

# JACKSON COUNTY ZONING ORDINANCE

## CHAPTER 1

### DISTRICT REGULATIONS

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

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

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

1.2 Adoption of Official Zoning Map. The Official Zoning Map and the explanatory material thereon, is hereby adopted by reference and declared to be a part of this ordinance.

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

"This is to certify that this is the Official Zoning Map referred to in Chapter 1, Section 1.2, of the Zoning Ordinance of Jackson County, Iowa, as adopted on the 26th day of April, 1976, A. D."

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

1.4 Changes In Official Zoning Map. No changes in the Official Zoning Map shall be made except as may be required by amendments to this ordinance under Section 3.2 herein. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change shall be noted on the map, with the signature of the Chairman of the Board of Supervisors approving such change in the Official Zoning Map. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this ordinance and be punishable as provided in Section 2.4 of this ordinance.

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

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.

4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as following shore lines of streams or other bodies of water shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines, and in the event of change in the centerline, shall be construed as moving with the actual centerlines.

6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.

8. Where a district boundary line divides a lot of record which was in single ownership at the time of the effective date of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district boundary line into the remaining portion of the lot.

1.6 Farms exempt. No regulation or requirement adopted under the provisions of this ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other buildings, structures or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or requirements which relate to any structure, building, dam, construction, deposit or excavation in or on the flood plains of any river or stream which may be contained herein, or which may be subsequently adopted under this ordinance shall apply equally to agricultural and nonagricultural lands, buildings, and structures.

No Construction Compliance Certificate or Occupancy Compliance Certificate shall be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used.

Any farm dwelling, building or structure, while not requiring a Construction Compliance Certificate or Occupancy Compliance Certificate, shall comply with the same flood plain zoning regulations as non-farm buildings and structures.

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

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

## **A-1 AGRICULTURAL DISTRICT**

### **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.

#### **PERMITTED PRINCIPAL USES AND STRUCTURES**

#### **REQUIRED PARKING**

- |   |   |
|---|---|
| 1. Agriculture, horticulture, farms, farming and the usual farm buildings including farm dwelling   | None  |
| 2. Grain storage bins   | None  |
| 3. Single-family dwellings  | 2 spaces per unit   |
| 4. Seasonal dwellings   | 2 spaces per unit   |
| 5. Elementary & secondary schools   | 1 space per classroom or office   |
| 6. Churches   | 1 space for every 5 seats in the main auditorium                        |
| 7. Cemeteries   | 20 spaces off the right-of-way on drives or parking areas               |
| 8. Public exposition & fairgrounds  | 1 space for every 3 seats at the main arena                             |
| 9. Intermittent or temporary commercial activity  | 50 spaces   |
| 10. Public parks, playgrounds, campgrounds and recreation areas   | 5 spaces for each acre developed for active usage                       |
| 11. Wildlife preserves, hunting areas, lakes ponds  |   |
| 12. Kennels and riding stables  | 2 spaces plus 2 space for every 100 square feet of floor area           |
| 13. Railroads, utilities 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 |

## **PERMITTED ACCESSORY USES AND STRUCTURES**

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.
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.

## **SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.15(2) and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; alfalfa dehydrating, the sale of feeds, feed supplements, 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 the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling. The foregoing includes bulk storage for retail distribution of anhydrous ammonia fertilizer under pressure and petroleum products under pressure, provided that such use is located not closer than 1,000 feet to any school, church or place of public assembly, and is located so that prevailing winds will not cause gases or odors to create a nuisance or hazard for developed properties in the vicinity.
2. Livestock auction sales, provided that the business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling; that 1 parking space for each employee and company vehicle and 1 parking space for every 2 seats in the sales arena are provided.
3. Commercial feedlots provided that such use is not closer than 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; that adequate provision for drainage, sanitation and waste disposal are provided; that it is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that 1 parking space for each employee and 1 space for each company vehicle be provided.
4. Mining and extraction of minerals or raw materials, including necessary processing equipment, provided that the extraction site shall be located at least 50' from any property line or public road right-

of-way and no closer than 500' to any dwelling, park, or school; that access to a public road shall not cause a real or potential traffic hazard; and that 1 off-street parking space for each employee plus 1 off-street space for each company vehicle be provided. The Board of Adjustment shall prescribe additional site restrictions if deemed necessary for the protection of life and property.

In addition, any person seeking a special exception for the mining or extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operations.

