

1. PROJECT INITIATION AND DEVELOPMENT

Project Website: ECIA project website created and available online at this link:
https://www.eciatrans.org/jackson_county_zoning_ordinance_update/index.php

- o Jan. and Feb. Work Session packets posted on Feb. 24, 2025

2. INITIAL DRAFT OF ZONING ORDINANCE UPDATE

Preliminary Draft Chapters for review on 03-10-25:

- a. Proposed Chapter 4. Board of Adjustment (Redline & Clean) 33 pages
- b. Matrix of Land Uses and Parking Recommendations (Redline Update only) 4 pages
- c. Proposed Chapter 2.2 A-1. Agricultural District (Redline & Clean) 21 pages
- d. Proposed Chapter 2.7 PUD Planned Unit Development District (Redline & Clean) 8 pages
- e. Proposed Chapter 2.8 Supplemental Regulations - includes new subsections for Accessory Dwelling Units, Solar Energy Systems, and Wind Energy Conversion Systems (Redline & Clean) 14 pages

Jackson County Zoning Ordinance Update: Project Schedule	2024	2025							
TASKS	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
<small>revised 01-03-25</small>									
1. Project Initiation and Development									
a. Document Review									
b. Meet with Staff	x								
c. Meet with County Zoning Commission	x								
d. Develop Project Website									
2. Initial Draft of Zoning Ordinance Update									
a. Prepare initial Draft									
b. Feedback on initial Draft from Stakeholders		x							
c. Public input on initial Draft			x						
3. Revised Draft of Zoning Ordinance Update									
a. Feedback on Revised Draft from Stakeholders									
b. Feedback on Revised Draft from Board									
c. Public Input on Revised Draft					x				
4. Final Ordinance Implementation and Adoption									
a. Prepare Final Draft									
b. Publish / Post Final Draft							PH		PH
c. Public Hearing & Adoption with Board of Supervisors									
Project Meetings with ECA Staff (x = meeting)									
Zoning Administrator & Staff (x = meeting)		x	x	x	x	x	x	x	x
Zoning Administrator & Administrative Assistant		x	x	x	x	x	x	x	x
Board of Adjustment		x	x	x	x	x	x	x	x
Board of Supervisors									
(x = meeting; PH = public hearing)									
Project Meetings with ECA Staff (x = meeting)									
Zoning Administrator & Administrative Assistant									
Board of Adjustment									
Board of Supervisors									
Zoning Commission Public Hearing									
Board of Supervisors Public Hearing(s)									
Zoning Administrator Meetings									
Zoning Commission and Board of Supervisors									
Monthly or as needed to provide updates to Commission and Supervisors.									

CHAPTER 4. BOARD OF ADJUSTMENT

2.114.1 Board of Adjustment Created. In accordance with Iowa Code Section 335.10, a Board of Adjustment, hereinafter referred to as the Board, is hereby established by the Jackson County Board of Supervisors. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years, except that when the Board shall first be created one (1) member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years and one for a term of one (1) year. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.

2.124.2 Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules and procedures adopted in 2017 are set forth below.

A. General Governing Rules. The Board shall be governed by the provisions of Iowa Code Chapter 335, as amended. No rule herein shall be changed or waived without the affirmative vote of three (3) members of the Board and concurrence of the Board of Supervisors.

B. Officers and Committees.

1. The Board shall elect a chair and a vice-chair, who shall be acting chair in the absence of the chair, annually at the first meeting of the year. The chair may not succeed themselves.

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

3. A secretary (who need not be a member of the Board) shall be designated by the Board. The secretary shall conduct all correspondence of the Board and shall carry out such other official duties as may be assigned by the Board. The secretary shall also keep records of appeals, examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Board. The Board secretary of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

C. Meetings.

1. Regular Meetings. The regular meeting of the Board shall be held each month unless there is no cause for holding such meetings. If there is to be a regular meeting, the

secretary shall inform the members of the Board at least twenty-four (24) hours in advance.

2. Special Meetings. Special meetings may be called by the chair and at such other time as the Board may determine, provided that at least twenty-four (24) hours' notice of such meeting is given each member. If for any reason an announced meeting of this Board fails to occur on the date announced, a special meeting is hereby called, to be held seven (7) days after the time and date of the original announced meeting, time and date and at the same place, to take up the original announced meeting agenda. However, if the resulting meeting date falls on a county government holiday, the special meeting referred to above is hereby scheduled fourteen (14) days from the original announced meeting time and date.
3. Quorum. A quorum shall consist of three (3) members of the five (5) appointed members for the transaction of all business. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass.

4. Representation, Personal Interest. Neither the secretary nor any member of the Board shall appear for or represent any person in any matter pending before the Board. No member of the Board shall hear or vote upon any appeal in which they have any personal or financial interest, directly or indirectly.

5. Conduct of Meetings. Meetings shall be held at the call of the chair~~person~~ and at such other times as the Board may determine. The chair~~person~~, or in the absence of the chair~~person~~, the acting chair~~person~~, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The order of business at meetings shall be as follows:

- a. Roll call
- b. Approval of minutes of the previous meeting
- c. Reports of committees
- d. Unfinished business
- e. Hearing of cases, or appeals or referrals
- f. New business
- g. Reading of correspondence other than that related to new or old business or hearing scheduled

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

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

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

E. Public Hearings.

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

2. The order of the hearing shall be:

- a. Statement of case by the chair or, the vice-chair in their absence, or the chair's assignee.
- b. The following statement will be read: "Because of any personal or financial interest, either directly or indirectly, do any Board members wish to recuse themselves from proceedings?"
- c. Supporting argument by the applicant or their agent or attorney.
- d. Supporting arguments by others at the hearing.
- e. Opposing arguments by persons at the hearing.
- f. Rebuttals by those supporting the applicant other than the applicant.
- g. Rebuttals by those opposed to the application.
- h. Final rebuttal by the applicant.

- F. Decisions. Hearings on all applications shall be held within forty-five (45) days of receipt thereof. Decisions on all cases shall be voted upon by the Board within thirty (30) days after the date of hearing or if acceptable to the applicant, the continuation of such meeting.

If no motion either to approve or deny the action requested receives three (3) or more aye votes, then the case will be placed as old business on the agenda of each regular or special meeting of the Board until a motion either to approve or deny does receive three (3) or more aye votes.

The decision shall be promptly transmitted in writing to the applicant by the secretary stating the Board's action, the vote thereon and the reasons therefor, and any recommendations or modifications or conditions to which the Board's decision is subject. One (1) copy of the Board's action shall be filed in the official files of the Board and one (1) copy forwarded to the Board of Supervisors.

Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson or in the absence of the chairperson, the acting chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

2.13 ~~2.13~~ **Hearings- Appeals- Notice**- Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrator. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rules of the Board, by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney.

A fee established by rule of the Jackson County Board of Supervisors shall be paid to the Administrator at the time the notice of appeal is filed which the Administrator shall forthwith pay over to the credit of the general fund of the County.

2.14 ~~2.14~~ **Stay of Proceedings**- An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the Administrator from whom the appeal is taken and on due cause shown.

2.15.3 ~~2.15.3~~ **The Board of Adjustment: Powers and Duties**: In accordance with Iowa Code Section 335.11, the Board of Adjustment shall have the following powers and duties:

A. **1- Administrative Review Appeals**. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this Ordinance.

B. **2- Special Exceptions- Conditions-Governing-Applications- Procedures**.

1. ~~1.~~ To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance and to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

~~1.2.~~ **1.2.** Additionally, the Board of Adjustment shall have the power to modify by special exception any quantitative requirements under the same conditions and using the same procedures as set out in this section for listed special exception uses, providing the modification is less than fifty percent (50%) of the requirement, or, in situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

~~3.~~ **3.** ~~Variation- Conditions-Governing-Applications- Procedures~~. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

~~2.13.4.4~~ **2.13.4.4** ~~Hearings- Appeals- Notice~~. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrator.

~~2.14~~ **2.14** ~~A. Stay of Proceedings~~. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the Administrator from whom the appeal is taken and on due cause shown.

~~B. Procedures~~. Such appeals shall be taken within a reasonable time, not to exceed ~~sixty (60) forty-five (45) days or such lesser period as may be provided by the rules of the Board, by~~ filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or appear virtually, or by agent or attorney.

1. A written application indicating the administrative decision or the section of this Ordinance being appealed.

2. A fee as established by rule of the Jackson County Board of Supervisors shall be paid to the Administrator at the time the notice of appeal is filed which the Administrator shall forthwith pay over to the credit of the general fund of the County.

2-3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:

- a. The original application.
- b. The records of any action on the appeal by an administrative official.
- c. Proof of notice sent at least ten (10) and no more than twenty (20) days prior to the hearing date to the applicant by mail for the purpose of a courtesy notice of the hearing.
- d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
- e. Minutes of the public hearing.

C. Final Decision. The final decision shall include the findings of fact and the conclusions reached by the Board. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact related to the specific appeal.

4.5 Special Exception. Any person may submit to the Board an application requesting a special exception in accordance with Section 4.5.B. and the regulations of this Ordinance.

~~in granting any special exception the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted shall be deemed a violation of this ordinance and punishable under Section 2-4 of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete or both such action within the time limit set shall void the special exception.~~

A. Procedures. ~~b.~~ A special exception shall not be granted by the Board of Adjustment unless and until:

- 1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

2. Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the country.

3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney.

~~B. Standards for Review.~~ In reviewing an application for a special exception, the Board of Adjustment shall consider the following:

- 1. The Jackson County Land Use Policy Statement;
- 2. Other policy statements adopted by the Board of Supervisors including Resolution #184-12-07-99 addressing the preservation of ancient burial mounds;
- 3. The purpose and intent of the Ordinance and of its specific districts;
- 4. The most appropriate use of the land;
- 5. The conservation and stabilization of property values;
- 6. Adequate open spaces for light and air;
- 7. Concentration of population;
- 8. Congestion of public streets;
- 9. The promotion of the public safety, health, convenience and comfort;
- 10. The general welfare of the persons residing or working in the general area.

~~C. Findings.~~ Before any special exception is granted, the Board shall make the following written findings regarding the case in question:

- 1. The Board is empowered under the section of this Ordinance described in the application to grant the special exception.
- 2. It complies with any specific regulations governing individual special exceptions.
- 3. Satisfactory provision has been made concerning the following, where applicable:

- a. Vehicular access to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - b. Off-street parking, loading and service areas where required;
 - c. Economic, noise, dust, heat, glare or odor effects of the special exception on surrounding properties;
 - d. Utilities, with reference to locations, availability, adequacy and compatibility;
 - e. Screens and buffers with reference to type, dimensions, character and adequacy;
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with surrounding properties;
 - g. Required yards and other open spaces;
 - h. General compatibility with surrounding properties.
4. It is in harmony with the Land Use Policy Statement.
 5. It will not adversely affect the public interest.

~~D. **3. Conditions.** In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 2-3.4 of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.~~

~~3. **Variance-Conditions-Governing-Applications-Procedures.** To authorize upon appeal specific cases where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.~~

4.6 Variance. Any person may submit to the Board an application requesting a Variance in accordance with Section 4.5.C. of this Ordinance.

A. Procedures. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant;
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structure or buildings in other districts shall be considered grounds for the issuance of a variance.

~~2. Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the country.~~

~~2. Notice of public hearing shall be given as in Section 2.15.2(b) above.~~

3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or by attorney.

B. Standards for Review. In reviewing an application for a variance, the Board shall consider the following. In order to be granted a variance, the applicant carries the burden of proving to the Board that strict enforcement of the terms of this Ordinance will inflict an “unnecessary hardship” on the property owner. No variance shall be granted unless the applicant shall show and the Board shall find the following:

1. The Iowa courts have set out specific criteria that must be satisfied before the Board may find that an “unnecessary hardship” exists, sufficient to grant a property owner a variance. The property owner must satisfy all three (3) criteria to be granted a variance:

- a. The land in question cannot yield reasonable return if used only for a purpose allowed in that zoning district.
- b. The plight of the property owner is due to unique circumstances and not to general conditions in neighborhood, and
- c. The use to be authorized by variance will not alter essential character of the locality.

