



October 14, 2025

Becca Pflughapt, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – **CLEAN draft Section 2.8 Supplemental Regulations (10-14-25)**

Dear Becca,

Attached is the CLEAN draft of Section 2.8 Supplemental Regulations (10-14-25) for review and approval by the Zoning Commission at their public hearing.

Discussion

Section 2.8 Supplemental Regulations have been revised based on discussion at previous Commission meetings and input from subject matter experts. The attached CLEAN version shows the resulting restructure. The REDLINE version will be posted on the website. Major updates proposed are as follows:

- UPDATED Subsection A has been revised to refer to County Engineer and Jackson County Secondary Roads Department Entrance Policy per Commission's discussion at March meeting.
- UPDATED Subsection C. clarifies the County Health Administrator's role regarding more than one principal structure on a lot per discussion at the Commission's June meeting.
- NEW Subsection H. provides a screening process for the County's 1999 policy to review development applications for potential burial mounds, and refer applicants to the Office of the State Archeologist.
- NEW Subsection K. Accessory Dwelling Units was created to comply with 2025 Iowa Code.
- NEW Subsection M. Home-Based Occupation updates current regulations to comply with Iowa Code.
- New Subsection N. offers guidance for fences and hedges with regulations, illustrations, and waivers.
- NEW Subsection O. addresses Comprehensive Plan goal for consumer scale solar energy systems.
- 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 the CLEAN draft of Section 2.8 Supplemental Regulations (10-14-25) at their public hearing.