5. Ready mix concrete plants, permanently placed on quarry sites, provided that the plant is located at least 50 feet from the nearest property line or public road right-of-way and at least 1000' from any dwelling, park or school; that sufficient off-street parking area be provided; that facilities be provided for controlling air and water pollution; and that access to a public road shall not create a real or potential traffic hazard.

6. Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations provided that that no such operation shall be located closer than 1,000 feet to any dwelling, park or school. Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.

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

8. 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 provided, however, that 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.

9. 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:

Where served by a central sewage collection and treatment system or a central water distribution system, an area of not less than 10,000 square feet shall be provided for each dwelling unit, and the minimum yard requirements shall be 10 feet for all yards. 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 as a separate lot.

The applicant shall submit a plan for the proposed development showing the locations or seasonal dwellings, proposed utilities and other facilities including an all-weather road designed to serve the development during its season of use including emergency vehicles. 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 stations and towers provided that 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; that they will not interfere with the operation of any airport or landing strip; and that base screening and camouflage techniques are used unless prohibited by F.A.A. 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. 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. The Zoning Administrator shall provide direct notification to all landowners within one-half mile of the site.

11. Airports and landing fields approved by the Federal Aviation Agency.
12. 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.
13. Conversion of existing dwellings or other structures to a two-family dwelling, provided that a permit is obtained from the Jackson County Health Department for the sanitary system, and that the property meets the requirements for lot area and width and yards in the district, and that there be two parking spaces for each dwelling in the unit.
14. Golf courses and clubhouses, provided that parking shall include 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater. In deciding such appeals, the Board of Adjustment shall consider the suitability of the proposed site for agricultural production.
15. Home industries as defined.
16. Garden centers in conjunction with plant nurseries.
17. Addition of accessory structures to principal structures devoted to legal nonconforming uses.
18. Multiple family dwellings, including residential condominiums, provided that such units abut a hard-surfaced road, are located no further than five (5) miles by normal travel routes from the nearest fire station, and maintain a maximum density of one (1) dwelling unit per two (2) acres. The maximum number of dwelling units per structure shall not exceed eight (8). Two (2) parking spaces per dwelling unit shall be provided.

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.

**MINIMUM LOT AREA AND WIDTH REQUIREMENTS**

**MINIMUM YARD    MAXIMUM HEIGHT**

<p>Non-farm dwellings and institutional uses</p> <p style="padding-left: 20px;">Area    2 acres</p> <p style="padding-left: 20px;">Width   200 feet</p>	<p>Front 40 feet</p> <p>Rear 30 feet</p> <p style="padding-left: 20px;">Side 15 feet</p> <p>Street side, corner lot 30 feet</p>	<p>2 and one half stories or 35 feet</p>
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Other Uses: None; except as may be required by the County Health Department to provide adequate sewage disposal facilities.

## **PERMITTED SIGNS**

1. Directional signs as defined not to exceed 150 square feet in area only along U.S.Highway 61 or 32 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 this district identifying the business or service on the premises not to exceed 32 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 1 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.
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.

## **SPECIAL REQUIREMENTS**

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 as provided for in Chapter 455B of the Code of Iowa.

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 County Engineer shall be posted to ensure repair of damage to the haul route.

## **R-1 RESIDENTIAL DISTRICT**

### **STATEMENT OF INTENT**

The Residential District is intended to provide for limited residential development in the rural areas of the county where such use is compatible with surrounding land uses and where residential development will result in the most appropriate permanent use of the land with particular regard to agricultural land, woodlands and other natural resources.

### **PERMITTED PRINCIPAL USES AND STRUCTURES REQUIRED PARKING**

1. Single family dwellings 2 spaces per unit

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| 2. Seasonal dwellings  | 2 spaces per unit   |
| 3. Public parks, playgrounds and recreation areas  | 5 spaces for each acre developed for active use   |
| 4. Community meeting or recreation buildings   | 1 space for every 50 square feet of floor area  |
| 5. Golf courses and clubhouses but not including miniature courses operated for a profit | 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater |
| 6. Elementary and secondary schools  | 1 space per classroom or office   |
| 7. Churches.   | 1 space for every 5 seats in the main auditorium  |
| 8. Cemeteries  | 20 spaces off the public right-of-way on drives and parking areas                                     |

### **PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental to the permitted principal uses and structures of this district, including home occupations as defined.
2. Private garages.
3. Private swimming pools, tennis courts, gardens and greenhouses.
4. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
5. Addition of accessory structures to principal structures devoted to legal nonconforming uses.

