



February 25, 2025

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

**RE: Zoning Ordinance Update – Initial Draft of Section 2.8 Supplemental Regulations (02-25-25)**

Dear Lori,

Attached is the initial draft of Section 2.8 Supplemental Regulations (02-25-25) for the Zoning Ordinance Update for consideration by the Zoning Commission at their March 10, 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:

- Images have been added
- A proposed subsection for Solar Energy Systems has been added.
- Placeholders for new subsections for Accessory Dwelling Units, Wind Energy Conversion Systems, and Data Mining have been reserves.
- References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

**Recommendation**

The Commission is asked to review the initial draft of Section 2.8 Supplemental Regulations (02-25-25), 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,

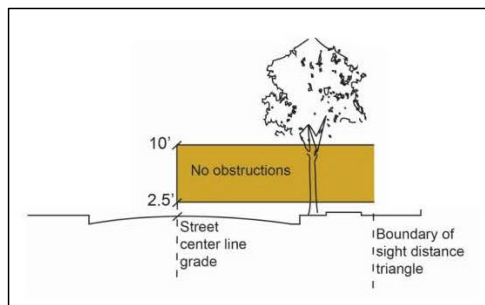
Laura Carstens  
Senior Planner

Attachment

CHAPTER 2. ZONING DISTRICT REGULATIONS

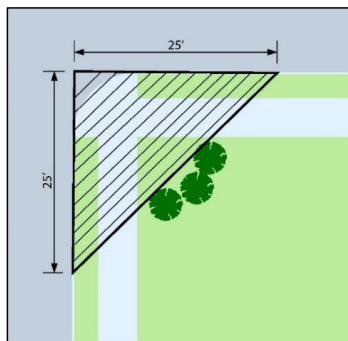
2.8 **Supplementary District Regulations.** Subject to Section 1.620, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

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, planted, allowed to grow, or maintained within the triangular area ~~visibility triangle~~ formed by



**Area with No Obstructions** (Source: Zebulon, NC)

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 clear sight triangle ~~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.



**25-foot Visibility Triangle**  
(Source: ECIA)



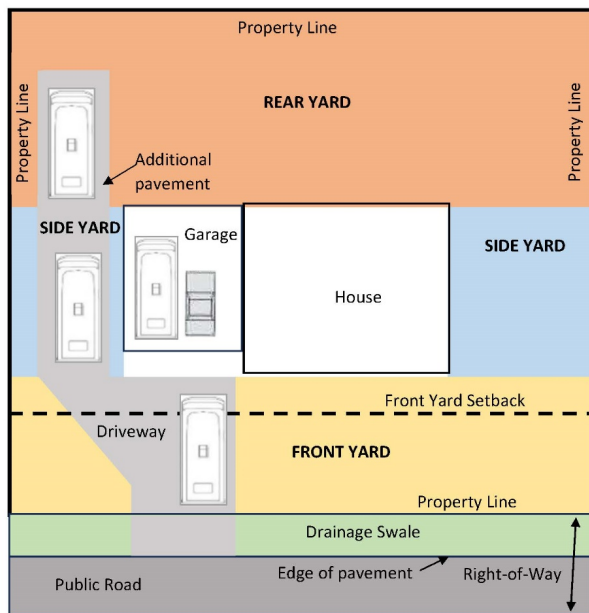
**100-foot Clear Sight Triangle**  
(Source: Summit Township, Erie County, PA)

- 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 except R-1 Residential 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 of this Ordinance shall be met for each structure as though it were on an individual lot. See also Section 2.8.O. Regulation of Accessory Dwelling Units.
- 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.
- E. Use of Public Right-Of-Way.** 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.
- 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.** 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.

**Commented [LC1]:** Wouldn't the 30-foot FY setback be where the driveway is? See diagram.



*Allowable Parking and Storage for Residential Districts (Source: ECIA)*

- 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 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 Units.** The siting, design, and construction of accessory dwelling units on the same lot as a single-family residence shall be regulated in accordance with Iowa Code Section 331.301, Subsection 27; Iowa Code Section 364.3, Subsection 20; and the following County regulations.

1. Reserved
2. Reserved

**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.

**Commented [LC2]:** See House Study Bill (HSB) 162

**1. Definitions.** For purposes of this Section, 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).



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

**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.

**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 website

**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.**

- a. Building-Mounted Solar Array. A building mounted-solar array shall be allowed in all zoning districts as an accessory use and structure, subject to the following provisions:

- I. The Development Regulations for accessory uses and structures in the underlying zoning district set forth in Chapter 2. Zoning District Regulations.
- II. The provisions set forth in Sections 2.8 Supplemental Regulations, 2.9 Application of District Regulations, and 2.10 Nonconformities.