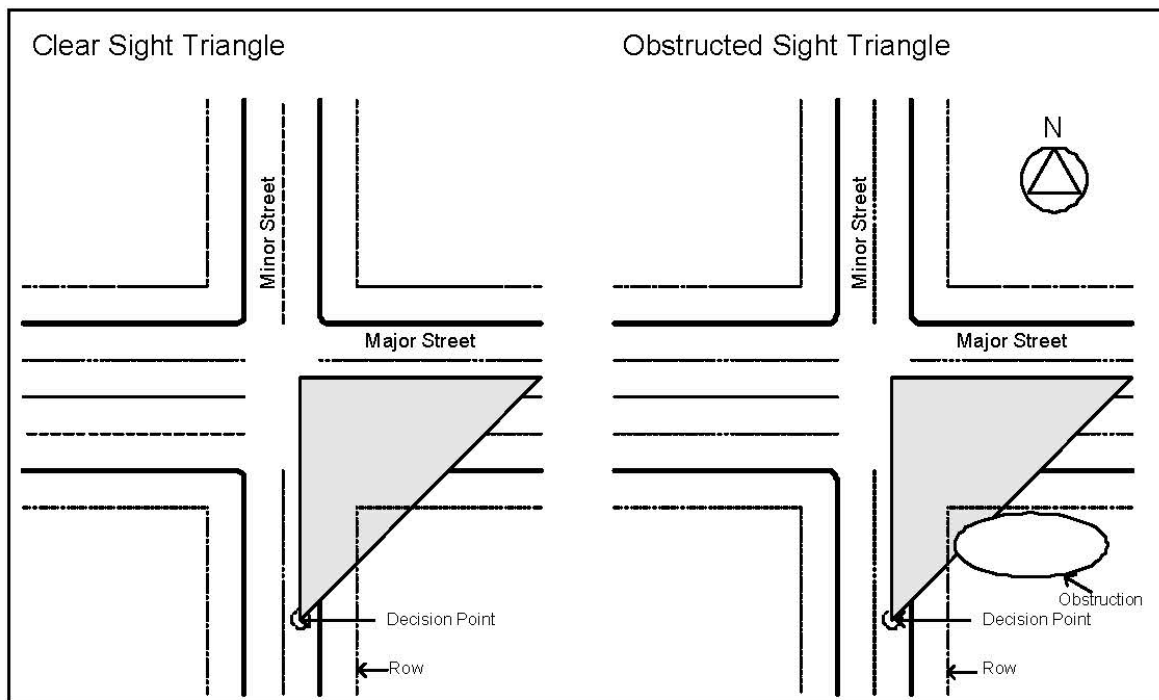
Sincerely,

Laura Carstens, Senior Planner
Attachments

CHAPTER 2. ZONING DISTRICT REGULATIONS

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

- A. Visibility at Intersections and Entrances.** In any district, no fence, wall, hedge or other planting or structure that will obstruct vision at intersections or entrances shall be erected, placed or maintained within the sight triangle as determined by the County Engineer in accordance with the Jackson County Secondary Roads Department Entrance Policy.
- B. Accessory Buildings.** No accessory building shall be erected in any required front or side setback and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also development regulations for each zoning district in Chapter 2. Zoning District Regulations.



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

- 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 development regulations for each zoning district in Chapter 2. Zoning District Regulations of this Ordinance shall be met for each structure as though it were on an individual lot and any required water and sewage disposal facilities shall be installed as approved by the County Health Department. See also Section 2.8.L. Accessory Dwelling Unit.
- D. Height Regulation Exceptions.** The height limitations contained in development regulations for each zoning district 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, commercial cell communications stations, towers, and antennas, or other structures placed above the roof level and not intended for human occupancy.

- E. Use of Public Right-of-Way.** The Jackson County Secondary Road Department possesses an easement in order to maintain the road for public usage. The amount of right-of-way varies from road to road. No portion of the public road, street or alley right-of-way shall be used or occupied by an abutting use of land or structures for storage or display purposes or to provide any parking or loading space required by this Ordinance or for any other purpose that would obstruct the use or maintenance of the public right-of-way as determined by the County Engineer and in accordance with Iowa Code Chapter 318.
- F. Proposed Use or Structure Not Covered in Ordinance.** Any proposed use or structure not covered in this Ordinance as a principal, accessory, conditional, or temporary use or structure shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use or structure should be permitted and the Ordinance amended as provided in Section 5.4 Text Changes and Amendments 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 determined by the County Engineer as follows:
1. Direct access to a public road via an entrance constructed in accordance with a permit issued by the appropriate authority or via a legally established entrance already in use for a residence;
 2. Direct access to a private road established and approved as part of an approved and recorded subdivision plat; or
 3. Access as in items “a” or “b” above, but indirectly by means of an individual private access easement, as defined.

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

H. Burial Site Protection.

1. **Purpose.** In accordance with the Land Use Policy Statement and Resolution #184-12-07-99 adopted by the Board of Supervisors, it is the policy of Jackson County to identify and protect ancient burial sites in accordance with the following Iowa burial site protection laws summarized below:
 - a. Iowa Code Section 263B, subsections 7-9 State Archaeologist, which protects ancient burials (over 150 years old) from unlawful disturbance and designates the State Archaeologist as having authority for ancient burial site and human remains protections and investigations.
 - b. Iowa Code Section 566.33. Protection and preservation of burial sites, which makes counties responsible for burial sites for which protection or preservation is not otherwise provided.
 - c. Iowa Code Section 716.5. Criminal mischief in the third degree, which provides criminal penalties for disturbing burial sites.
 - d. Iowa Code Section 523I.316. Protection of cemeteries and burial sites, which provides criminal penalties for failure to report discovery of human remains.

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

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

3. Condition of Approval.

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

- I. **Existing Farm Dwellings.** Nothing in this Ordinance shall require any person or persons occupying a farm dwelling at the date of passage of this Ordinance to vacate the dwelling or involuntarily sever it from the remainder of the farm. If the dwelling is voluntarily severed from the farm to be used and maintained as a non-farm residence by the occupant or for sale or lease to others, it shall conform to the lot area and yard requirements of the district in which it is located.
- J. **Flag Lots.** Flag lots as defined shall be regulated by Section 2.1.D.
- K. **Accessory Dwelling Unit.** The siting, design, and construction of an attached or detached accessory dwelling unit (ADU) on the same lot as a single-family residence in the A-1 Agricultural District and the R-1 Residential District shall be regulated in accordance with Iowa Code Section 331.301, Subsection 27 and the County regulations in this Section. For purposes of this Section, attached

ADUs shall include interior (upper level or lower level), above garage (or other attached accessory structure) and attached garage conversion (*see illustration*).