### **SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.15(2) and the other requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that 2 parking spaces per substation or 1 per employee at the site be provided.
2. Mobile home parks on tracts of 5 acres or more, provided:
  - A. That each mobile home space has a minimum area of 3,500 square feet;
  - B. That the mobile home park has a maximum density of 8 units per acre;
  - C. That no mobile home, addition thereto or structure shall be closer than 25 feet to any property line of the mobile home park nor closer than 20 feet to another mobile home or any building in the park except where mobile homes are parked end to end, the end clearance shall be at least 15 feet;
  - D. That 2 parking spaces per unit be provided;

E. That all mobile home spaces shall abut on a hard-surfaced roadway of not less than 24 feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a public street or highway.

In addition to the requirements listed elsewhere in this ordinance, the Board of Adjustment shall also consider the effect of the proposed mobile home park and density of population on adjacent property values and the health, safety, and general welfare of future inhabitants of the mobile home park as well as residents of the surrounding area; the suitability of the site for the proposed development with special attention to topography, subsurface conditions and the availability of necessary utility services; the availability of schools, police protection, fire protection and other community services; and the adequacy of streets and highways serving the area.

3. Mobile home subdivisions on tracts of 10 acres or more, provided:

- A. That the subdivision complies with applicable subdivision ordinances and platting laws;
- B. That each lot contains not less than 6,000 square feet of area and has a width of not less than 45 feet;
- C. That each lot is connected to a community or municipal water supply and sewage disposal system;
- D. That no lot sold or leased may be used for other than an independent mobile home or mobile home converted to real estate;
- E. That two spaces per lot be provided.

4. Home industries as defined, provided the applicant shall demonstrate that the residential character of the neighborhood will be preserved.

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

6. Multiple-family dwellings including residential condominiums provided that such units abut a hard-surfaced road, are located no further than five (5) miles by normal travel routes from the nearest fire station, and maintain a maximum density of one (1) dwelling unit per twenty thousand (20,000) square feet. The maximum number of dwelling units per structure shall not exceed eight (8). Two (2) parking spaces per dwelling unit shall be provided. Additionally, the side yard requirement shall be a least ten (10) feet per dwelling unit up to a maximum requirement of forty (40) feet.

**MINIMUM LOT AREA AND WIDTH REQUIREMENTS**

**MINIMUM YARD**

**MAXIMUM HEIGHT**

Dwellings and institutional uses except as provided elsewhere in this ordinance: Area 20,000 sq. ft. Width 100 sq.ft.	Front	30 feet	2 and one half stories or 35 feet
	Rear:		
	principal structure	35 feet	
	Side:	10 feet	
	Street side, Corner lot	25 feet	

Where served by community or municipal water supply and sewage disposal systems, the minimum lot area and width for dwellings shall not be less than:

Area	12,000 square feet	Width	80 feet
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Other Uses: None except as may be required by the County Health Department to provide adequate sewage disposal facilities.

Where legally existing front or rear yards on adjacent parcels of continuous frontage are shorter than these minimums, the required setback for a new structure shall be the average of setbacks of principal structures within 500' on parcels of continuous frontage.

For manufactured homes replacing legally existing nonconforming manufactured homes or mobile homes, the minimum rear setback shall be 5'.

### **PERMITTED SIGNS**

1. Identification signs not to exceed 4 square feet in area.
2. Church or public bulletin boards not to exceed 16 square feet in area.
3. Home occupation signs identifying the business or service on the premises not to exceed 6 square feet in area.
4. Directional signs as defined not to exceed 3 square feet in area, provided that no business shall have more than 2 such signs in all districts combined and that effective traffic guidance cannot be attained without sign placement in an R-1 zone.
5. Temporary signs advertising the sale or lease of the premises not to exceed 16 square feet in area.
6. No use shall have more than 1 of each type of sign permitted for that use on each street or road frontage; however, sign may be a double-faced or back to back sign.
7. 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.
8. Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
9. 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.

### **SPECIAL REQUIREMENTS**

Hedges and fences shall not exceed four (4) feet in a required front yard and fences shall not exceed six (6) feet in a required side or rear yard, subject to further restriction of subsection 1.8 (1).

## **C-1 HIGHWAY COMMERCIAL DISTRICT**

### **STATEMENT OF INTENT**

The Highway Commercial District is intended to provide areas for commercial development which primarily serve the travelling public. This district is also intended to accommodate certain other commercial uses which ordinarily require access to a major street or highway.