- b. Freestanding Solar Array. A freestanding solar array shall be prohibited in any Residential district. A freestanding solar array may be allowed in any Non-Residential district as a Special Exception in accordance with Section 4.5 Special Exceptions, subject to the following provisions:

- I. The Development Regulations for principal uses and structures in the underlying zoning district set forth in Chapter 2. Zoning District Regulations.
- II. The provisions set forth in Sections 2.8 Supplemental Regulations, 2.9 Application of District Regulations, and 2.10 Nonconformities.

**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 #XX.

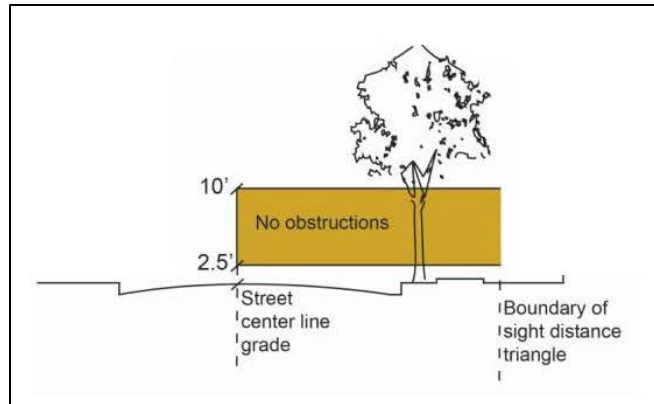
**L.O. Data Mining. Reserved.**



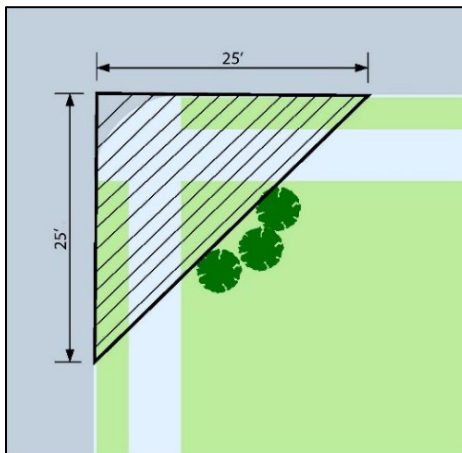
**CHAPTER 2. ZONING DISTRICT REGULATIONS**

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

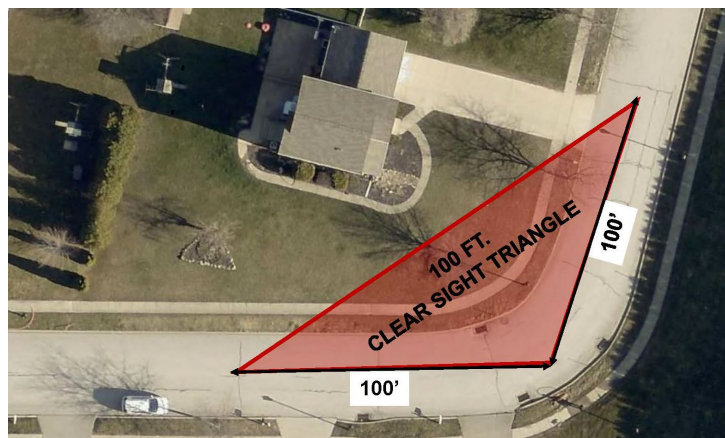
**A. Visibility at Intersection.** On a corner lot in any district, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two and one-half (2.5) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, planted, allowed to grow, or maintained within the visibility triangle 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 clear sight triangle 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.