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

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

Before a Construction Compliance Certificate is issued for the ADU, all required permits for the planned single-family residence must be on file with the Zoning Administrator in accordance with Chapter 3. Administration and Enforcement.

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

M. Home-Based Business.

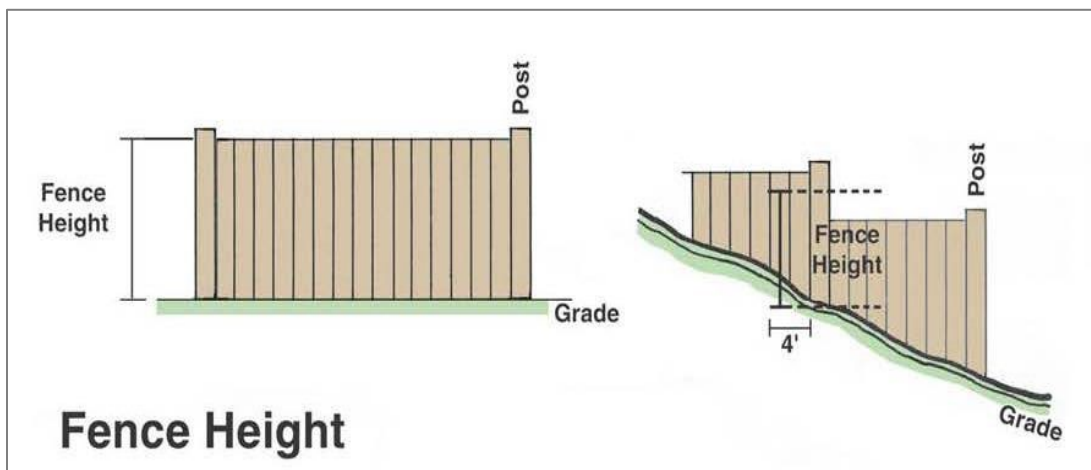
1. For purpose of this Section, a home-based business shall operate as a “no impact home-based business” as defined and regulated by this Section and Iowa Code Section 335.35 Home-based business.
2. For purposes of this Section only, the County occupancy limit for the total number of employees and clients 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.
 - e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and
 - f. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and
 - g. is compatible with residential use of the property and surrounding residential use.
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.