#### **PERMITTED PRINCIPAL USES AND STRUCTURES    REQUIRED PARKING**

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|--|--|
| 1. Automotive, truck, farm implement or mobile home sales, service or repair.  | 1 space for every 300 square feet of floor space   |
| 2. Motorcycle, boat, and recreation vehicle sales, service or repair   |  |
| 3. Retail automotive fuel sales  | 4 spaces plus storage for 4 other vehicles in each service lane  |
| 4. Drive-in banks  | 3 spaces plus storage for 3 vehicles outside each teller lane  |
| 5. Hotels and motels   | 1 space per unit   |
| 6. Plant nurseries and garden centers  | 1 space for every 100 square foot of floor area  |
| 7. Antique shops, art galleries and studios, bait shops, fishing and camping supply shops, convenience stores & liquor stores      |  |
| 8. Restaurants & nightclubs  |  |
| 9. Drive-in restaurants & refreshment areas  | 5 spaces for every 100 square foot of floor area   |
| 10. Recreational & amusement activities such as bowling alleys, miniature golf courses, driving ranges, skating rinks, dance halls | Bowling: 5 spaces per lane<br>Miniature golf: 3 spaces per green; other: 1 space per 100 sq. ft. of floor area |
| 11. Drive-in theaters  | Storage lanes outside ticket booth to accommodate 10% of theater   |
| 12. Building material sales & distribution   | 5 spaces plus 1 space for each employee on the site plus 1 space for each company vehicle                      |

13. Tourism welcome centers and information booths

**PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
3. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.
4. Dwelling units in a commercial structure provided that an open yard of at least 2,400 square feet is reserved and maintained for each dwelling unit and that 2 off-street parking spaces per unit be provided.

**SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.15(2) of the requirements contained herein, the Board of Adjustment may permit the following:

1. Railroads and public utilities but not including equipment storage or maintenance yards, provided that any substation or building shall meet the front and rear yard requirements for this district and shall provide side yards of not less than 25 feet, and that 2 off-street parking spaces per substation or 1 per employee at the site be approved.
2. Commercial communications stations and towers provided that 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; that they will not interfere with the operation of any airport or landing strip; and that base screening and camouflage techniques are used unless prohibited by F.A.A. 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. 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. The Zoning Administrator shall provide direct notification to all landowners within one-half mile of the site.

3. Commercially operated campgrounds or tourist camps on sites of not less than 5 acres provided that no campsite shall be located within 50 feet of a Residential District and that water and sewage disposal facilities shall be approved by County and State Health Departments.
4. Addition of accessory structures to principal structures devoted to legal non-conforming uses.

<b>MAXIMUM YARD AREA</b>	<b>MINIMUM YARD AND WIDTH</b>	<b>REQUIREMENTS</b>	<b>MAXIMUM HEIGHT</b>
None, except as may be required by the County Health Department to provide Sewage Side	Front Rear 20 feet Street side,	30 feet 25 feet	2 and one-half stories or 35 feet

Corner lot 30 feet

### **PERMITTED SIGNS**

1. Temporary signs advertising the sale or lease of the premises not to exceed 16 square feet in area.
2. Trade, business or industry identification signs for the business located on the site provided that:
  - A. One free standing sign per business not exceeding 25 feet in height and 100 square feet per face;
  - B. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the wall of the building in which they are located, or 100 square feet, whichever is smaller;
  - C. The total combined area of all signs shall not exceed 200 square feet per business or more than 1 square foot of sign area for every lineal foot of lot frontage, whichever is greater.
3. No sign shall be located in, overhang or project into a required side or rear yard, but permitted signs may be placed in a required front yard.
4. 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.
5. Billboards and advertising signs provided that:
  - A. They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
  - B. They are not within 300 feet of another billboard or advertising sign facing the same direction.
  - C. No billboard or advertising sign shall exceed 750 square feet in area per face or 25 feet in height.

### **SPECIAL REQUIREMENTS**

1. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property.
2. Prior to the issuance of a certificate for any use in this district, the applicant shall submit plans for water supply and sewage disposal including anticipated water usage and shall provide satisfactory evidence to the Administrative Officer that such facilities, including sewage lagoons, where needed, are adequate for the proposed development.. Water supply and sewage disposal facilities shall be approved by the County and State Health Departments where required.

