



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