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

1. Definitions.

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

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



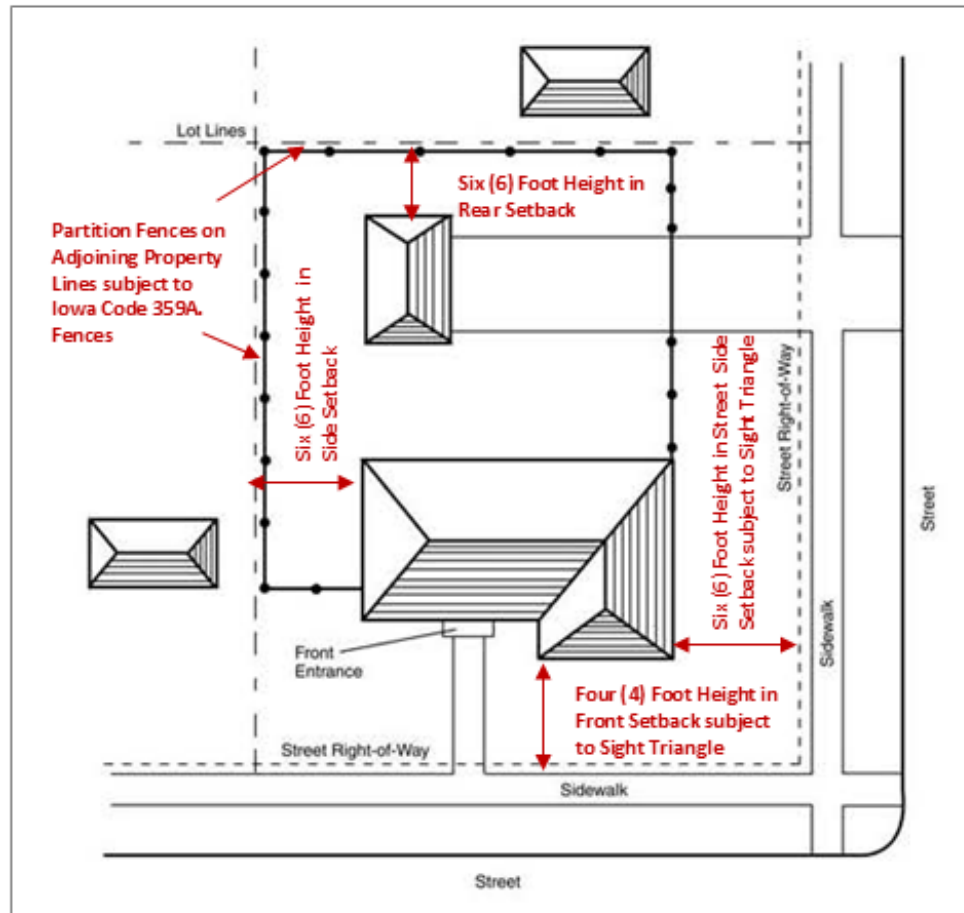
Measurement of Fence Height (Source: City of Sandusky, MI accessed 2023)

8. **Maintenance.** Both sides of any fence or hedge shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

9. **Damage.** No physical damage of any kind shall occur to abutting property during installation of a fence or hedge unless it is allowed under agreement with the abutting property owner(s).

10. R-1 Residential District Special Requirements.

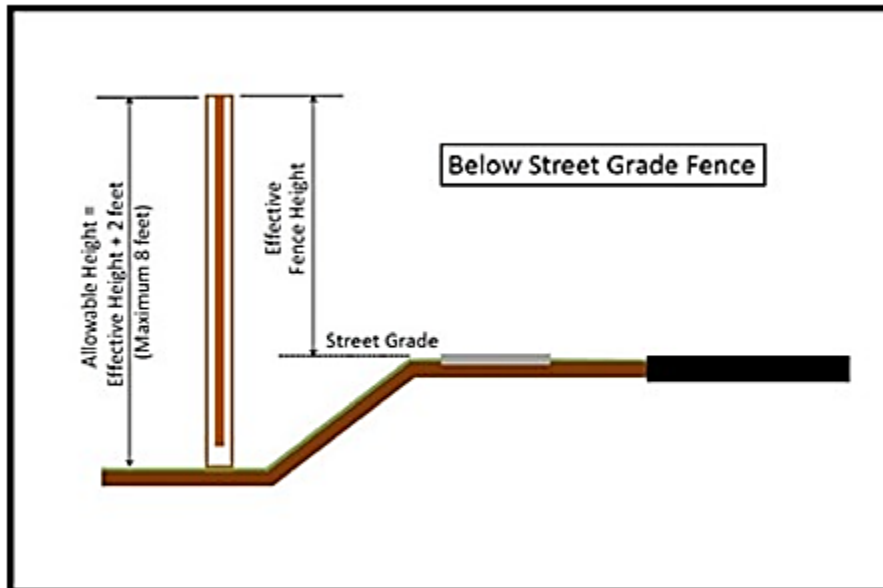
- a. **Height and Setback.** Hedges and fences shall not exceed four (4) feet in height in a required front setback; and fences and hedges shall not exceed six (6) feet in height in a required side, street side, or rear setback; subject to further restriction of Subsection 2.8 A. Visibility at Intersections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



Heights and Setbacks for Fences and Hedges in R-1 Residential Districts

(Source: City of Sandusky, MI accessed 2023)

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



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

11. Fence Permit.

a. R-1 Residential Districts.