4-2. The Iowa courts have established the following guidelines for assessing whether the above-listed criteria have been met:

- a. Failure to yield a “reasonable return” may be shown by proof that the property owner has been deprived of all beneficial use of the land. All

beneficial use is said to have been lost where the land is not suitable for any use permitted by this Ordinance.

- i. It is not sufficient to show that the value of land merely has been depreciated by the zoning regulations, or that a variance would permit a property owner to maintain a more profitable use.
- ii. It is not sufficient to show mere inconvenience to the applicant.
- b. Problems common to several properties do not constitute "unique circumstances." The condition or situation is not of so general or recurring a nature as to make reasonably practical a general regulation to be adopted as an amendment of this Ordinance.
- c. This disadvantage of "unique circumstances" does not exist as a result of conditions created by the owner or previous owners of the property.
- d. A variance that alters the "essential character of the area" is beyond the authority of the Board to grant. The Board cannot grant a variance that, in effect, constitutes a rezoning or zoning ordinance amendment. Factors to consider in determining whether a variance will alter the "essential character of the neighborhood" include the degree of variation from district regulations, the size of the parcel, and the parcel's size and character in relation to the size of the district.

3. In granting a variance, the Board shall not consider prospective financial loss or gain to the applicant.

4. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Ordinance regulations in the district involved, or any use expressly or by implication prohibited by the terms of the regulations in said district.

5. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the granting of a variance.

C. Findings. Before any variance is granted, the Board shall make the following written findings regarding the case in question:

1. The Board is empowered under the section of this Ordinance described in the application to grant the special exception.

1-2. The Board shall make findings that the requirements of Section 2-15-3(4)A,B. of this Ordinance have been met by the applicant for a variance.

2-3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the

minimum variance that will make possible the reasonable use of the land, building or structure.

3-4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. Conditions. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2-43.4 of this Ordinance. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permitted in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The effective date of variances granted shall be twenty-one (21) days from the date of granting, except that when a variance has been reaffirmed, with or without modification, after being remanded by the Board of Supervisors under the Provisions of section 2.17 below, the variance shall be effective immediately or as specified in the motion to reaffirm.

2-164.7 Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have powers of the Administrator from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in application of this ordinance.

2-174.7 Remanding of Variances by the Board of Supervisors. Under the authority of Iowa Code Section 335.10, the Board of Supervisors shall have the power to remand any variance granted by the Board of Adjustment. Accordingly, the following provisions shall apply:

A. 1. A written report of all actions taken by the Board of Adjustment shall be provided promptly by its secretary to the applicant and to the Board of Supervisors, to include also the effective date of any variances granted.

B. 2. Upon considering the report of actions and any other information available, the Board of Supervisors may choose to remand any decision to grant a variance, so long as it acts by official motion and before the effective date of the variance. The remanding of a variance will automatically delay its effective date for thirty (30) days from

the date of the remand, or until the Board ~~of Adjustment~~ has taken an official action on the remand, as required by subsection ~~four (4)~~10.D, below, whichever comes first.

C. ~~3.~~ Upon notice of such remand, the Board ~~of Adjustment~~ shall schedule a special public hearing, to occur before the new effective date of the variance, to hear any new testimony available on the matter. Notice of this hearing shall be provided in the customary manner and to all persons who commented on the request, either at the original hearing or in writing to the Board ~~of Adjustment~~.

D. ~~4.~~ Upon holding such special hearing, the Board ~~of Adjustment~~ shall make findings and take action to affirm its original decision, or to modify it by the placement of conditions on the variance, or by denying the variance.

E. ~~5.~~ If the Board ~~of Adjustment~~ fails to act before the effective date of a variance, the variance stands and any further redress of grievances shall come from a court of record as noted below.

~~2.194.9~~ **Appeals from The Board of Adjustment:** Any person or persons or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board ~~of Adjustment~~ may seek review by a court of record of such decision in the manner provided by the laws of the State and particularly by Iowa Code Chapter 358A, ~~Code of Iowa~~.

CHAPTER 4. BOARD OF ADJUSTMENT

4.1 Board of Adjustment Created. In accordance with Iowa Code Section 335.10, a Board of Adjustment, hereinafter referred to as the Board, is hereby established by the Jackson County Board of Supervisors. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years, except that when the Board shall first be created one (1) member shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years and one for a term of one (1) year. Members of the Board may be removed from office by the Board of Supervisors for cause upon written charges and after public hearing. Vacancies shall be filled by the Board of Supervisors for the unexpired term of the member.

4.2 Proceedings of the Board of Adjustment. The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. The rules and procedures adopted in 2017 are set forth below.

A. General Governing Rules. The Board shall be governed by the provisions of Iowa Code Chapter 335, as amended. No rule herein shall be changed or waived without the affirmative vote of three (3) members of the Board and concurrence of the Board of Supervisors.

B. Officers and Committees.

1. The Board shall elect a chair and a vice-chair, who shall be acting chair in the absence of the chair, annually at the first meeting of the year. The chair may not succeed themselves.

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

3. A secretary (who need not be a member of the Board) shall be designated by the Board. The secretary shall conduct all correspondence of the Board and shall carry out such other official duties as may be assigned by the Board. The secretary shall also keep records of appeals, examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Board. The secretary shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

C. Meetings.

1. *Regular Meetings.* The regular meeting of the Board shall be held each month unless there is no cause for holding such meetings. If there is to be a regular meeting, the secretary shall inform the members of the Board at least twenty-four (24) hours in advance.
2. *Special Meetings.* Special meetings may be called by the chair and at such other time as the Board may determine, provided that at least twenty-four (24) hours' notice of such meeting is given each member. If for any reason an announced meeting of this Board fails to occur on the date announced, a special meeting is hereby called, to be held seven (7) days after the time and date of the original announced meeting time and date and at the same place, to take up the original announced meeting agenda. However, if the resulting meeting date falls on a county government holiday, the special meeting referred to above is hereby scheduled fourteen (14) days from the original announced meeting time and date.
3. *Quorum.* A quorum shall consist of three (3) members of the five (5) appointed members for the transaction of all business. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass.
4. *Representation, Personal Interest.* Neither the secretary nor any member of the Board shall appear for or represent any person in any matter pending before the Board. No member of the Board shall hear or vote upon any appeal in which they have any personal or financial interest, directly or indirectly.
5. *Conduct of Meetings.* Meetings shall be held at the call of the chair and at such other times as the Board may determine. The chair, or in the absence of the chair, the acting chair, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The order of business at meetings shall be as follows:
 - a. Roll call
 - b. Approval of minutes of the previous meeting
 - c. Reports of committees
 - d. Unfinished business
 - e. Hearing of cases, or appeals or referrals
 - f. New business
 - g. Reading of correspondence other than that related to new or old business or hearing scheduled

6. *Voting.* The chair or presiding officer shall have equal voting power with the other members of the Board and may vote on all questions before the Board unless otherwise limited herein.
 7. *Adjourned Meetings.* The Board may adjourn a regular meeting if all business cannot be disposed of on the day set and no further public notice shall be necessary for such a meeting if the time and place of its resumption are stated at the time of adjournment and are not changed after adjournment.
- D. Vacancies.** In the event vacancies occur in the Board's membership, the chair shall inform the Board of Supervisors as promptly as possible so that the Supervisors may appoint a replacement to fill out the unexpired term.
- E. Public Hearings.**
1. At public hearings held by the Board on any matter as may be required by law or as may be set by the Board upon its own motion, any person may appear on their own behalf or be represented by agent or by attorney.
 2. The order of the hearing shall be:
 - a. Statement of case by the chair or, the vice-chair in their absence, or the chair's assignee.
 - b. The following statement will be read: "Because of any personal or financial interest, either directly or indirectly, do any Board members wish to recuse themselves from proceedings?"
 - c. Supporting argument by the applicant or their agent or attorney.
 - d. Supporting arguments by others at the hearing.
 - e. Opposing arguments by persons at the hearing.
 - f. Rebuttals by those supporting the applicant other than the applicant.
 - g. Rebuttals by those opposed to the application.
 - h. Final rebuttal by the applicant.
- F. Decisions.** Hearings on all applications shall be held within forty-five (45) days of receipt thereof. Decisions on all cases shall be voted upon by the Board within thirty (30) days after the date of hearing or if acceptable to the applicant, the continuation of such meeting.
- If no motion either to approve or deny the action requested receives three (3) or more aye votes, then the case will be placed as old business on the agenda of each regular or special meeting of the Board until a motion either to approve or deny does receive three (3) or more aye votes.

The decision shall be promptly transmitted in writing to the applicant by the secretary stating the Board's action, the vote thereon and the reasons therefore, and any recommendations or modifications or conditions to which the Board's decision is subject. One (1) copy of the Board's action shall be filed in the official files of the Board and one (1) copy forwarded to the Board of Supervisors.

4.4 The Board of Adjustment: Powers and Duties: in accordance with Iowa Code Section 335.11, the Board shall have the following powers and duties:

A. Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this Ordinance.

B. Special Exceptions.

1. To hear and decide only such special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance and to deny special exceptions when not in harmony with the purpose and intent of this ordinance.
2. Additionally, the Board shall have the power to modify by special exception any quantitative requirements under the same conditions and using the same procedures as set out in this section for listed special exception uses, providing the modification is less than fifty percent (50%) of the requirement, or, in situations involving setbacks from public roads, the County Engineer has determined that the interests of government entities in safety, engineering, and potential cost factors are negligible.

C. Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

4.4 Appeals. Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the County affected by any decision of the Administrator.

A. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed

other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application and notice to the Administrator from whom the appeal is taken and on due cause shown.

B. Procedures. Such appeals shall be taken within a reasonable time, not to exceed forty-five (45) days as provided by the rules of the Board, by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or appear virtually, or by agent or attorney.

1. An application indicating the administrative decision or the section of this Ordinance being appealed.
2. A fee (established by rule of the Board of Supervisors) shall be paid to the Administrator at the time the notice of appeal is filed which the Administrator shall forthwith pay over to the credit of the general fund of the County.
3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The records of any action on the appeal by an administrative official.
 - c. Proof of notice sent at least ten (10) and no more than twenty (20) days prior to the hearing date to the applicant by mail for the purpose of a courtesy notice of the hearing.
 - d. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - e. Minutes of the public hearing.

C. Final Decision. The final decision shall include the findings of fact and the conclusions reached by the Board. The decision must be in writing and include all conditions that may be associated with the decision. The decision should not be a mere conclusion or statement. Each decision shall be accompanied by specific findings of fact related to the specific appeal.

4.5 Special Exception. Any person may submit to the Board an application requesting a special exception in accordance with Section 4.5.B. and the regulations of this Ordinance.

A. Procedures. A special exception shall not be granted by the Board unless and until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the country.
3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney.

B. Standards for Review. In reviewing an application for a special exception, the Board shall consider the following:

1. The Jackson County Land Use Policy Statement;
2. Other policy statements adopted by the Board of Supervisors including Resolution #184-12-07-99 addressing the preservation of ancient burial mounds;
3. The purpose and intent of the Ordinance and of its specific districts;
4. The most appropriate use of the land;
5. The conservation and stabilization of property values;
6. Adequate open spaces for light and air;
7. Concentration of population;
8. Congestion of public streets;
9. The promotion of the public safety, health, convenience and comfort;
10. The general welfare of the persons residing or working in the general area.

C. Findings. Before any special exception is granted, the Board shall make the following written findings regarding the case in question:

1. The Board is empowered under the section of this Ordinance described in the application to grant the special exception.
2. It complies with any specific regulations governing individual special exceptions.

3. Satisfactory provision has been made concerning the following, where applicable:
 - a. Vehicular access to property with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - b. Off-street parking, loading and service areas where required;
 - c. Economic, noise, dust, glare or odor effects of the special exception on surrounding properties;
 - d. Utilities, with reference to locations, availability, adequacy and compatibility;
 - e. Screens and buffers with reference to type, dimensions, character and adequacy;
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with surrounding properties;
 - g. Required yards and other open spaces;
 - h. General compatibility with surrounding properties.

