



December 30, 2024

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

RE: Zoning Ordinance Update – Initial Draft of Chapter 1. General Provisions

Dear Lori,

Attached is information regarding the initial draft of Chapter 1. General Provisions for review and approval by the Zoning Commission at their January 20, 2025 meeting.

Discussion

Chapter 1 becomes General Provisions. It is expanded to provide for greater context relative to Iowa Code and overall purpose and format of the ordinance. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure.

Major updates proposed are as follows:

- Five existing sections in current Chapter 1 are renumbered (1.15 – 1.20)
- Three existing sections in old Chapter 3 are moved to Chapter 1 (1.4, 1.7, and 1.13)
- Three new sections related to Iowa Code are added (1.3, 1.5, and 1.14)
- Remaining nine new sections are added for overall organization and context

Recommendation

The Commission is asked to review the initial draft of Chapter 1. General Provisions, 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 1. GENERAL PROVISIONS

1.1 Title. This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Jackson County, Iowa.

1.2 Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas of Jackson County outside the incorporated limits of municipalities.

1.3 Purpose. This Ordinance is adopted in accordance with, and as authorized by, Iowa Code Chapter 335, County Zoning. Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.

Commented [LC1]: Related to Iowa Code

~~3.6~~ **1.4 Effective Date.** This Ordinance shall be in full force and effect after its passage and publication as provided by law.

Commented [LC2]: Moved from old Ch. 3

1.5 Relationship to the Land Use Policy Statement and Comprehensive Plan. In accordance with Iowa Code Section 335.5, the regulations in this Ordinance are made in accordance with the 2003 Jackson County Land Use Policy adopted by Resolution #485-02-17-98, as amended by Resolution #116-09-09-03, and the 2024 Jackson County Comprehensive Plan adopted by Resolution #1053-06-25-2024 and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Commented [LC3]: Relates to Iowa Code

It is the intention of this Ordinance to implement the goals and objectives reflected in the Jackson County Land Use Policy and the Comprehensive Plan adopted by the Jackson County Board of Supervisors, and as may be amended from time to time. While Jackson County reaffirms its commitment that the provisions of this Ordinance and any amendments made to this Ordinance shall conform to adopted planning policies, Jackson County acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Land Use Policy or the Comprehensive Plan.

1.6 Minimum Requirements Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. Where for specific land, the requirements of any other ordinances of the County are more

stringent or restrictive than the requirements set forth in this Ordinance; nothing herein shall be construed to waive compliance with the provisions of such other Ordinance.

3.4.1.7 Separability Clause. Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

Commented [LC4]: Moved from old Ch. 3

1.8 Not a Licensing Ordinance. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

1.9 Private Agreement. This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this Ordinance shall govern.

1.10 Code References. Any references herein to sections of the Jackson County Code of Ordinances are to those sections in force on the effective date of this Ordinance and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.

1.11 Headings or Titles. Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.

1.12 Cumulative Provisions. The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

3.5-1.13 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Commented [LC5]: Moved from old Ch. 3

1.14 Iowa Open Meetings Law. The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under Iowa Code Chapter 21. Wherever in this Ordinance a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.

Commented [LC6]: Relates to Iowa Code

1.1-1.15 Establishment of Districts. The following districts are hereby established for the unincorporated areas of the county:

Commented [LC7]: Renumbered Sections 1.15-1.20 are from old Ch. 1

A-1 Agricultural

- R-1 Residential
- R-2A Alternative Residential
- C-1 Highway Commercial
- M-1 Limited Industrial
- M-2 General Industrial
- PUD Planned Unit Development District

The locations and boundaries of these districts are shown on the Official Zoning Map.

1-2-1.16 Adoption of Official Zoning Map. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

1-3-1.17 Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Supervisors and attested to by the County Auditor under the following statement:

"This is to certify that this is the Official Zoning Map referred to in Chapter 1, Section 1-2-1.16, of the Zoning Ordinance of Jackson County, Iowa, as adopted on the 26th day of April, 1976, A. D. and as amended thereafter."

The Official Zoning Map shall be on file in the office of the County Auditor and shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

1-4-1.18 Changes in Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this Ordinance under Section 3-25.4 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, with the signature of the Chairman of the Board of Supervisors approving such change in the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this Ordinance and be punishable as provided in Section 2-43.4 of this Ordinance.

1-5-1.19 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections ~~4-A~~ through ~~5-E~~ above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections ~~4-A~~ through ~~6-F~~ above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

1-6-1.20 Farms exempt. No regulation or requirement adopted under the provisions of this Ordinance shall be construed to 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.

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 in accordance with the Jackson County Floodplain Management Ordinance.

~~1.7 Schedules of District Regulations.~~ The following schedules of district regulations are hereby adopted and declared to be a part of this ordinance:

- ~~— A-1 — Agricultural~~
- ~~— R-1 — Residential~~
- ~~— C-1 — Highway Commercial~~
- ~~— M-1 — Limited Industrial~~
- ~~— M-2 — General Industrial~~

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1.8 Not a Licensing Ordinance. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.

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The Official Zoning Map shall be on file in the office of the County Auditor and shall be the final authority as to the current zoning status of land, buildings and other structures in the County.

1.18 Changes in Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this Ordinance under Section 5.4 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, with the signature of the Chair of the Board of Supervisors approving such change in the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

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- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections A through F above, the Board of Adjustment shall interpret the district boundaries.
- H. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

1.20 Farms exempt. No regulation or requirement adopted under the provisions of this Ordinance shall be construed to 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.

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regulations as non-farm buildings and structures in accordance with the Jackson County Floodplain Management Ordinance.