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

b. Non-Residential Districts.

A fence permit shall not be required in non-residential districts.

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

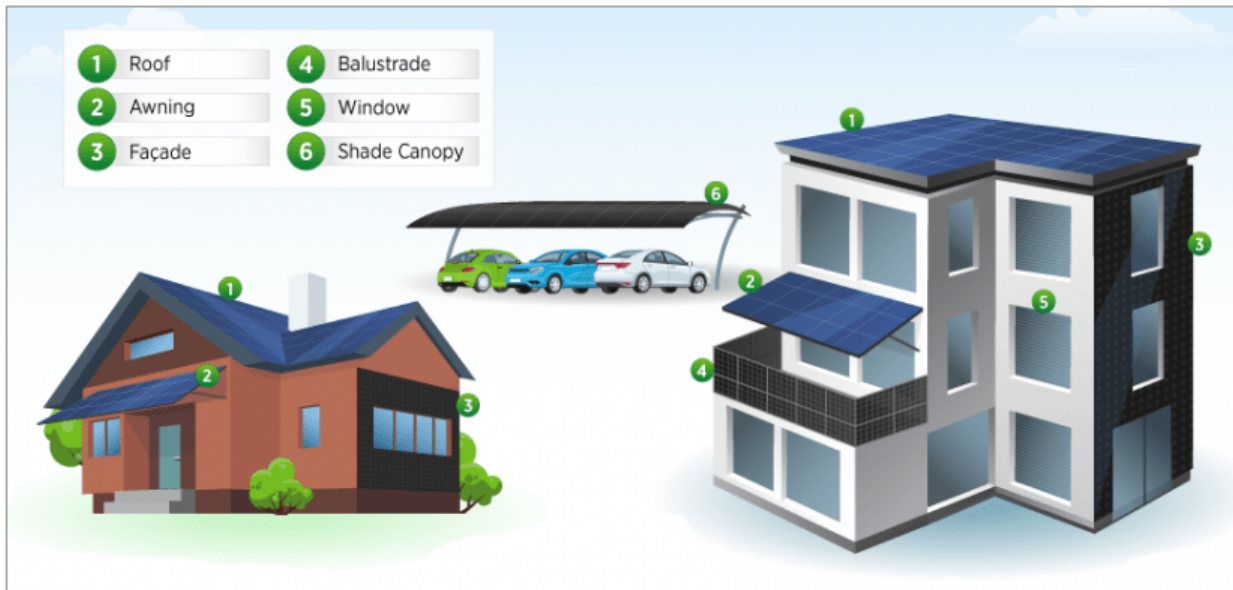
O. Solar Energy Systems. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety, sustainability and welfare of the unincorporated areas of the county, Jackson County finds these regulations are necessary to ensure that solar energy systems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

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

- a. Solar energy system** -- Any solar collector solar device, or structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy.
- b. Solar access easement:** A recorded easement which provides continued access to incident sunlight necessary to operate a solar collector in accordance with Iowa Code Chapter 564A.
- c. Solar array, building-mounted** – A solar energy system mounted on a building or structure; typical uses are attached solar panels and solar energy devices integrated as part of the principal or accessory structure (*see illustration*).
- d. Solar array, freestanding** -- A solar energy system mounted on the ground; typical uses are freestanding solar panels (*see illustration*).
- e. Solar energy generation, consumer-scale:** A solar energy system of interconnected solar panels/arrays for the primary purpose of meeting electrical demands at that location. These systems are typically intended to offset electrical demands for the owner and are not intended to be net annual generators of electricity.
- f. Solar Energy Generation, Utility-Scale:** A group of interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity. This definition does not apply to consumer scale solar installations that are constructed primarily to provide power for use on-site.



