. The Commission shall elect a chair and a vice-chair, who shall be acting chair in the absence of the chair, annually at the first meeting of the year.

Section B. The or in their absence the vice-chair, shall preside at all meetings and hearings of the Commission and decide all points of order and procedure. The chair shall appoint any committees which may be found necessary to perform the duties of the Commission.

Section C. The secretary for the Commission shall be the Zoning Administrator. The secretary shall conduct all correspondence of the Commission, keep a minute book recording attendance, the vote of each member upon each question, or if absent or failing to vote indicating such fact and records of examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Commission.

Article 3. Meetings.

Section A. The regular meeting of the Zoning Commission shall be held each month unless there is no cause for holding such meetings. Meetings shall be scheduled annually for the upcoming calendar year, and notice provided in accordance with this Ordinance and Iowa Code Chapter 21 Open Meetings. If a regular meeting is cancelled, the secretary shall inform the members of the Commission and the public as soon as possible and at least twenty-four hours in advance.

Section B. Special meetings may be called by the chair and at such other time as the Commission may determine, provided that notice of such meeting is given to each member and at such other time as the Board may determine, provided that notice of such meeting is given to each member and the public in accordance with this Ordinance and Iowa Code Chapter 21 Open Meetings. If a special meeting is cancelled, the secretary shall inform the members of the Board of Adjustment and the public as soon as possible and at least twenty-four (24) hours in advance.

Section C. A quorum shall consist of four (4) members of the seven (7) appointed members for the transaction of all business. The concurring vote of four (3) members of the Commission shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass.

If a member is required to abstain, their absence does not affect the quorum count, and the motion proceeds as usual. For example, if only four (4) of the seven (7) Commission members are present but one (1) member must abstain due to a conflict of interest, then the remaining

three (3) Commission members shall constitute a quorum for voting purposes for the transaction of all business on that item.

Section D. Conflict of Interest. Conflict of interest includes: familial relationship with the applicant or property owner, financial dealings with the applicant or property owner, and financial interest in the outcome. Neither the secretary nor any member of the Commission shall appear for or represent any person in any matter pending before the Zoning Commission. No member of the Commission shall hear or vote upon any appeal in which they have any conflict of interest, directly or indirectly.

In case of a conflict of interest, the secretary or Board member shall: disclose the circumstance and nature of the conflict prior to the public hearing, abstain from discussing and voting on the matter, and leave the public hearing or disconnect from audio and visual connection if attending the meeting virtually until the matter is concluded or tabled.

Section E. Conduct of Meetings. All meetings shall be open to the public. The chair, or in their absence the vice-chair, shall or may conduct all proceedings. The order of business at meetings shall be as follows:

1. Roll call
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4. Unfinished business
5. Hearing of cases, or appeals or referrals
6. New business
7. Reading of correspondence other than that related to new or old business or hearing scheduled

Section F. Voting. The chair or presiding officer shall have equal voting power with the other members of the Commission and may vote on all questions before the Commission unless otherwise limited herein.

Section G. Adjourned Meetings. The Commission may adjourn a regular meeting if all business cannot be disposed of on the day set and no further public notice shall be necessary for such a meeting if the time and place of its resumption are stated at the time of adjournment and are not changed after adjournment.

Article 4. Vacancies. In the event vacancies occur in the Board's membership, the chair shall inform the Board of Supervisors as promptly as possible so that the Supervisors may appoint a replacement to fill out the unexpired term.

Failure to attend four (4) regular consecutive meetings or four (4) of any seven (7) consecutive meeting without an excused absence shall be considered automatic resignation from the Commission and upon such resignation, resignation by other means, or other vacancies occurring in the office, the chair shall inform the Board of Supervisors as promptly as possible so that the Supervisors may appoint a replacement to fill out the unexpired term.

An "excused absence" must be deemed an approved and legitimate reason for being absent from a meeting. Examples include: illness, family emergency, pre-planned vacation, medical appointments, work schedule, and similar circumstances. They do not result in negative marks on attendance records.

Unexcused absences are not approved or recognized reasons for being absent from a meeting. They will result in negative marks on attendance records.

Article 5. Public Hearings.

Section A. At public hearings held by the Zoning Commission on any matter as may be required by law or as may be set by the Commission upon its own motion, any person may appear on their own behalf or be represented by agent or by attorney.

Section B. The order of the hearing shall be:

1. Statement of case by chair or presiding officer
2. The following statement will be read: "Because of any conflict of interest, either directly or indirectly, do any Commission members wish to recuse themselves from proceedings?"
3. Supporting argument by the applicant or their agent or attorney
4. Supporting arguments by persons at the hearing
5. Opposing arguments by persons at the hearing
6. Rebuttals by those supporting the application other than the applicant
7. Rebuttals by those opposed to the application
8. Final rebuttal by the applicant

Article 6. Decisions. Decisions on all cases shall be voted upon by the Commission at the meeting at which the hearing is held or at their next regular meeting after the date of hearing or if acceptable to the applicant, the continuation of such meeting or the tabling of such meeting for more information from the applicant and/or the Zoning Administrator.

If no motion either to approve or deny the action requested receives four (4) or more aye votes, then the case will be placed as old business on the agenda of each regular or special meeting of the Commission until a motion either to approve or deny does receive four (4) or more aye votes.

The decision shall be promptly transmitted in writing to the Board of Supervisors by the secretary stating the Commission's action, the vote thereon and the reasons therefore, and any recommendations or modifications or conditions to which the Commission's recommendation is subject. One (1) copy of the Commission's action shall be sent to the applicant or their agent or attorney where such are concerned, and one (1) copy of all actions shall be filed in the official files of the Zoning Commission.

Article 7. Adoption. These rules of procedure were approved and adopted by the Zoning Commission of Jackson County, Iowa, this _____ day of _____, 2025.

(Signed) _____
Chair, Jackson County Zoning Commission