4. It is in harmony with the Land Use Policy Statement.
5. It will not adversely affect the public interest.

D. Conditions. In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance and punishable under Section 3.4 of this ordinance. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

4.6 Variance. Any person may submit to the Board an application requesting a Variance in accordance with Section 4.5.C. of this Ordinance.

A. Procedures. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structure or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Notice shall be given at least ten (10) but no more than twenty (20) days in advance of the public hearing by publication in a newspaper of general circulation in the country.
 3. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or by attorney.

B. Standards for Review. In reviewing an application for a variance, the Board shall consider the following. In order to be granted a variance, the applicant carries the burden of proving to the Board that strict enforcement of the terms of this Ordinance will inflict an “unnecessary hardship” on the property owner. No variance shall be granted unless the applicant shall show and the Board shall find the following:

1. The Iowa courts have set out specific criteria that must be satisfied before the Board may find that an “unnecessary hardship” exists, sufficient to grant a property owner a variance. The property owner must satisfy all three (3) criteria to be granted a variance:
 - a. The land in question cannot yield reasonable return if used only for a purpose allowed in that zoning district,
 - b. The plight of the property owner is due to unique circumstances and not to general conditions in neighborhood, and
 - c. The use to be authorized by variance will not alter essential character of the locality.
2. The Iowa courts have established the following guidelines for assessing whether the above-listed criteria have been met:
 - a. Failure to yield a “reasonable return” may be shown by proof that the property owner has been deprived of all beneficial use of the land. All beneficial use is said to have been lost where the land is not suitable for any use permitted by this Ordinance.

- i. It is not sufficient to show that the value of land merely has been depreciated by the zoning regulations, or that a variance would permit a property owner to maintain a more profitable use.
- ii. It is not sufficient to show mere inconvenience to the applicant.
- b. Problems common to several properties do not constitute “unique circumstances.” The condition or situation is not of so general or recurring a nature as to make reasonably practical a general regulation to be adopted as an amendment of this Ordinance.
- c. This disadvantage of “unique circumstances” does not exist as a result of conditions created by the owner or previous owners of the property.
- d. A variance that alters the “essential character of the area” is beyond the authority of the Board to grant. The Board cannot grant a variance that, in effect, constitutes a rezoning or zoning ordinance amendment. Factors to consider in determining whether a variance will alter the “essential character of the neighborhood” include the degree of variation from district regulations, the size of the parcel, and the parcel’s size and character in relation to the size of the district.
3. In granting a variance, the Board shall not consider prospective financial loss or gain to the applicant.
4. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of the Ordinance regulations in the district involved, or any use expressly or by implication prohibited by the terms of the regulations in said district.
5. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the granting of a variance.

C. Findings. Before any variance is granted, the Board shall make the following written findings regarding the case in question:

1. The Board is empowered under the section of this Ordinance described in the application to grant the special exception.
2. The requirements of Section 4.8.B. of this Ordinance have been met by the applicant for a variance.
3. The reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

4. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

D. Conditions. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.4 of this Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permitted in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district. The effective date of variances granted shall be twenty-one (21) days from the date of granting, except that when a variance has been reaffirmed, with or without modification, after being remanded by the Board of Supervisors under the Provisions of section 2.17 below, the variance shall be effective immediately or as specified in the motion to reaffirm.

4.7 Decisions of the Board of Adjustment. In exercising the above-mentioned powers, the Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and to that end shall have powers of the Administrator from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in application of this ordinance.

4.8 Remanding of Variances by the Board of Supervisors. Under the authority of Iowa Code Section 335.10, the Board of Supervisors shall have the power to remand any variance granted by the Board. Accordingly, the following provisions shall apply:

- A. A written report of all actions taken by the Board shall be provided promptly by its secretary to the applicant and to the Board of Supervisors, to include also the effective date of any variances granted.
- B. Upon considering the report of actions and any other information available, the Board of Supervisors may choose to remand any decision to grant a variance, so long as it acts by official motion and before the effective date of the variance. The remanding of a variance will automatically delay its effective date for thirty (30) days from the date of the remand, or until the Board has taken an official action on the remand, as required by subsection 4.10.D. below, whichever comes first.
- C. Upon notice of such remand, the Board shall schedule a special public hearing, to occur before the new effective date of the variance, to hear any new testimony available on the matter. Notice of this hearing shall be provided in the customary manner and to all

persons who commented on the request, either at the original hearing or in writing to the Board.

D. Upon holding such special hearing, the Board shall make findings and take action to affirm its original decision, or to modify it by the placement of conditions on the variance, or by denying the variance.

E. If the Board fails to act before the effective date of a variance, the variance stands and any further redress of grievances shall come from a court of record as noted below.

4.9 Appeals from the Board of Adjustment: Any person or persons or any board, taxpayer, department, board or bureau of the county aggrieved by any decision of the Board may seek review by a court of record of such decision in the manner provided by the laws of the State and particularly by Iowa Code Chapter 358A.

MATRIX OF ALLOWED USES (P=Principal, A=Accessory, S= Special Exception, T=Temporary, N=Prohibited)													
Def. GENERAL LAND USE CATEGORIES	A-1		R-1	C-1	M-1	M-2	Land Use Recommendations					4th Draft 03-04-25 Recommended Parking	
	S	P	A	A	A	A	A	P	P	P	P		S
x Agricultural Sales, Services, and Supply	S		P										1 per 400 square feet of floor area
x Agriculture	P		P										None; farm exempt
x Horse Nurseries	P		P										None; farm exempt
x Dwelling			P										None; farm exempt
x Condominium Dwelling			P										2 per dwelling unit
x Conversion of existing dwelling or other structure to a two-family dwelling	S		P										2 per dwelling unit
x Dwelling unit for widows or caretakers			P										2 per dwelling unit
x Elder care home	P		P										0.5 per dwelling unit
x Family home	P		P										0.5 per dwelling unit
x Farm Dwelling - See Farm			P										2 per dwelling unit
x Multiple family dwellings, including residential condominiums	S		P										2 per dwelling unit
x Single-family dwelling, detached	P		P										2 per dwelling unit
x Single-family dwelling, attached	P		P										2 per dwelling unit
x Townhouse dwelling			P										2 per dwelling unit
x Two-family dwelling			P										2 per dwelling unit
x Vacation home			P										2 per dwelling unit
x Education			P										1 per 400 square feet of floor area
x Daycare, Adult			P										1 per 400 square feet of floor area
x Daycare, Child			P										1.5 per maximum shift + drop pickup or bus stop on lot
x Elementary School			P										1 per 400 square feet of floor area
x Post-High School			P										1 per 400 square feet of floor area
x Preschool			P										1.5 per maximum shift + 1 per 10 students + drop/pickup or bus stop on lot + 4 parking spaces
x Secondary School			P										1.5 per maximum shift + 1 per 10 students + drop/pickup or bus stop on lot + 4 parking spaces
x Barn	P		P										None; farm exempt
x Farm building	P		P										None; farm exempt
x Farm dwelling, principal	P		P										Minimum 4 spaces at least 20 feet from road right of way
x Farm dwelling, secondary	A		P										1 per 400 square feet of floor area
x Farm stand	P		P										1 per 400 square feet of floor area
x Farm stand	P		P										1 per 400 square feet of floor area
x Home-based business/office	P		P										1 per 400 square feet of floor area
x Home-based business/office	P		P										1 per 400 square feet of floor area
x Home-based business/office	P		P										1 per 400 square feet of floor area
x General Office	P		P										1 per 400 square feet of floor area
x Antiques shop	P		P										1 per 400 square feet of floor area
x Art gallery	P		P										1 per 400 square feet of floor area
x Art studio	P		P										1 per 400 square feet of floor area
x Bath shop	P		P										1 per 400 square feet of floor area
x Convenience store	P		P										1 per 400 square feet of floor area
x Hardware	P		P										1 per 400 square feet of floor area
x Lawn care	P		P										1 per 400 square feet of floor area
x Landscaping & supply shop	P		P										1 per 400 square feet of floor area
x General Services	P		P										1 per 400 square feet of floor area
x Personal Services	P		P										1 per 400 square feet of floor area
x Place of Assembly	P		P										1 per 400 square feet of floor area
Church	P		P										1 per 400 square feet of floor area
Community meeting building	P		P										1 per 400 square feet of floor area
x Recreation, Indoor/Commercial	P		P										1 per 400 square feet of floor area
Bowling alley	P		P										1 per 400 square feet of floor area
Community recreation center	P		P										1 per 400 square feet of floor area
Recreation & amusement activities	P		P										1 per 400 square feet of floor area
Skating rink	P		P										1 per 400 square feet of floor area
Theater, Indoor	P		P										1 per 400 square feet of floor area
Theater, Outdoor	P		P										1 per 400 square feet of floor area
Temporarily operated campground on not less than 5 acres	P		P										1 per 400 square feet of floor area
Temporarily operated tourist camp on not less than 5 acres	P		P										1 per 400 square feet of floor area
Private or semi-private recreational facilities	P		P										1 per 400 square feet of floor area
Private or semi-private recreational facilities	P		P										1 per 400 square feet of floor area

MATRIX OF ALLOWED USES (P=Principal, A=Accessory, S= Special Exception, T=Temporary, N=Prohibited)													
Def. GENERAL LAND USE CATEGORIES	A-1		R-1	C-1	M-1	M-2	Land Use Recommendations					4th Draft 03-04-25 Recommended Parking	
	S	P	A	A	A	A	A	P	P	P	P		S
x Drive-in theater													1 per 400 square feet of floor area
x Driving range													1 per 400 square feet of floor area
x Miniature golf course													1 per 400 square feet of floor area
x Recreation, Public	P		P										5 for each acre developed for active and recreation areas usage
x Lake, pond													1 per RV or camp site for water-developed-for-recreation
x Public campground	P		P										5 for each acre developed for active and recreation areas usage
x Public hunting area	P		P										5 for each acre developed for active and recreation areas usage
x Public park	P		P										5 for each acre developed for active and recreation areas usage
x Public playground	P		P										5 for each acre developed for active and recreation areas usage
x Public recreation area	P		P										5 for each acre developed for active and recreation areas usage
x Wildlife preserve	P		P										5 for each acre developed for active and recreation areas usage
x Solid waste facilities													1 per employee and 1 per company vehicle
x Sanitary recycling facility	S		S										1 per employee and 1 per company vehicle
x Sanitary transfer station	S		S										1 per employee and 1 per company vehicle
x Vehicle Sales, Services, and Repair	S		S										1 per 400 square feet of floor area
Automobile and automotive sales, service and/or repair	P		P										1 per 400 square feet of floor area
Boat sales, service and/or repair	P		P										1 per 400 square feet of floor area
Construction equipment sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Recreational vehicle sales, service and/or repair	P		P										1 per 400 square feet of floor area
Truck sales, service and/or repair	P		P										1 per 400 square feet of floor area