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



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

2. General Provisions for All Solar Energy Systems.

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

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

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

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

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

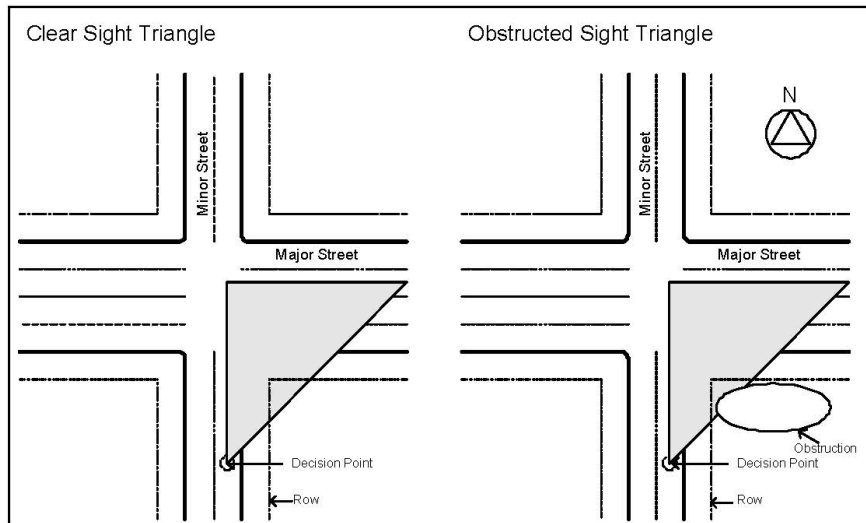
- P. Wind Energy Conversion Systems.** The guidelines for the siting, design, and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets are subject to the provisions of the Jackson County WECS Ordinance.
- Q. Data 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 1.620 Farms Exempt, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

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

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



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

A.B. Accessory Buildings. No accessory building shall be erected in any required front or side setback and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also development regulations for each zoning district in Chapter 2. 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 and other requirements~~ development regulations for each zoning district in Chapter 2. Zoning District Regulations of this Ordinance shall be met for each structure as though it were on an

individual lot; and any required water and sewage disposal facilities shall be installed as approved by the County Health Department. See also Section 2.8.L. Accessory Dwelling Unit.

G.D. **Height Regulation Exceptions.** The height limitations contained in the Schedules of development regulations for each zoning district 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, commercial cell communications stations, towers, and antennas, or other structures placed above the roof level and not intended for human occupancy.

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

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

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

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

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

H. Burial Site Protection.

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

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

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

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

3. Condition of Approval.

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

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

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

~~No parking space required by this Ordinance shall be provided in any required front yard in a residential district and no required parking space, driveway nor any merchandise, display or exterior storage shall be provided in any required front yard or in the first five (5) feet inside the property line of any required side or rear yard in a commercial or industrial district.~~

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

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

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

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

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

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

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



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

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

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

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

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

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

planned single-family residence must be on file with the Zoning Administrator in accordance with Chapter 3. Administration and Enforcement.

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

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

M. Home-Based Business.

1. For purpose of this 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 Home-based business.

~~**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, and.

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

~~**2.3.**~~ ~~**30.**~~ ~~**Home Occupation.**~~ A The business activities shall be characterized by all of the following: which

Commented [LC9]: Moved from Ch. 6 Definitions

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

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

- 4.** A home-based business is prohibited from:
 - a. Operating as any business prohibited by Iowa Code Section 335.35.
 - b. Operating a junk yard, salvage and/or recycling operation.