### **M-1 LIMITED INDUSTRIAL DISTRICT**

#### **STATEMENT OF INTENT**

The Limited Industrial District is intended principally for manufacturing, processing, storage, wholesaling, distribution and related uses that are generally contained within a building. It is further the intent of this district to accommodate such uses in appropriate locations which will not adversely affect existing and future land uses in other districts.

### **PERMITTED PRINCIPAL USES & STRUCTURES**

1. Manufacturing and processing uses that are contained within a building, have no publicly visible external storage and create no offensive noise, dust, odor, vibration, electrical interference or other environmental nuisance. The area devoted to external storage shall not exceed the area of roofed structures on the parcel
2. Animal hospitals or kennels
3. Contract construction office, maintenance shop or storage yard.
4. Sales, service, and repair of farm implements, construction equipment, trucks, automobiles, recreational vehicles, boats, and motorcycles, snowmobiles, golf carts, personal watercraft, and similar recreational machines
5. Lumber yards and building material sales & storage
6. Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure
7. Truck & freight terminals
8. Agricultural service and supply businesses engaged in any or all of the following: Retail sales of agricultural fertilizers, chemicals, seeds, feed and feed supplements, buildings, supplies or fuels, or the buying, storing, processing and sale of grains and other non-animal farm products, but not to include the bulk storage of anhydrous ammonia fertilizer under pressure or petroleum products under pressure
9. Welding machine and repair shops
10. Automobile paint & body shops
11. Plumbing, heating, air conditioning, and sheet metal shops
12. Railroads and public utilities including storage and maintenance yards

### **REQUIRED PARKING**

1 space for every 2 employees on the maximum shift plus 1 space for each company vehicle

1 space for every 300 feet of sales, service or office floor area

1 space for each employee plus 1 space for each company vehicle

Loading space (all uses): 1 space per 10,000 sq. ft. of floor area or fraction thereof

### **PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work.

3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

**SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.15 (2) and the requirements contained herein the Board of Adjustment may permit the following:

1. The bulk storage of anhydrous ammonia fertilizer under pressure and petroleum products under pressure; provided that such use is located not closer than 1,000 feet to any existing dwelling other than that of the owner or operator or any park, school, church or place of public assembly; that 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; that 1 parking space for each employee and 2 spaces for each company vehicle be provided and at least 1 loading space be provided for each 10,000 square feet of floor space.
2. Commercial communications stations and towers provided that 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; that they will not interfere with the operation of any airport or landing strip; and that base screening and camouflage techniques are used unless prohibited by F.A.A. 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. 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. The Zoning Administrator shall provide direct notification to all landowners within one-half mile of the site.

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

	MINIMUM LOT AREA AND WIDTH	MINIMUM YARD REQUIREMENTS	MAXIMUM HEIGHT
None	Front	30 feet	4 stories or 50 feet
		Rear	25 feet
		Side	20 feet
		Street side, corner lot	25 feet

**PERMITTED SIGNS**

1. Temporary signs advertising the sale or lease of the premises not to exceed 24 square feet in area.
2. Billboards and advertising signs, provided that:
  - A. They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
  - B. They are not within 300 feet of another billboard or advertising sign facing the same direction.

- C. No billboard or advertising sign shall exceed 750 square feet in area per face or 25 feet in height.
- 3. Trade, business or industry identification signs for the firms located on the site provided that:
    - A. Free standing signs shall not exceed 100 square feet in area or 35 feet in height.
    - B. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the wall of the building on which they are located or 200 square feet, whichever is smaller.
    - C. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.
  - 4. No sign shall be located in, overhang or project into a required side or rear yard, but permitted signs may be placed in a required front yard.
  - 5. All signs shall be maintained in a neat, safe presentable condition and in the event their use shall cease, they shall be promptly removed.

### **SPECIAL REQUIREMENTS**

- 1. Prior to the issuance of a permit for any use in this district, the applicant shall submit plans for water supply and sewage disposal, including anticipated water usage and shall provide satisfactory evidence to the Administrative Officer that such facilities, including sewage lagoons, where needed, are adequate for the proposed development. Water supply and sewage disposal facilities shall be approved by the County and State Health Departments where required.
- 2. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any other debris or waste product be permitted to accumulate on the site. Exterior storage or display established after the effective date of this provision, other than display of farm implements, trucks, automobiles, and vehicles used for recreation offered for sale, shall be screened from public view by means of distance, topography, fencing, or vegetation approved by the Zoning Administrator.
- 3. In granting special uses which pose a potential threat to the health, safety and well-being of persons or property in the area, the Board of Adjustment shall take into account the location and proximity of existing and proposed residential areas, schools, places of public assembly and any other pertinent factors and shall require that adequate safeguards be taken to minimize the potential danger. In the event adequate safeguards and precautions cannot be met or complied with, the Board of Adjustment shall not grant approval for such use.