MATRIX OF ALLOWED USES (P=Principal, A=Accessory, S=Special Exception, T=Temporary, N=Prohibited)									
Def. SPECIFIC LAND USES	A-1	R-1	C-1	M-1	M-2	Land Use Recommendations	Recommended Parking	4th draft 03-04-25	
x Action of accessory structure to principal structure devoted to legal nonconforming use	S	A-1	S	S	S	Allowed as SE in Section 1.10	As per Zoning Administrator		
x Airport and landing fields	S					0.5 per 400 sq ft of floor area	As per Zoning Administrator		
x Animal hospital/veterinary clinic			P	P		Allow in C-1 as Principal use, with veterinary clinic.	1 per every 2 employees and 1 per company vehicle		
x Asphalt plants (premanufacture phase)							2 per employee and 1 per company vehicle		
x Auto wrecking on sites of 5 acres or more			P	P	P	Change to Vehicle Paint and Body	1 per 400 sq ft of floor area + storage of 1 per guest room		
x Automobile paint and body shops			P	P	P		1 per guest room		
x Bed and breakfast inn			P	P	P		1 per employee and 1 per company vehicle		
x Bed and breakfast house			P	P	P		1 per employee, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Bounding or loading house			P	P	P	Combined Building material sales, distribution, storage with lumber yard	1 per employee, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Bulk storage for retail distribution of anyxious ammonia fertilizer under pressure and petroleum products under pressure			S	S	S	Separate bulk storage as SE in A-1, with conditions in M-1 and M-2.	1 per employee, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Bulk storage of oil, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anyxious fertilizer and petroleum products under pressure.			S	S	S		1 per employee, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Car Wash			P	P	P	Change to staff approval with temporary permit, allow in M-1 and M-2	1 per wash bay + 2 stacking per wash bay		
x Car crusher or similar equipment used in the processing, removal or disposal of junk			T	T	T		As per Zoning Administrator		
x Cemetery			P	P	P		Storage off the right-of-way on drives, or on-site		
x Chemical plant			S	S	S		1 per every 2 employees and 1 per company vehicle		
x Commercial communications stations and towers			S	S	S	Issue Code BC (low Cell Siting Act; Discontinuation, Catastrophic Failure, and Reconnection) - existing regulations in WECS ordinance	As per Zoning Administrator		
x Commercial feedlots			S	S	S		1 per employee and 1 per company vehicle		
x Contract construction office, maintenance shop or storage yard			P	P	P		1 per maximum shift and 1 per company vehicle		
x Data Mining			S	S	S	To be determined, under review by ZC	To be determined		
x Deck Wash			P	P	P	As requested, new use	1 per 400 sq ft of floor area		
x Explosive manufacture or storage			S	S	S		1 per every 2 employees and 1 per company vehicle		
x Fertilizer manufacture			P	P	P	Allow in C-1	1 per 3 seats at the main area		
x Financial Institution (bank, bank branch, savings and loan, credit union)			P	P	P		1 per every 2 employees and 1 per company vehicle		
x Gas manufacture			P	P	P	return to a boiler use, add stacking	1 per 400 sq ft of floor area + 2 stacking per 400 sq ft of floor area		
x Gas manufacture (oil or dead animal reduction or dumping)			S	S	S		1 per 400 sq ft of floor area		
x Gas station			P	P	P	Return to Gas station	1 per 400 sq ft of floor area + 2 stacking per 400 sq ft of floor area		
x Gas station (retail, wholesale, fuel, vehicle)			P	P	P	Return to Gas station	1 per 400 sq ft of floor area + 2 stacking per 400 sq ft of floor area		
x Golf course and clubhouse			S	S	S		1 per green or 1 per 100 sq ft of clubhouse floor area, whichever is greater		
x Grain storage bin			P	P	P	Allow in M-1 and M-27	None		
x Greenhouse			A	A	A	Allow as Principal Use in C-1	None unless Commercial, then 1 per 400 sq ft of floor area		
x Home-based business			S	S	S	Where meets Code definition of Home Based Business	None		
x Hotel/Motel			A	A	A	Updated with Town Code	1 per guest room + 4		
x Information booth			P	P	P	Allow as temporary use only	1 per 500 sq ft of floor area		
x Interment or temporary commercial activity			P, T	P	P		Dependent on use and structure		
x Juxtaposed on site of 5 acres or more			P	P	P	Allow as Principal Use in C-1	1 per 400 sq ft of floor area + storage of 1 per 400 sq ft of floor area + storage of 1 per 400 sq ft of floor area		
x Kennel			P	P	P	Allow as Principal Use in C-1	1 per employee, 1 per company vehicle, and 1 per every 2 seats in the sales area		
x Livestock auction sales			P	P	P	Allow as Principal Use in C-1	1 per employee and 1 per company vehicle		
x Logging			P	P	P		1 per employee and 1 per company vehicle		

MATRIX OF ALLOWED USES (P=Principal, A=Accessory, S=Special Exception, T=Temporary, N=Prohibited)									
Def. SPECIFIC LAND USES	A-1	R-1	C-1	M-1	M-2	Land Use Recommendations	Recommended Parking	4th draft 03-04-25	
x Manufacturing and processing, except that certain uses shall be permitted only as special exceptions					P		1 per every 2 employees on maximum shift, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Manufacturing and processing uses that are contained within a building, have no publicly accessible storage and create no offensive odors, noise, dust, or other environmental nuisance. The area devoted to company vehicle to external storage shall not exceed the area of roofed structures on the parcel.					P	Allow as Principal Use in M-2	1 per every 2 employees on maximum shift, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Mining and extraction of minerals or raw materials			S	S	S		1 per employee and 1 per company vehicle		
x Mobile home park			S	S	S		2 per mobile home		
x Mobile home park (manufactured home sales, service or repair)			S	S	S		1 per 400 sq ft of floor area		
x Mobile home subdivision contract of 10 acres or more			S	S	S		2 per mobile home		
x High-rise building			P	P	P		1 per 250 sq ft of floor area + 2 stacking per 250 sq ft of floor area		
x Plumbing, heating, air conditioning, and sheet metal shops			P	P	P	Allow as Principal Use in C-1	1 per employee and 1 per company vehicle		
x Private garage			A	A	A		None		
x Private tennis court			A	A	A		None		
x Public swimming pool			A	A	A		None		
x Public swimming pool (garage, and equipment and materials, storage yard, but not including administrative or sales office)			P	P	P	Allow in C-1, M-1 and M-2			
x Public utility but not including equipment storage or maintenance yard and building or yards			S	S	S	Allow in C-1, M-1 and M-2			
x Public utility including storage and maintenance yards			P	P	P		2 per station or 1 per employee at the site plus 1 per company vehicle		
x Public utility, but not including administrative or sales office			P	P	P				
x Railroad, but not including administrative or sales office			P	P	P				
x Railroad including storage and maintenance yards			S	S	S				
x Ready mix concrete plant			S	S	S		1 per employee and 1 per company vehicle		
x Ready mix concrete plant (ready mix only) - no aggregates			S	S	S		1 per every 2 employees and 1 per company vehicle		
x Retail store			P	P	P		1 per 5,000 sq ft of floor area + 1 per employee		
x Retail store (petroleum and natural gas and their products)			P	P	P		1 per 250 sq ft of floor area + 2 stacking		
x Retail store (petroleum and natural gas and their products) (seasonal resort which include three (3) or more seasonal dwellings)			P	P	P		1 per 400 sq ft of floor area		
x Restaurant			P	P	P		2 per dwelling unit		
x Riding stable			P	P	P				
x Seasonal resort which include three (3) or more seasonal dwellings			S	S	S				
x Solar Energy System, consumer-scale building			A	A	A	draft Section 2.XX Solar Energy Systems			
x Solar Energy System, commercial-scale building			S	N	S	draft Section 2.XX Solar Energy Systems			
x Solar Energy System, utility-scale (transmission)						To be determined			
x Stockyard or slaughterhouse			S	S	S		1 per every 2 employees and 1 per company vehicle		
x Storage warehouse			A	A	A	Remove Storage and Warehouse use on different types of services based on capacity, structure, etc.			
x Temporary building, used in conjunction with construction work			A	A	A		As per Zoning Administrator		
x Temporary concrete plant			T	T	T		1 per 500 sq ft of floor area		
x Temporary office building			P	P	P		1 per employee and 1 per company vehicle		
x Washing, machine and repair shops			P	P	P				
x Wind Energy Conversion System, Non-Commercial			N	N	N		To be determined		
x Wind Energy Conversion System, Commercial			A	N	A		As per City Ordinance dated 01-28-25 under review by BOS		
x Wholesale and warehousing, but not including the bulk storage of anyxious ammonia fertilizer under pressure, petroleum products under pressure, or highly volatile chemicals or materials			S	N	S		1 per every 2 employees on maximum shift, 1 per company vehicle, and 1 loading space per 10,000 sq ft of floor area		
x Wholesale and warehousing, but not including the bulk storage of anyxious ammonia fertilizer under pressure, petroleum products under pressure, or highly volatile chemicals or materials			A	A	A		As per Zoning Administrator		

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.2 A-1 Agricultural District.

A. Statement of Intent. The A-1 Agricultural District is intended to preserve areas appropriate for agricultural and related uses and to reserve areas suitable for the efficient development of other uses when and if there is a demonstrated need and intent to develop such areas in accordance with the future land use policy.

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.

Principal Uses and Structures	Required Parking	Additional Regulations
Agriculture, horticulture, farms, farming and the usual farm buildings-including farm-dwelling		
Horticulture, Nursery	None	Section 1.20 Farms Exempt Ch. 6 Definitions
Farms, farming and the usual farm buildings		
Farm dwellings (principal)		
Grain storage bins		
Single-family dwellings	2 spaces per dwelling unit	Ch. 6 Definitions
Seasonal dwellings	2 spaces per dwelling unit	Ch. 6 Definitions
Elder group home	0.5 space per dwelling unit	Ch. 6 Definitions
Family group home	0.5 space per dwelling unit	Ch. 6 Definitions
Bed and breakfast home	1 space per guest room	Ch. 6 Definitions
Daycare, Adult	1 space per 400 square feet of floor area	Ch. 6 Definitions
Daycare, Child	1 space per 400 square feet of floor area	Ch. 6 Definitions
Elementary School	1.5 spaces per employee maximum shift + drop-off/pickup or bus queue area 2 spaces per 400 square feet of floor area	Ch. 6 Definitions
Post High School	1 space per 400 square feet of floor area	Ch. 6 Definitions
Preschool	1 space per 400 square feet of floor area	Ch. 6 Definitions

Principal Uses and Structures	Required Parking	Additional Regulations
Secondary School	1.5 spaces per employee on maximum shift + 1 space per 10 students + drop-off/pickup or bus queue area 1 space per classroom or office	Ch. 6 Definitions
Churches Place of assembly	1 space for every 4-5 seats 4- the main sanctuary	Ch. 6 Definitions
Cemeteries Cemetery	20 spaces off the right-of-way on drives or parking areas	Ch. 6 Definitions
Public exposition & fairs/grounds	1 space for every 3 seats at the main arena	Ch. 6 Definitions
Intermittent or temporary commercial activity	50 spaces	Ch. 6 Definitions
Public Recreation parks, playgrounds, campgrounds	1 space per camp site developed for active and recreation areas usage	Ch. 6 Definitions
Wildlife preserves, hunting areas, lakes, ponds	5 spaces for each acre developed for active and recreation areas usage	Ch. 6 Definitions
Kennels and riding stables	2 spaces plus 2 spaces for every 1 space per 400-600 square feet of floor area	Ch. 6 Definitions
Railroads, utilities public, utility and public maintenance garages and equipment and materials storage yards, but not including administrative or sales offices, and temporary concrete plants placed on active quarry sites	1 space for each employee on site plus 1 space for each company vehicle	Ch. 6 Definitions

Commented [LC2]: 50 spaces is an arbitrary number; replace with an established parking ratio

Commented [LC1]: Moved intermittent or temporary commercial activity to Special Requirements subsection

Commented [LC3]: Combined public parks, playgrounds, wildlife preserves, hunting areas, lakes, ponds under new general use category public recreation

Commented [LC4]: Moved temporary concrete plants placed on active quarry sites to Temporary Uses section under temporary concrete plants

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

Accessory Uses and Structures	A-1 District Accessory Uses and Structures Additional Regulations
Uses and structures clearly incidental to the allowed principal uses and structures of this district	<u>Ch. 6 Definitions</u>
Secondary farm dwellings	Section 1.20 Farms Exempt; Ch. 6 Definitions <u>Section XX XX Accessory Dwelling Unit (ADU)</u>
Accessory dwelling unit	Standards; Ch. 6 Definitions
Private garages	Ch. 6 Definitions
Private swimming pools, tennis courts, gardens and greenhouses	Ch. 6 Definitions
Fence, wall, hedge	Section XX Fences, Walls, and Hedges; Ch. 6 Definitions
Home-occupation/home-based business	Ch. 6 Definitions
Farm home-occupation/ farm home-based business	Ch. 6 Definitions
Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.	Off-street parking as determined by Zoning Administrator; Ch. 6 Definitions
Roadside farm stands for the sale of private swimming pools, that heat, parking spaces shall be located closer than 20 feet to the road right-of-way, and that not less than a minimum 4 parking spaces shall be provided; Ch. 6 Definitions.	Provided that: access to such stands shall be so located as to afford a minimum site sight distance of 750 feet to motor vehicles on adjacent roads, that heat, parking spaces shall be located closer than 20 feet to the road right-of-way, and that not less than a minimum 4 parking spaces shall be provided; Ch. 6 Definitions.
Consumer-scale solar energy array, building-mounted	Section 2.XX Solar Energy Systems
Wind energy conversion system, non-commercial	Wind Energy Conversion Systems (WECS) <u>Ordinance</u>

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

2- Secondary farm dwellings.