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

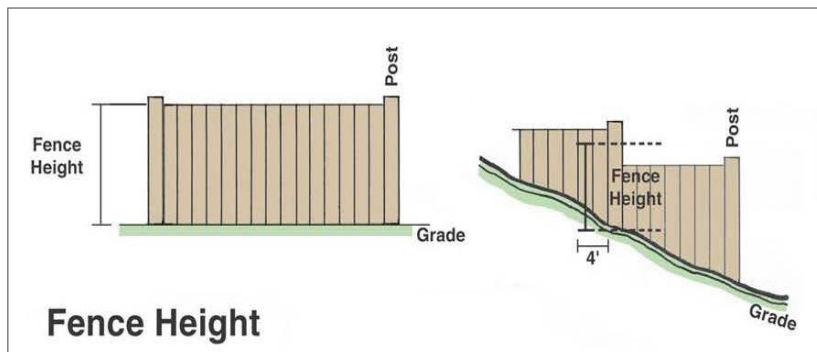
N. Fences and Hedges. Except as otherwise provided herein, all fences and hedges as defined that are located within the unincorporated areas of the County shall be subject to the following provisions:

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

1. Definitions.

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

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



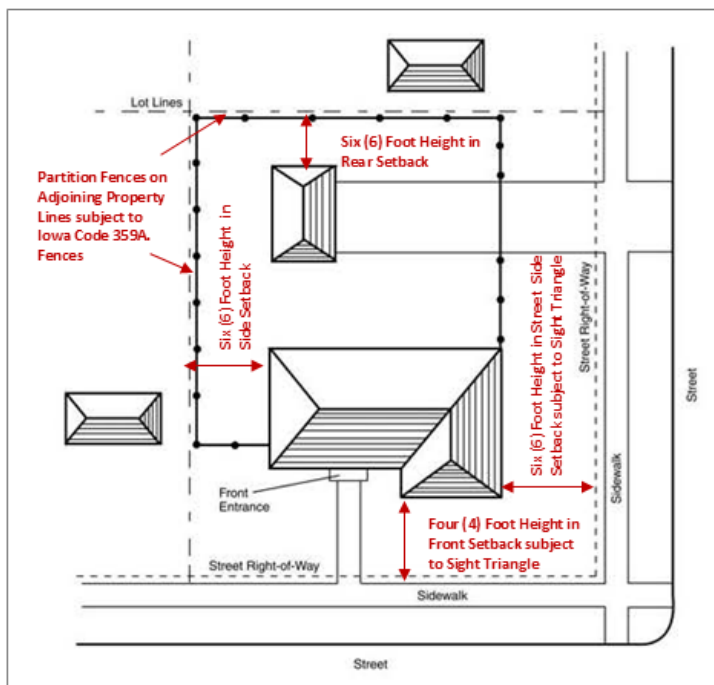
Measurement of Fence Height (Source: City of Sandusky, MI accessed 2023)

8. **Maintenance.** Both sides of any fence or hedge shall be maintained in a condition of reasonable repair and appearance by its owner and shall not be allowed to become and remain in a condition of disrepair or danger, or constitute a nuisance, public or private.

9. Damage. No physical damage of any kind shall occur to abutting property during installation of a fence or hedge unless it is allowed under agreement with the abutting property owner(s).

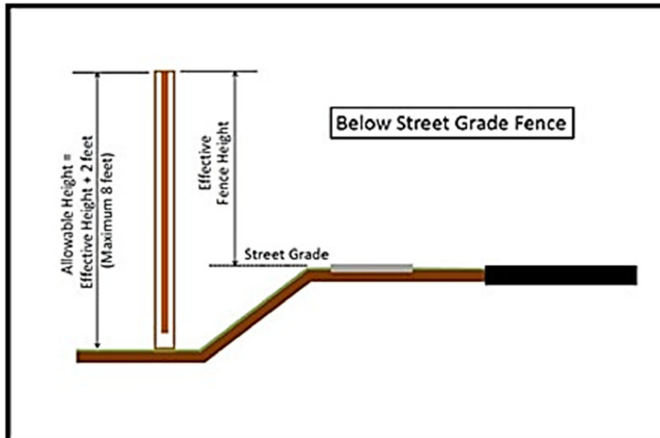
10. R-1 Residential District Special Requirements.

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



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

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



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

11. Fence Permit.

a. R-1 Residential Districts.

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

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

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

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

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

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

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

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

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

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

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



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



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

2. General Provisions for All Solar Energy Systems.

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

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

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

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

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

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

- Q. Data 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.