## **M-2 GENERAL INDUSTRIAL DISTRICT**

### **STATEMENT OF INTENT**

The General Industrial District is intended primarily for heavy manufacturing and closely related uses while providing protection against harmful effects to existing and future uses in other districts.

#### **PERMITTED PRINCIPAL USES AND STRUCTURES**

1. Manufacturing and processing, except that certain uses shall be permitted only as special exceptions
2. Lumber yards and building materials sales and storage, concrete products, ready mix plants
3. Contract construction office, maintenance shop or storage yard
4. Railroads and public utilities including storage and maintenance yards
5. Farm implement or truck sales, service and repair
6. Wholesaling and warehousing but not including the bulk storage of anhydrous ammonia fertilizer under pressure, petroleum products under pressure, explosives or highly volatile chemicals or materials

#### **REQUIRED PARKING**

1 space for every 2 employees on the maximum shift, plus 1 space for each company vehicle

1 space for each employee plus 1 space for each company vehicle

1 parking space for every 300 square feet of sales, service, or office floor space  
Loading space (all uses); 1 space per per 10,000 square feet of floor area or fraction thereof

#### **PERMITTED ACCESSORY USES AND STRUCTURES**

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
3. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

#### **SPECIAL EXCEPTION USES AND STRUCTURES**

Subject to Section 2.15 (2) and the requirements contained herein, the Board of Adjustment may permit the following:

1. The following uses provided that they are not closer than 1,000 feet to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly; that 1 off-street parking space for every 2 employees and 1 off-street space for each company vehicle is provided:

- A. Chemical plants
- B. Explosives manufacture or storage
- C. Fertilizer manufacturing
- D. Garbage, offal, or dead animal reduction or dumping
- E. Gas manufacture
- F. Refining of petroleum and natural gas and their products
- G. Stockyard or slaughter of animals
- H. Asphalt plants (permanently placed)

2. Sanitary landfills, sanitary transfer stations, sanitary composting facilities, and sanitary recycling operations provided that no such operation shall be located closer than 1,000 feet to any dwelling, park or school. Such site shall be restored to a condition compatible with the adjacent area upon the conclusion of the operation.

3. Auto wrecking and junkyards on sites of 5 acres or more provided that the front yard be maintained as an open space free of weeds and debris; that the site be enclosed with a fence or a suitable landscape planting that will screen the operation from the view of adjacent public streets and places of public assembly, parks, recreation areas and residential properties; and that a minimum of 2 off-street parking space for each employee and 1 off-street space for each vehicle used by the facility be provided.

4. The bulk storage of oils, petroleum, flammable liquids and chemicals and the wholesale, but not retail, storage and distribution of anhydrous ammonia fertilizer and petroleum products under pressure when stored underground in tanks located no closer to any property line than the greatest depth to the bottom of such tanks or above ground in tanks located at least 150 feet from any property line.

5. Commercial communications stations and towers provided that 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; that they will not interfere with the operation of any airport or landing strip; and that base screening and camouflage techniques are used unless prohibited by F.A.A. 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. 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. The Zoning Administrator shall provide direct notification to all landowners within one-half mile of the site.

6. Mining and extraction of minerals or raw materials including necessary processing equipment provided that any such operation shall be located at least 50 feet from the right-of-way line of any public road; that such operation shall not be closer than 50 feet to any dwelling, park or school; that access to a public road shall not cause a real or potential traffic hazard; that 1 off-street parking space for each employee plus 1 off-street space for each company vehicle be provided. In addition, any person seeking a special exception for mining or extraction of minerals or other raw materials shall submit a plan whereby the land so used would be restored by the applicant to a condition compatible with the surrounding area upon conclusion of the operation.