3- Private garages.

4- Private swimming pools, tennis courts, gardens and greenhouses.

Commented [LC3]: Moved list into chart

- 5- Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the work.
 - 6- Roadside stands for the sale of produce provided that access to such stands shall be so located so as to afford a minimum site distance of 750 feet to motor vehicles on adjacent roads; that no parking space shall be located closer than 20 feet to the road right-of-way and that not less than 4 parking spaces be provided.
- D. Special Exception Uses and Structures.**
Below is the list of the allowed special uses and structures in the A-1 District as defined in Chapter 6 of this Ordinance. These uses and structures shall comply with A-1 district development regulations in Section 2.2.E of this Ordinance unless specified otherwise in their specific conditions for approval listed below. Subject to Section 2.15(2)4.7 of this Ordinance, and the other requirements contained herein, the Board of Adjustment may permit the following:

1. **Agricultural sales, service, and supply businesses** involving the processing, storage, and sale of grain for seed or for livestock and poultry feed; silage; dehydrating; the sale of feeds; feed supplement; and miscellaneous farm supplies; the storage, distribution or sale of agricultural lime, agricultural chemicals or fertilizers; the storage, distribution and sale of petroleum products, including sale from tank trucks; the buying and temporary storage of wool or hides; trenching or well drilling; but not including the sale or display of farm machinery, building materials or appliances; provided that:

- a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
- b. The foregoing includes: Meets off-street parking requirements: One (1) space per four hundred (400) square feet of floor.

2. **Bulk station** for the storage for and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure, provided that:

- a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
- b. Such use is located not closer than one thousand (1,000) feet to any school, church or place of public assembly and.
- c. It is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity.
- d. Underground storage tanks shall be located no closer to any property line than the greatest depth to the bottom of such tanks.
- e. Above ground storage tanks shall be located at least one hundred fifty (150) feet from any property line.
- a-f. Meets off-street parking requirements: One (1) space for each employee, one (1) space for each company vehicle, and one (1) loading space for each ten thousand (10,000) square feet of floor space.

Commented [LC6]: Moved list of ag services businesses to Ch. 6. Definitions as a new general use category of Agricultural Sales, Service, and Supply

Commented [LC7]: New definition for Bulk Stations, pulled out as separate Special Exception with additional standard.

- 2. Livestock auction sales, provided that:
 - a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling;
 - b. That off-street parking requirements: One (1) parking space for each employee, and one (1) space for each company vehicle, and one (1) parking space for every two (2) seats in the sales arena are provided.

- 3. Commercial feedlots provided that:
 - a. Such use is not closer than one thousand (1,000) feet to any dwelling unit, other than that of the owner or operator, and any park, school, church or place of public assembly;
 - b. That adequate provision for drainage, sanitation and waste disposal are provided;
 - c. That it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity;
 - d. That Meets off-street parking requirements: One (1) parking space for each employee and one (1) space for each company vehicle be provided.

- 4. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that:
 - a. The extraction site shall be located at least fifty (50) feet~~50~~ from any property line or public road right-of-way and no closer than five hundred (500) feet~~500~~ to any dwelling, park, or school;
 - b. That Access to a public road shall not cause a real or potential traffic hazard;
 - c. In addition, any person seeking a special exception for the mining or extraction of minerals or other raw materials shall submit a plan is submitted to the Zoning Administrator, whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operations.
 - d. and that Meets off-street parking requirements: One (1) off-street parking space for each employee plus one (1) off-street space for each company vehicle. be provided;
 - e. The Board of Adjustment shall prescribe additional site restrictions if deemed necessary for the protection of life and property and

- 5. Ready mix concrete plants, permanently placed on quarry sites, provided that:
 - a. The plant is located at least fifty (50) feet from the nearest property line or public road right-of-way and at least one thousand (1,000) feet~~500~~ from any dwelling, park or school, that sufficient off-street parking be provided;
 - b. That Facilities be provided for controlling air and water pollution; and
 - c. That Access to a public road shall not create a real or potential traffic hazard as determined by the Jackson County Engineer.
 - d. Meets off-street parking requirements: One (1) space for each employee plus one (1) space for each company vehicle.

6. Solid waste facility, sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations provided that:

Commented [LC8]: This phrase applies to any Board of Adjustment action, so it can be removed as redundant.

Commented [LC9]: Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations combined under new general use category of Solid Waste Facility

- a. that No such operation shall be located closer than one thousand (1,000) feet to any dwelling, park or school;
- b. Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.
- c. Meets off-street parking requirements: One (1) space for each employee plus one (1) space for each company vehicle.

2. Temporary concrete plants provided that the area be restored to a suitable condition free of refuse and debris.

7. Privately operated recreational lodges, campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities: Privately operated campgrounds, indoor and outdoor commercial recreation, provided, however, that:

- a. The applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.
 - 1. Meets off-street parking requirements:
 - i. Campground and Recreational Vehicle (RV) Park: one (1) space per camp site or RV site.
 - ii. Indoor Commercial Recreation use: one (1) space per two hundred fifty (250) square feet of floor area.
 - iii. Outdoor Commercial Recreation use: one (1) space per four (4) occupants plus one (1) space per employee on maximum shift.
- b. Meets off-street parking requirements:
 - i. Campground and Recreational Vehicle (RV) Park: one (1) space per camp site or RV site.
 - ii. Indoor Commercial Recreation use: one (1) space per two hundred fifty (250) square feet of floor area.
 - iii. Outdoor Commercial Recreation use: one (1) space per four (4) occupants plus one (1) space per employee on maximum shift.

3. Seasonal resorts which include: three (3) or more seasonal dwellings ~~are~~ herein defined which are rented or leased or located on land that is rented or leased for such seasonal dwellings including uses and structures clearly accessory and incidental thereto, providing that the following requirements be met:

- a. Where served by a central sewage collection and treatment system or a central water distribution system, an area of not less than ten thousand (10,000) square feet shall be provided for each dwelling unit, and the minimum yard requirements shall be ten (10) feet for all yards.
- b. Where neither central sewage collection or central water systems are provided, or where an individual lot or dwelling is severed from the development, such lot shall meet the ~~yard, area and width requirements of the~~ A-1 Agricultural District Development Regulations as a separate lot.
- c. The applicant shall submit a plan for the proposed development showing the locations of seasonal dwellings, required off-street parking spaces, proposed utilities and other facilities including an all-weather road designed to serve the development during its season of use including emergency vehicles.

Commented [LC10]: Temporary concrete plants moved to Temporary Use section.

Commented [LC11]: Privately operated recreational lodges, campgrounds, youth or summer camps, ski slopes, gun clubs, marinas, docking facilities and recreation vehicle riding areas, race courses and similar outdoor recreation activities of Indoor Commercial Recreation and Outdoor Commercial Recreation

b. The plan shall be accompanied by a statement from the applicant that the development is for seasonal dwellings only and not for dwellings for year-round occupancy other than that of the owner or operator of the resort.

9. **Commercial communications (cell) stations and towers** provided that:

- a. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the height of the tower;
 - b. That they will not interfere with the operation of any airport or landing strip; and
 - a. that Base screening and camouflage techniques are used unless prohibited by Federal Aviation Agency FAA regulations.
- c. The applicant shall show that their site has relatively low esthetic impact compared to other locations within the area of technical feasibility for the service being provided.
- d. The Board's review shall comply with the Iowa Code 8C Iowa Cell Siting Act.
- e. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.
- f. The Zoning Administrator shall provide direct notification to all landowners within one-half (1/2) mile of the property lines of the cell station and/or tower sites.
- b-g. The Discontinuation, Catastrophic Failure, and Decommissioning regulations in the Jackson County WECS ordinance shall apply to new cell station and tower sites.

4-10. **Airports and landing fields** approved by the Federal Aviation Agency:

- a. Temporary permits not to exceed 60 days for the location of car crushers or similar equipment used in the processing, removal or disposal of junk. Such permit may be granted for the purpose of facilitating the removal of junk from nonconforming junkyards, but shall not be granted for the purpose of establishing new junkyards or serve as a basis for the permanent expansion of nonconforming junkyards. In considering such permit, the Board of Adjustment shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation. Upon appeal, the Board of Adjustment may grant an extension not to exceed 30 days.

11. **Conversion of existing dwellings or other structures to a two-family dwelling** provided that:

- a. A permit is obtained from the Jackson County Health Department for the sanitary system, and
- b. That the property meets the requirements for lot area and width and yards in the district, and
- b-c. That there be two (2) parking spaces for each dwelling in the unit.

12. **Golf courses and clubhouses**, provided that:

Commented [LC12]: Matches draft WECS Ordinance

Commented [LC13]: Does this need to be a special exception? Should it be a principal use?

Commented [LC14]: Temporary permits not to exceed sixty (60) days for the location of car crushers moved to Temporary Uses section.

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Commented [LC15]: These conditions seem to be basic code compliance. Does this need to be a special exception?

- a. Meets off-street parking requirements: parking shall include three (3) spaces per green or one (1) space for every one hundred (100) square feet of clubhouse floor area, whichever is greater;
- e-b. In deciding such appeals, the Board of Adjustment shall consider the suitability of the proposed site for agricultural production.

5. ~~Home industries as defined.~~

6-13. **Garden centers in conjunction with plant nurseries** provided that one (1) off-street parking space per four hundred (400) square feet of floor area be provided:

7-14. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

15. **Multiple family dwellings, including residential condominiums**, provided that:

- a. Such units abut a hard-surfaced road;
- b. Are located no further than five (5) miles by normal travel routes from the nearest fire station; and,
- c. Maintain a maximum density of one (1) dwelling unit per two (2) acres.
- d. The maximum number of dwelling units per structure shall not exceed eight (8);
- e. Two (2) off-street parking spaces per dwelling unit shall be provided;
- f. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

16. **Event venue** provided that:

- a. One (1) off-street parking space per four hundred (400) square feet of floor area be provided;
- b. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

17. **Commercial wind energy conversion system (C-WECS)** provided that the application and review process shall comply with the Jackson County WECS Ordinance.

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

- 1. **Intermittent or temporary commercial activity** provided that:
 - a. No permanent structures are required.
 - b. Uses do not exceed fourteen (14) days per year.
 - c. Uses do not involve more than fifteen (15) acres.

Commented [LC16]: Removed, since this is covered by new Iowa Code definition of home-based business.

Commented [LC17]: What are we trying to do with "Maintain a maximum density of one (1) dwelling unit per two (2) acres" for a dwelling unit is the minimum lot area for a single-family dwelling, and this is tied to septic tank or wastewater treatment. Recommend deletion.