**Area with No Obstructions** (Source: Zebulon, NC)



**25-foot Visibility Triangle**  
(Source: ECIA)



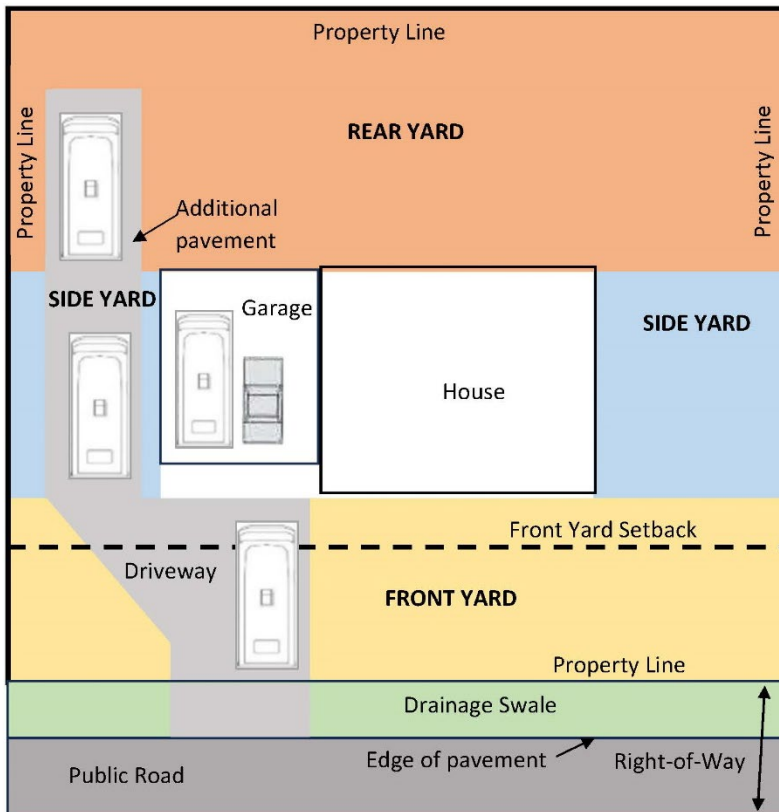
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**B. Accessory Buildings.** No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five (5) feet of any rear lot line. See also Chapter 2. Zoning District Regulations.

- C. More Than One Principal Structure on a Lot.** In any district except R-1 Residential District, more than one (1) principal structure housing an allowed principal use may be erected on a single lot provided that the area, yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot. See also Section 2.8.O. Regulation of Accessory Dwelling Units.
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- E. Use of Public Right-Of-Way.** 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.
- 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.
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  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.

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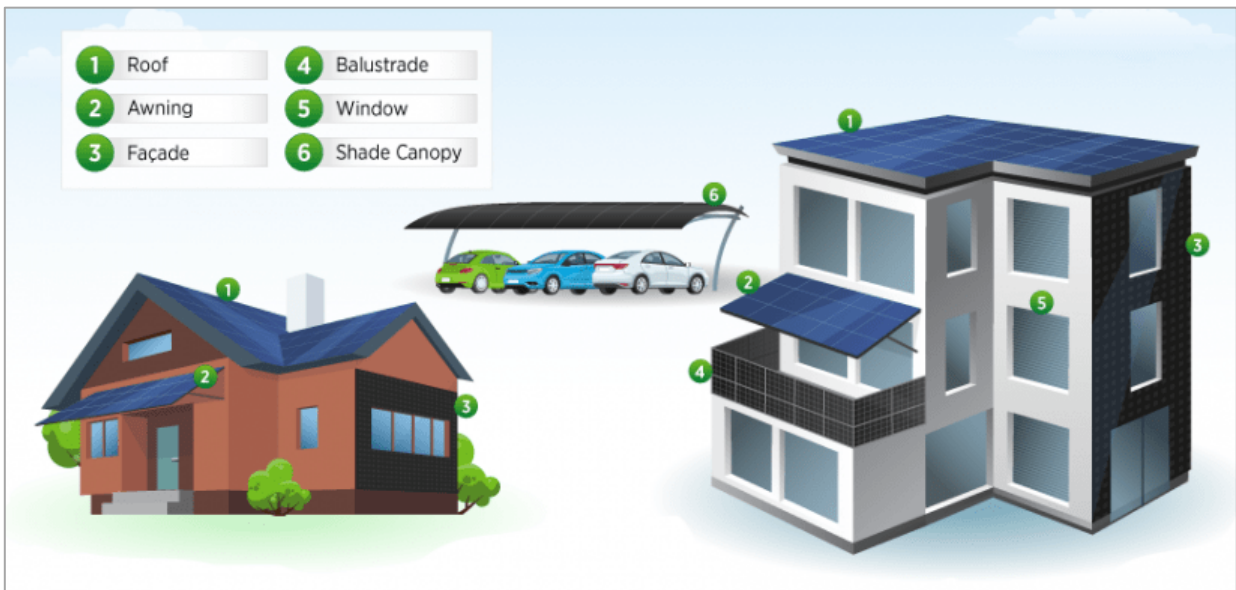
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1. *Reserved*
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**Freestanding solar array at Hurstville Interpretive Center.** Photo Credit: Jackson County Energy District website

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

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**O. Data Mining.** *Reserved.*