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

MINIMUM LOT AREA AND WIDTH REQUIREMENTS		MINIMUM YARD	MAXIMUM HEIGHT
None	Front	30 feet	4 stories or 50 feet
		Rear 25 feet	
		Side 20 feet	
		Street side, corner lot 25 feet	
Where adjacent to an operating railroad, no yard shall be required along such lot line			

### PERMITTED SIGNS

1. Temporary signs advertising the sale or lease of the premises not to exceed 24 square feet in area.
2. Billboards and advertising signs, provided that:
  - A. They are not within 250 feet of a highway intersection, highway structure, residence, park, school, cemetery, public or semi-public building.
  - B. They are not within 300 feet of another billboard or advertising sign facing the same direction.
  - C. No billboard or advertising sign shall exceed 750 square feet in area per face or 24 feet in height.
3. Trade, business or industry identification signs for the firms located on the site provided that:
  - A. Free standing signs shall not exceed 100 square feet in area or 35 feet in height.
  - B. Signs mounted or painted on the wall of a building shall not cover more than 20 percent of the face of the building on which they are located or 200 square feet, whichever is smaller.
  - C. Signs attached to a building shall not project above the height of the building, or more than 4 feet from the wall of the building and shall not have more than 100 square feet of area.
  - D. Not more than one sign of each category above may be provided for any single use, although each sign may be a double-faced or back to back sign.
4. No sign shall be located in, overhang, or project into a required side or rear yard, but permitted signs may be placed in a required front yard.
5. 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.

### SPECIAL REQUIREMENTS

1. Prior to the issuance of a permit for any use in this district, the applicant shall submit plans for water supply and sewage disposal including anticipated water usage and shall provide satisfactory evidence to the Administrative Officer that such facilities, including sewage lagoons, where needed, are adequate for the proposed development. Water supply and sewage disposal facilities shall be approved by the County and State Health Departments where applicable.
2. Where applicable, proposed uses shall comply with the requirements of the appropriate division of the Iowa Department of Environmental Quality as provided for in Section 455B of the Code of Iowa.
3. In granting special exceptions for uses which pose a potential threat to the health, safety and well-being of persons or property in that area, the Board of Adjustment shall take into account the location and proximity of existing and proposed residential areas, schools, places of public assembly and any other pertinent factors and shall require that adequate safeguards be taken to minimize the potential danger. In the event adequate safeguards and precautions cannot be met or complied with, the Board of Adjustment shall not grant approval for such use.

## **PUD PLANNED UNIT DEVELOPMENT DISTRICT**

### **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.

### **SPECIAL REQUIREMENTS**

1. Preliminary Application. The owners of contiguous property comprising ten (10) acres or more may submit an application to have their land classified "PUD Planned Unit Development" on the Zoning Map. Smaller districts may be created where extraordinary public benefit is demonstrated. The preliminary application shall be made to the Zoning Administrator and shall include the following:
  - A. The legal description of the property.
  - B. 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.
  - C. 12 copies of a conceptual plan of the proposed development showing at least all proposed buildings with exterior dimensions, parking areas, points of connection to the public road system, water and wastewater facilities to be provided, and other proposed uses of land.
  - D. 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. 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.
  - F. 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. Review of Preliminary Application. Review of the preliminary application shall follow the procedure for review and action on preliminary subdivision plats, whether or not the application calls for division of land, and shall include at least a public hearing on the preliminary application. The Zoning Commission, after holding the hearing, shall state its recommendations for action on the concept presented and for the level of detail required for the final version of the plan. The Board of Supervisors 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. Approval of a preliminary application shall not constitute a commitment on the part of the county to approve a final application.
  3. Final Application. Following Supervisors approval of a preliminary application, the applicant shall have 12 months to submit a final application meeting all specifications of the preliminary approval and, when land is being subdivided, all requirements for the subdivision final plat.
  4. Review of Final Application. A final application shall be reviewed according to the procedures for final subdivision plats, except that final action by the Board of Supervisors, if approved, must include the passage of an ordinance reclassifying the land, and the County shall have at least 90 days from the date of final application submission to take their final action.
  5. Burden of Proof. It is expected that most development will occur in the regular zoning districts. In all requests for reclassification to this 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.
  6. 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.
  7. 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.
  8. 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.
  9. Modification. The Zoning Commission and 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 Supervisors must hold a proper public hearing before taking their final action on the matter.
  10. 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.

Map Designation. Each such district created shall be designated on the Official Zoning Map as "PUD" and a sequential number.

1.8 Supplementary District Regulations. Subject to Section 1.6, the following provisions, regulations or exceptions shall apply equally to all districts except as hereinafter provided.

1. 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 or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distance from the intersection of the right-of-way lines, and measured along the right-of-way lines, or within the triangular area formed by connecting the centerlines of the intersecting streets at points which are one hundred (100) feet from their point of intersection, whichever is greater.

2. 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 lot line.