- d. No public nuisance is created.
 - e. ~~Temporary off-street parking is provided as determined by the Zoning Administrator.~~
2. **Temporary concrete plants**, provided that:
- a. The area be restored to a suitable condition free of refuse and debris.
 - b. One (1) off-street parking space for each employee plus one (1) off-street space for each company vehicle be provided.
3. **Temporary permits ~~not to exceed sixty (60) days~~ for the location of car crushers** or similar equipment used in the processing, removal or disposal of junk provided that:
- a. Such permit may be granted ~~not to exceed sixty (60) days~~ for the purpose of facilitating the removal of junk from nonconforming junkyards, but shall not be granted for the purpose of establishing new junkyards or serve as a basis for the permanent expansion of nonconforming junkyards;
 - b. In considering such permit, the ~~Board of Adjustment~~ Zoning Administrator shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation, ~~and~~ upon ~~appeals~~ ~~showing of good cause~~, the ~~Board of Adjustment~~ Zoning Administrator may grant an extension not to exceed thirty (30) days.
4. **Temporary permits for the storage of logs**, provided that:
- a. Such permit may be granted not to exceed ~~xxx~~ xxx days
 - b. The area be restored to a suitable condition free of refuse and debris.
- ~~a-c.~~ Upon a showing of good cause, the Zoning Administrator may grant an extension not to exceed thirty (30) days.

F. Development Regulations. The following development regulations shall be met for all principal, accessory, special exception uses and structures in the A-1 district unless specified otherwise in this Ordinance.

Type of Uses and Structures	A-1 District Development Regulations						Maximum Height
	Minimum Lot		Minimum Yard Requirements			Street side, corner lot	
	Area	Width	Front	Rear	Side		
Non-farm dwellings and education uses and structures	2 acres	200 feet	40 feet	30 feet	15 feet	30 feet	2- and one-half stories or 35 feet
Seasonal resorts	10,000 square feet ¹	700 feet ¹	10 feet	10 feet	10 feet	10 feet	2- and one-half stories or 35 feet
Other non-farm principal and special exception uses and structures		Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities.					2- and one-half stories or 35 feet
Non-farm accessory uses and structures		None unless otherwise specified.	40 feet	30 feet	15 feet	30 feet	2- and one-half stories or 35 feet
Other non-farm accessory uses and structures		None unless otherwise specified.	40 feet	30 feet	15 feet	30 feet	2- and one-half stories or 35 feet
Other non-farm accessory uses and structures		None; except as may be required by the County Health Department to provide adequate sewage disposal facilities.					2- and one-half stories or 35 feet

Notes: 1. See requirements for seasonal resorts under Section 2.2.D. Special Exception Uses and Structures.

G. Permitted-Allowed Signs. The following sign regulations shall be met for all principal, accessory, special exception uses and structures in the A-1 district unless specified otherwise in this Ordinance. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.

Type of Sign	A-1 District Sign Regulations		Illumination
	Maximum Size	Maximum Number	
Directional Sign only along U.S. Highway 61	One hundred fifty (150) square feet	Three (3) such signs in all districts combined	Indirect, non-intermittent lighting
Directional Sign	Thirty-two (32) square feet		Indirect, non-intermittent lighting
Public bulletin board	Sixteen (16) square feet		
Identification sign for the business or service on the premises	Thirty-two (32) square feet	One (1) per street or road frontage	At least twenty (20) feet from any lot line or more than five (5) feet from the main building
Temporary sign advertising the sale or lease of the premises	Sixteen (16) square feet		Indirect, non-intermittent lighting

1- Directional signs defined not to exceed 150 square feet in area only along U.S. Highway 61 or 22 square feet in area elsewhere in the county, provided that no business shall have more than three (3) such signs in all districts combined.

2- Church or public bulletin boards not to exceed 16 square feet in area.

3- Identification signs for permitted principal uses, accessory uses and special exception uses of the district identifying the business or service on the premises not to exceed 22 square feet in area.

4- Temporary signs advertising the sale or lease of the premises not to exceed 16 square feet in area.

5- No use shall have more than 4 of each type of sign permitted for that use on each street or road frontage; however, each sign may be a double-faced or back to back sign.

6- Directional signs may be placed in required front yards. Other permitted signs shall be located at least 20 feet from any lot line or not more than 5 feet from the main building.

Commented [LC18]: Moved list into chart

- 7- Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
- 8- All signs shall be maintained in a neat, safe, and presentable condition and in the event their use shall cease, they shall be promptly removed.

H. Special Requirements.

1. The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment, shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Environmental Quality/Natural Resources as provided for in Iowa Code Chapter 455B of the Code of Iowa.
2. Prior to the issuance of Compliance Certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the Jackson County Engineer shall be posted to ensure repair of damage to the haul route.

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.2 A-1 Agricultural District.

A. Statement of Intent. The A-1 Agricultural District is intended to preserve areas appropriate for agricultural and related uses and to reserve areas suitable for the efficient development of other uses when and if there is a demonstrated need and intent to develop such areas in accordance with the future land use policy.

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.

Principal Uses and Structures	Required Parking	Additional Regulations
Agriculture		
Horticulture; Nursery Farm, farming and the usual farm buildings	None	Section 1.20 Farms Exempt Ch. 6 Definitions
Farm dwelling (principal)		
Grain storage bin		
Single-family dwelling	2 spaces per dwelling unit	Ch. 6 Definitions
Seasonal dwelling	2 spaces per dwelling unit	Ch. 6 Definitions
Elder group home	0.5 space per dwelling unit	Ch. 6 Definitions
Family group home	0.5 space per dwelling unit	Ch. 6 Definitions
Bed and breakfast home	1 space per guest room	Ch. 6 Definitions
Daycare, Adult	1 space per 400 square feet of floor area	Ch. 6 Definitions
Daycare, Child	1 space per 400 square feet of floor area	Ch. 6 Definitions
Elementary School	1.5 spaces per employee maximum shift + drop-off/pickup or bus queue area	Ch. 6 Definitions
Post High School	1 space per 400 square feet of floor area	Ch. 6 Definitions
Preschool	1 space per 400 square feet of floor area	Ch. 6 Definitions
Secondary School	1.5 spaces per employee on maximum shift + 1 space per 10 students + drop-off/pickup or bus queue area	Ch. 6 Definitions
Place of assembly	1 space per 4 seats	Ch. 6 Definitions

Principal Uses and Structures	Required Parking	Additional Regulations
Cemetery	20 spaces off the right-of-way on drives or parking areas	Ch. 6 Definitions
Public exposition & fairgrounds	1 space for every 3 seats at the main arena	Ch. 6 Definitions
Public campground	1 space per camp site	Ch. 6 Definitions
Public Recreation	5 spaces for each acre developed for active and recreation areas usage	Ch. 6 Definitions
Kennel and riding stable	1 space per 400 square feet of floor area	Ch. 6 Definitions
Railroad, public utility and public maintenance garages and equipment and materials storage yards, but not including administrative or sales offices	1 space for each employee on site plus 1 space for each company vehicle	Ch. 6 Definitions

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

Accessory Uses and Structures	Additional Regulations
Uses and structures clearly incidental to the allowed principal uses and structures of this district	Ch. 6 Definitions
Secondary farm dwelling	Section 1.20 Farms Exempt; Ch. 6 Definitions
Accessory dwelling unit	Section XX Accessory Dwelling Unit (ADU) Standards; Ch. 6 Definitions
Private garage	Ch. 6 Definitions
Private swimming pool, tennis court, garden and greenhouse	Ch. 6 Definitions
Home-based business	Ch. 6 Definitions
Fence, wall, hedge	Section XX Fences, Walls, and Hedges; Ch. 6 Definitions
Farm home-based business	Ch. 6 Definitions
Temporary building used in conjunction with construction work provided that such building is removed promptly upon completion of the work.	Off-street parking as determined by Zoning Administrator; Ch. 6 Definitions

A-1 District Accessory Uses and Structures	A-1 District Accessory Uses and Structures Additional Regulations
Farm stand for the sale of farm products produced on site	Provided that: access shall afford a minimum sight distance of 750 feet to motor vehicles on adjacent roads, all parking spaces shall be located at least 20 feet from the road right-of-way, and a minimum 4 parking spaces shall be provided; Ch. 6 Definitions.
Consumer-scale solar energy array, building-mounted	Section 2.XX Solar Energy Systems
Wind energy conversion system, non-commercial	Wind Energy Conversion Systems (WECS) Ordinance

D. Special Exception Uses and Structures.

Below is the list of the allowed special uses and structures in the A-1 District as defined in Chapter 6 of this Ordinance. These uses and structures shall comply with A-1 district development regulations in Section 2.2.E of this Ordinance unless specified otherwise in their specific conditions for approval listed below. Subject to Section 4.7 of this Ordinance, and the other requirements contained herein, the Board of Adjustment may permit the following:

1. **Agricultural sales, service, and supply business** provided that:
 - a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
 - b. Meets off-street parking requirements: One (1) space per four hundred (400) square feet of floor.
2. **Bulk station** for the storage and retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure, provided that:
 - a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
 - b. Such use is located not closer than one thousand (1,000) feet to any school, church or place of public assembly.
 - c. It is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity.
 - d. Underground storage tanks shall be located no closer to any property line than the greatest depth to the bottom of such tanks.
 - e. Above ground storage tanks shall be located at least one hundred fifty (150) feet from any property line.
 - f. Meets off-street parking requirements: One (1) space for each employee, one (1) space for each company vehicle, and one (1) loading space for each ten thousand (10,000) square feet of floor space.

3. **Livestock auction sales**, provided that:

- a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling.
- b. Off-street parking requirements: One (1) space for each employee, one (1) space for each company vehicle, and one (1) space for every two (2) seats in the sales arena.

4. **Commercial feedlot** provided that:

- a. Such use is not closer than one thousand (1,000) feet to any dwelling unit other than that of the owner or operator, and any park, school, or place of public assembly.
- b. Adequate provision for drainage, sanitation and waste disposal are provided.
- c. It is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity.
- d. Meets off-street parking requirements: One (1) space for each employee and one (1) space for each company vehicle.

5. **Mining and extraction** of minerals or raw materials, including necessary processing equipment, provided that:

- a. The extraction site shall be located at least fifty (50) feet from any property line or public road right-of-way and no closer than five hundred (500) feet to any dwelling, park, or school.
- b. Access to a public road shall not cause a real or potential traffic hazard.
- c. A plan is submitted to the Zoning Administrator whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operations.
- d. Meets off-street parking requirements: One (1) space for each employee plus one (1) space for each company vehicle.

6. **Ready mix concrete plant**, permanently placed on quarry sites, provided that:

- a. The plant is located at least fifty (50) feet from the nearest property line or public road right-of-way and at least one thousand (1,000) feet from any dwelling, park or school.
- b. Facilities be provided for controlling air and water pollution
- c. Access to a public road shall not create a real or potential traffic hazard as determined by the Jackson County Engineer.
- d. Meets off-street parking requirements: One (1) space for each employee plus one (1) space for each company vehicle.

7. **Solid waste facility** provided that:

- a. No such operation shall be located closer than one-thousand (1,000) feet to any dwelling, park or school;
- b. Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.
- c. Meets off-street parking requirements: One (1) space for each employee plus one (1) space for each company vehicle.

8. Privately-operated campgrounds, indoor and outdoor commercial recreation provided that:

- a. The applicant shall submit a plan for the proposed development and show what measures will be taken to minimize adverse effects the proposed development might have on the environs.
- b. Meets off-street parking requirements:
 - i. Campground and Recreational Vehicle (RV) Park: one (1) space per camp site or RV site.
 - ii. Indoor Commercial Recreation use: one (1) space per two hundred fifty (250) square feet of floor area.
 - iii. Outdoor Commercial Recreation use: one (1) space per four (4) occupants plus one (1) space per employee on maximum shift.

9. Seasonal resort which includes three (3) or more seasonal dwellings is herein defined which are rented or leased or located on land that is rented or leased for such seasonal dwellings including uses and structures clearly accessory and incidental thereto, providing that the following requirements be met:

- a. Where served by a central sewage collection and treatment system or a central water distribution system, an area of not less than ten thousand (10,000) square feet shall be provided for each dwelling unit, and the minimum yard requirements shall be ten (10) feet for all yards.
- b. Where neither central sewage collection or central water systems are provided, or where an individual lot or dwelling is severed from the development, such lot shall meet the A-1 Agricultural District Development Regulations as a separate lot.
- c. The applicant shall submit a plan for the proposed development showing the locations of seasonal dwellings, required off-street parking spaces, proposed utilities and other facilities including an all-weather road designed to serve the development during its season of use including emergency vehicles.
- d. The plan shall be accompanied by a statement from the applicant that the development is for seasonal dwellings only and not for dwellings for year-round occupancy other than that of the owner or operator of the resort.

10. Commercial communications (cell) station and tower provided that:

- a. They are not closer to a dwelling, place of public assembly, or the boundary of the parcel owned or leased for the purpose a distance equal to the height of the tower.
- b. They will not interfere with the operation of any airport or landing strip.
- c. Base screening and camouflage techniques are used unless prohibited by Federal Aviation Agency regulations. The applicant shall show that their site has relatively low esthetic impact compared to other locations within the area of technical feasibility for the service being provided.
- d. The Board's review shall comply with the Iowa Code 8C Iowa Cell Siting Act.

- e. No Construction Compliance Certificate shall be issued until evidence is provided that a communication service provider has contracted for space on the tower and that proper access has been approved from the public road system.

- f. The Zoning Administrator shall provide direct notification to all landowners within one (1) mile of the of the property lines of the cell station and/or tower sites.
- g. The Discontinuation, Catastrophic Failure, and Decommissioning regulations in the Jackson County WECS ordinance shall apply to new cell station and tower sites.

11. Airport and landing fields approved by the Federal Aviation Agency.

12. Conversion of existing dwelling or other structure to a two-family dwelling, provided that:

- a. A permit is obtained from the Jackson County Health Department for the sanitary system, and
- b. The property meets the requirements for lot area and width and yards in the district, and
- c. There be two (2) parking spaces for each dwelling in the unit.

13. Golf course and clubhouse, provided that:

- a. Meets off-street parking requirements: three (3) spaces per green or one (1) space for every one hundred (100) square feet of clubhouse floor area, whichever is greater.
- b. In deciding such appeals, the Board of Adjustment shall consider the suitability of the proposed site for agricultural production.

14. Garden center in conjunction with nursery provided that one (1) off-street parking space per four hundred (400) square feet of floor area be provided.

15. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

16. Multiple family dwelling, including residential condominium, provided that:

- a. Such units abut a hard-surfaced road.
- b. Are located no further than five (5) miles by normal travel routes from the nearest fire station.
- c. The maximum number of dwelling units per structure shall not exceed eight (8).
- d. Two (2) off-street parking spaces per dwelling unit shall be provided.
- e. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

17. Event venue provided that:

- a. One (1) off-street parking space per four hundred (400) square feet of floor area be provided.

- b. Before a Construction Compliance Certificate is issued for this use, a permit for wastewater treatment facilities must be on file from the Jackson County Health Department or the Iowa Department of Natural Resources.

18. Commercial wind energy conversion system (C-WECS) provided that the application and review process shall comply with the Jackson County WECS Ordinance.

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

1. **Intermittent or temporary commercial activity** provided that:
 - a. No permanent structures are required.
 - b. Uses do not exceed fourteen (14) days per year.
 - c. Uses do not involve more than fifteen (15) acres.
 - d. No public nuisance is created.
 - e. Temporary off-street parking is provided as determined by the Zoning Administrator.
2. **Temporary concrete plants**, provided that:
 - a. The area be restored to a suitable condition free of refuse and debris.
 - b. One (1) off-street parking space for each employee plus one (1) off-street space for each company vehicle be provided.
3. **Temporary permits for the location of car crushers** or similar equipment used in the processing, removal or disposal of junk provided that:
 - a. Such permit may be granted not to exceed sixty (60) days for the purpose of facilitating the removal of junk from nonconforming junkyards, but shall not be granted for the purpose of establishing new junkyards or serve as a basis for the permanent expansion of nonconforming junkyards.
 - b. In considering such permit, the Zoning Administrator shall determine the positive and negative effects on the environment anticipated both during and after the conclusion of such operation.
 - c. Upon a showing of good cause, the Zoning Administrator may grant an extension not to exceed thirty (30) days.
4. **Temporary permits for the storage of logs**, provided that:
 - a. Such permit may be granted not to exceed **XXX days**
 - b. The area be restored to a suitable condition free of refuse and debris.
 - c. Upon a showing of good cause, the Zoning Administrator may grant an extension not to exceed thirty (30) days.

- F. **Development Regulations.** The following development regulations shall be met for all principal, accessory, special exception uses and structures in the A-1 district unless specified otherwise in this Ordinance.

A-1 District Development Regulations							
Type of Uses and Structures	Minimum Lot		Minimum Yard Requirements			Maximum Height	
	Area	Width	Front	Rear	Side		Street side, corner lot
Non-farm dwellings and education uses and structures	2 acres	200 feet	40 feet	30 feet	15 feet	30 feet	2- and one-half stories or 35 feet
Seasonal resorts	10,000 square feet ¹	200 feet?	10 feet	10 feet	10 feet	10 feet	2- and one-half stories or 35 feet
Other non-farm principal and special exception uses and structures	Minimum lot area and width may be required by the County Health Department to provide adequate sewage disposal facilities.		40 feet	30 feet	15 feet	30 feet	2- and one-half stories or 35 feet
Non-farm accessory uses and structures	None unless otherwise specified.		40 feet	30 feet; 5 feet if detached	15 feet	30 feet	2- and one-half stories or 35 feet
Farm Exempt Uses?	None; except as may be required by the County Health Department to provide adequate sewage disposal facilities.						
Notes: 1. See requirements for seasonal resorts under Section 2.2.D. Special Exception Uses and Structures.							

- G. **Allowed Signs.** The following sign regulations shall be met for all principal, accessory, special exception uses and structures in the A-1 district unless specified otherwise in this Ordinance. All signs shall be maintained in a neat, safe and presentable condition and in the event their use shall cease, they shall be promptly removed.

A-1 District Sign Regulations					
Type of Sign	Maximum Size	Maximum Number	Faces	Allowable Placement	illumination
Directional Sign only along U.S. Highway 61	One hundred fifty (150) square feet	Three (3) such signs in all districts combined	May be a double-faced or back-to-back sign	May be placed in required front yards	Indirect, non-intermittent lighting
Directional Sign	Thirty-two (32) square feet				Indirect, non-intermittent lighting
Public bulletin board	Sixteen (16) square feet			At least twenty (20) feet from any lot line or not more than five (5) feet from the main building	
Identification sign for the business or service on the premises	Thirty-two (32) square feet	One (1) per street or road	May be a double-faced or back-to-back sign		Indirect, non-intermittent lighting
Temporary sign advertising the sale or lease of the premises	Sixteen (16) square feet	frontage			

H. Special Requirements.

1. The establishment of feed lots, sanitary landfills or other uses potentially hazardous to the environment, shall, where applicable, comply with the requirements of the appropriate division of the Iowa Department of Natural Resources as provided for in Iowa Code Chapter 455B.
2. Prior to the issuance of Compliance Certificates for temporary concrete plants, evidence shall be provided to the Zoning Administrator that the use will comply with applicable state and local environmental and transportation regulations, and, if the site is accessed by a gravel road, a performance bond approved by the Jackson County Engineer shall be posted to ensure repair of damage to the haul route.

CHAPTER 2. ZONING DISTRICT REGULATIONS
2.7 PUD Planned Unit Development District

A. Statement of Intent. The Planned Unit Development (PUD) District is intended to provide flexibility in exchange for long-term community benefits in the development of planned residential, commercial, office, or industrial complexes or combinations of such uses in which each unit is an integral part of an overall concept and all development occurs in conformance with a site-specific, pre-approved plan. Land shall be reclassified to this district only in exceptional situations, on request of the owner, and in response to a specific development proposal. The process will generally involve simultaneous reclassification and subdivision. Permitted uses, minimum lot dimensions, required yards, height restrictions, parking, signage, and other regulations will be determined for each planned unit district as applicable in light of its unique characteristics, the Jackson County Land Use Policy Statement, the purpose and intent of this Ordinance, and the rules applying to the other zoning districts.

B. Special Requirements

1. **Preliminary Application.** The owners of contiguous property comprising ten (10) acres or more may apply to have their land classified "PUD Planned Unit Development" on the Official Zoning Map. Smaller districts may be created where extraordinary public benefit is demonstrated. The written preliminary application shall be made to the Zoning Administrator and shall include the following information:
 - a. The legal description and local address of the property.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
 - e. A plat showing the locations, dimensions and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features.

- a-f. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- b-g. Twelve (12) copies of a plan showing existing conditions on the property, to include at least the topography, all buildings and other structures, present uses and recorded lot lines.
- e-h. Twelve (12) copies of a conceptual plan of the proposed development showing at least all proposed buildings with exterior dimensions, parking areas, points of

Commented [LC1]: This language matches the application procedures for a Rezoning in Section 5.5.A.1.

- connection to the public road system, water and wastewater facilities to be provided, and other proposed uses of land.
- ~~e-1.~~ A preliminary plat to comply with the Jackson County Subdivision Ordinance if division of the land is proposed for purposes of sale, lease, or taxation.
- ~~e-1.~~ A written statement describing the concept of the proposed development and substantiating that:
 - i. It is in accord with the Land Use Policy Statement;
 - ii. It will be more beneficial to the general public than development that could be accomplished under the provisions of any other zoning district;
 - iii. ~~The design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering, resource conservation, and related fields.~~
 - iii. A written statement proposing all allowed uses and required yards, height restrictions, parking, lighting, landscaping and signage for the district if not specified elsewhere in the application.

2. Fee. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall ~~forthwith pay over to the credit of the general fund of the County.~~

- 3. Review of Preliminary Application.**
- a. Review of the preliminary application shall follow the procedure for notification, review and action on ~~Map Change of Zoning District Boundaries (Rezoning)~~ set forth in Section 5.5 ~~preliminary-subdivision-plats~~
 - b. ~~When the application is filed, it shall include a preliminary plat for the division of land, review and approval of said plat shall follow the Preliminary Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance, and shall include at least a public hearing on the preliminary application.~~
 - c. The Zoning Commission, after holding ~~the its~~ public hearing in accordance with Section 5.5, subsections A, Procedures, B, Standards for Review, and C, ~~Recommendation~~, shall state its recommendations for action on the concept presented and for the level of detail required for the final version of the plan.
 - d. The Board of Supervisors, ~~after holding a public hearing in accordance with Section 5.5.C, Recommendation~~, shall likewise approve or disapprove the preliminary application as submitted or amended and, if approved, shall state the level of detail required for the final application. ~~The Board of Supervisors also may impose conditions in accordance with Section 5.5.D, Conditional Rezoning.~~
 - b-6. Approval of a preliminary application shall not constitute a commitment on the part of the County to approve a final application or a final plat. ~~The requirements of~~

Commented [LC2]: This language matches the application procedures for a Rezoning in Section 5.5.A.2.

Section 5.5.E. Change of Official Zoning Map shall not apply to approval of a preliminary application.

3-4. Final Application. Following the Board of Supervisors approval of a preliminary application, the applicant shall have twelve (12) months to submit a final application. The written final application shall be made to the Zoning Administrator and shall include the same information as a preliminary application, as well as meeting all specifications of the preliminary approval and, when land is being subdivided, all requirements for the subdivision final plat. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3-5. Review of Final Application. A final application shall be reviewed according to the procedures for ~~final-subdivision-plats~~ a preliminary application, except that final action by the Board of Supervisors, if approved, must include the passage of an ordinance reclassifying the land in accordance with Section 5.5.E. Change of Official Zoning Map. If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Final Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance, and the County shall have at least ninety (90) days from the date of final application submission to take their final action.

4-6. Burden of Proof. It is expected that most development will occur in the regular zoning districts. In all requests for reclassification to this PUD district the burden of proof shall be fully on the applicant to establish that the proposed development will be more beneficial to the general public than development that is permitted within any of the regular zoning districts.

5-7. Recording. The ordinance creating a specific PUD district shall be recorded concurrently with other relevant documents such as a subdivision plat, covenants, and the approved development plan and/or agreement.

6-8. Permits. The Zoning Administrator shall issue permits only for buildings and uses shown on the approved and recorded final plan, and only in accordance with all specific provisions in the plan and/or agreement.

7-9. Amendments. A proposed amendment to the approved and recorded plan for a PUD district will be subject to all regulations and procedures of an original proposal.

8-10. Modification. The Zoning Commission and the Board of Supervisors may choose to review preliminary and final applications in a single procedure for simple applications or

CHAPTER 2. ZONING DISTRICT REGULATIONS
2.7 PUD Planned Unit Development District

A. Statement of Intent. The Planned Unit Development (PUD) District is intended to provide flexibility in exchange for long-term community benefits in the development of planned residential, commercial, office, or industrial complexes or combinations of such uses in which each unit is an integral part of an overall concept and all development occurs in conformance with a site-specific, pre-approved plan. Land shall be reclassified to this district only in exceptional situations, on request of the owner, and in response to a specific development proposal. The process will generally involve simultaneous reclassification and subdivision. Permitted uses, minimum lot dimensions, required yards, height restrictions, parking, signage, and other regulations will be determined for each planned unit district as applicable in light of its unique characteristics, the Jackson County Land Use Policy Statement, the purpose and intent of this Ordinance, and the rules applying to the other zoning districts.

B. SPECIAL REQUIREMENTS

- 1. Preliminary Application.** The owners of contiguous property comprising ten (10) acres or more may apply to have their land classified “PUD Planned Unit Development” on the Official Zoning Map. Smaller districts may be created where extraordinary public benefit is demonstrated. The written preliminary application shall be made to the Zoning Administrator and shall include the following information:
 - a. The legal description and local address of the property.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
 - e. A plat showing the locations, dimensions and use of the applicant’s property and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features.
 - f. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - g. Twelve (12) copies of a plan showing existing conditions on the property, to include at least the topography, all buildings and other structures, present uses and recorded lot lines.
 - h. Twelve (12) copies of a conceptual plan of the proposed development showing at least all proposed buildings with exterior dimensions, parking areas, points of

minor amendments. However, at a minimum both the Zoning Commission and the Board of Supervisors must hold a ~~public~~ public hearing before taking their final action on the matter.

9-11. Fees for requests to create or amend a PUD district will be determined by resolution of the Board of Supervisors and may differ from the fees charged for other reclassification requests. If a PUD application includes a preliminary or final plat, fees for plat review in conjunction with a PUD application will be determined by the Board of Supervisors and may differ from the fees charged for other subdivision requests.

10-12. Map Designation. Each such PUD district created shall be designated on the Official Zoning Map as “PUD” and a sequential number (see Section 1.18 of this Ordinance).

connection to the public road system, water and wastewater facilities to be provided, and other proposed uses of land.

- i. A preliminary plat to comply with the Jackson County Subdivision Ordinance if division of the land is proposed for purposes of sale, lease, or taxation.
- j. A written statement describing the concept of the proposed development and substantiating that:
 - i. It is in accord with the Land Use Policy Statement;
 - ii. It will be more beneficial to the general public than development that could be accomplished under the provisions of any other zoning district;
 - iii. The design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering, resource conservation, and related fields.
- k. A written statement proposing all allowed uses and required yards, height restrictions, parking, lighting, landscaping and signage for the district if not specified elsewhere in the application.
2. **Fee.** A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. Review of Preliminary Application.

- a. Review of the preliminary application shall follow the procedure for notification, review and action on Map Change of Zoning District Boundaries (Rezoning) set forth in Section 5.5.
- b. If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Preliminary Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance.
- c. The Zoning Commission, after holding its public hearing in accordance with Section 5.5, subsections A, Procedures, B, Standards for Review, and C, Recommendation, shall state its recommendations for action on the concept presented and for the level of detail required for the final version of the plan.
- d. The Board of Supervisors, after holding a public hearing in accordance with Section 5.5.C, Recommendation, shall likewise approve or disapprove the preliminary application as submitted or amended and, if approved, shall state the level of detail required for the final application. The Board of Supervisors also may impose conditions in accordance with Section 5.5.D, Conditional Rezoning.
- e. Approval of a preliminary application shall not constitute a commitment on the part of the County to approve a final application or a final plat. The requirements of Section 5.5.E, Change of Official Zoning Map shall not apply to approval of a preliminary application.

4. **Final Application.** Following the Board of Supervisors approval of a preliminary application, the applicant shall have twelve (12) months to submit a final application. The written final application shall be made to the Zoning Administrator and shall include the same information as a preliminary application, as well as meeting all specifications of the preliminary approval and, when land is being subdivided, all requirements for the subdivision final plat. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
5. **Review of Final Application.** A final application shall be reviewed according to the procedures for a preliminary application, except that final action by the Board of Supervisors, if approved, must include the passage of an ordinance reclassifying the land in accordance with Section 5.5.E, Change of Official Zoning Map. If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Final Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance. The County shall have at least ninety (90) days from the date of final application submission to take their final action.
6. **Burden of Proof.** It is expected that most development will occur in the regular zoning districts. In all requests for reclassification to this PUD district the burden of proof shall be fully on the applicant to establish that the proposed development will be more beneficial to the general public than development that is permitted within any of the regular zoning districts.
7. **Recording.** The ordinance creating a specific PUD district shall be recorded concurrently with other relevant documents such as a subdivision plat, covenants, and the approved development plan and/or agreement.
8. **Permits.** The Zoning Administrator shall issue permits only for buildings and uses shown on the approved and recorded final plan, and only in accordance with all specific provisions in the plan and/or agreement.
9. **Amendments.** A proposed amendment to the approved and recorded plan for a PUD district will be subject to all regulations and procedures of an original proposal.
10. **Modification.** The Zoning Commission and the Board of Supervisors may choose to review preliminary and final applications in a single procedure for simple applications or minor amendments. However, at a minimum both the Zoning Commission and the

Board of Supervisors must hold a public hearing before taking their final action on the matter.

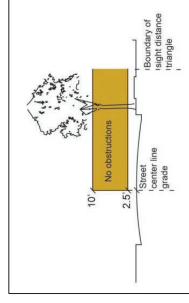
11. Fees. Fees for requests to create or amend a PUD district will be determined by resolution of the Board of Supervisors and may differ from the fees charged for other reclassification requests. If a PUD application includes a preliminary or final plat, fees for plat review in conjunction with a PUD application will be determined by the Board of Supervisors and may differ from the fees charged for other subdivision requests.

12. Map Designation. Each such PUD district created shall be designated on the Official Zoning Map as “PUD” and a sequential number (see Section 1.18 of this Ordinance).

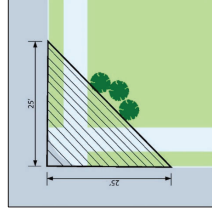
CHAPTER 2. ZONING DISTRICT REGULATIONS

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 ~~visibility~~ **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~~ **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)



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 or 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 2.8.0, Regulation of Accessory Dwelling Units.

D. Height Regulation Exceptions. The height limitations contained in the Schedule 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.

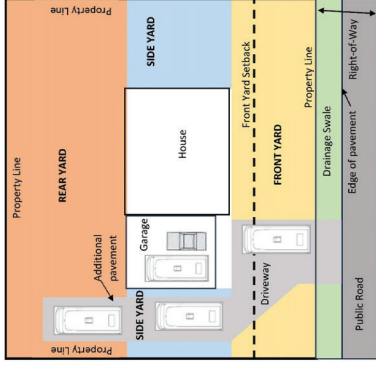
F. Proposed Use or Structure Not Covered in Ordinance. Any proposed use or structure not covered in this Ordinance as a permitted-principal, accessory, use or special exception, or temporary use or structure, shall be referred to the Zoning Commission for a recommendation as to the proper district in 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.



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

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

(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 to be 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 Ordinance 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 271, Iowa Code Section 364.3, Subsection 20, and the following County regulations:

1. *Reserved*
2. *Reserved*

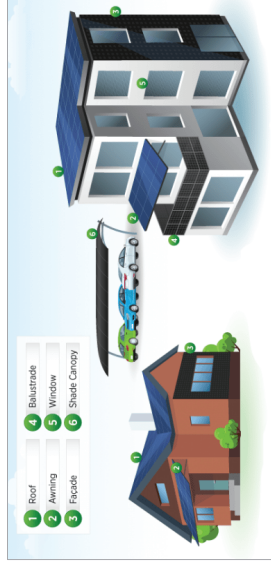
M. Solar Energy Systems. In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety, sustainability and welfare of the unincorporated areas of the county, Jackson County finds these regulations are necessary to ensure that solar energy systems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

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

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



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

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.

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.

B. 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.*

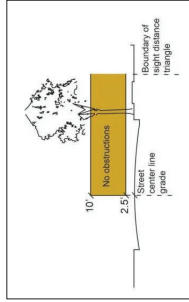
N. Wind Energy Conversion Systems. The guidelines for the siting, design, and construction of Wind Energy Conversion Systems (WECS) and substations which generate electricity for use at the location of the WECS or to be sold to wholesale or retail markets are subject to the provisions of the Jackson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

4-O. *Data Mining. Reserved.*

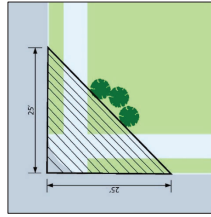
CHAPTER 2. ZONING DISTRICT REGULATIONS

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, 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: Zebulun, NC)



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 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 Chapter 2. Zoning District Regulations do not apply to grain storage bins, grain elevators, feed mills or to spires, bellfries, 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.

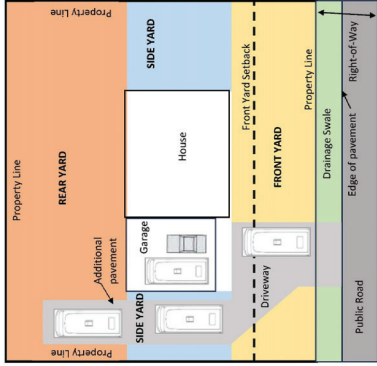
F. Proposed Use or Structure Not Covered in Ordinance. Any proposed use or structure not covered in this Ordinance as a principal, accessory, special exception, or temporary use or structure shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use or structure should be permitted and the Ordinance amended as provided in Section 5.4 Text Changes and Amendments of this Ordinance before a permit is issued for such proposed use or structure.

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

1. Direct access to a public road via an entrance constructed in accordance with a permit issued by the appropriate authority or via a legally established entrance already in use for a residence;
2. Direct access to a private road established and approved as part of an approved and recorded subdivision plat; or
3. Access as in items "a" or "b" above, but indirectly by means of an individual private access easement, as defined.
4. For subdivision lots created by plats filed after October 21, 1999, no permit for construction shall be issued without submittal of an inspection report signed by the County Engineer indicating the driveway entrance has been constructed in

accordance with applicable plans and specifications or that the inspection requirement was waived for this lot by the Board of Supervisors.

- H. **Off-Street Parking.** 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.



Allowable Parking and Storage for Residential Districts (Source: ECA)

- 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

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favor of the flag lot owner over adjacent land, to provide a total width of access right-of-way equal to the applicable minimum as stated above. The flagpole portion shall be excluded from the calculation of lot area for the purposes of this Ordinance only.

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

- L. **Accessory Dwelling 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*

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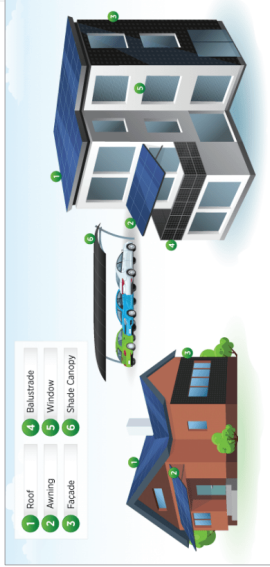
- M. **Solar Energy Systems.** In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety, sustainability and welfare of the unincorporated areas of the county, Jackson County finds these regulations are necessary to ensure that solar energy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

- 1. **Definitions.** For purposes of this 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 **HXX**.

O. Data Mining. *Reserved.*