3. More Than One Principal Structure On A Lot. In any district, more than one (1) principal structure housing a permitted 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.

4. Height Regulation Exceptions. The height limitations contained in the Schedules of 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.

5. 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.

6. Proposed Use Not Covered In Ordinance. Any proposed use not covered in this ordinance as a permitted use or special exception shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the ordinance amended as provided in Section 3.2 before a permit is issued for such proposed use.

7. 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:

- a. 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;
- b. Direct access to a private road established and approved as part of an approved and recorded subdivision plat; or
- c. Access as in items "a" or "b" above, but indirectly by means of an individual private access easement, as defined.

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

8. 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.

9. 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.

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

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

a. Provisions of Jackson County ordinances relating to flood plain management and tall structures near airports have been fully met.

b. The land parcel cited in the application was created in compliance with the Jackson County Subdivision Ordinance.

c. 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.

d. Proper application has been made for a rural address, where appropriate.

1.9 Application of District Regulations. Subject to section 1.7 the regulations and restrictions of this ordinance shall apply as follows:

1. Regulations To Be Uniformly Applied. The regulations set by this ordinance shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.

2. All Uses And Structures to Conform. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

3. Height, Density Or Yards Shall Not Be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families or to have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required or in any other manner contrary to the provisions of this ordinance.

4. Separate Yards, Open Space And Off-Street Parking Required. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

5. Minimum Yard And Lot Areas May Not Be Reduced. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

6. New Areas. All territory which may hereafter become a part of the unincorporated area of the County shall be classified in the A-1 Agricultural District until otherwise classified, provided, however, that the Zoning Commission may recommend the appropriate district classification prior to such territory becoming a part of the County, and upon the holding of a public hearing and approval by the Board of Supervisors, the territory, upon becoming a part of the county, may be immediately so classified.

1.10 Nonconformities. Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendment.

Subject to Section 1.7, it is the intent of this ordinance to permit these non-conformities to continue and to be renewed and replaced, but not to allow their expansion. However, nothing in this ordinance shall prohibit the Zoning Board of Adjustment from granting a special exception to permit the addition of accessory structures to serve principal structures devoted to nonconforming uses as allowed in this ordinance.

A non-conforming use of a structure, a nonconforming use of land or water, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

1.11 Nonconforming Lots Of Record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance provided, however, that the sewage disposal system and water supply shall first be approved by the county Health Department. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that the yard dimensions and other requirements, not involving area or width or

both, of the lot shall conform to the regulations for the district in which such lot is located. Variance for yard requirements shall be obtained only through action of the Board of Adjustment.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

1.12 Nonconforming Uses Of Land. Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the regulations imposed by this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions and exceptions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Nonconforming junk yards as herein defined shall be discontinued, removed or relocated to an M-2 General Industrial District within five (5) years after the passage of this ordinance.

1.13 Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lots, such structure may be continued so long as it remains otherwise lawful and is not enlarged or altered in a way which increases its nonconformity. No reconstruction or replacement of nonconforming structures is permitted which would deviate further from provisions of this ordinance than did the original structure.

1.14 Nonconforming Uses of Structures. If a lawful use of a structure or of structure and premises in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged or extended.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific cases, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming

use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

4. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed.

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months, the structure thereafter shall not be used except in conformity with the regulations of the district in which it is located.

Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

1.15 Repairs and Maintenance. Nothing in this ordinance shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

1.16 Uses Under Exception Provision. Any use permitted as a special exception in its district which was in existence on the effective date of this ordinance shall be deemed a conforming special exception use.

Such use may be continued but shall not be expanded or enlarged to increase the building area or area of land occupied or used, nor shall any such use or structure be altered, expanded or enlarged to increase its capacity, height, number of units, number of animals, volume of traffic, volume of waste created or intensity of use, nor shall such use be resumed after having lapsed for a period of twelve (12) months or more until a special exception has been granted by the Board of Adjustment. For the purposes of this paragraph, further removal of materials from a lot or parcel owned or leased for the purpose of extraction of raw materials on the effective date of this ordinance shall not constitute expansion or enlargement provided that the extraction site meets the setbacks specified as special requirements for that use or, if such setbacks are already exceeded, that setback distances do not decrease; further, periods of up to four (4) years without extraction or processing activity shall not be considered a lapse of use.

Structures devoted to such uses may be converted to nonconforming uses by action of the Zoning Board of Adjustment in the same manner as provided for nonconforming uses in Section 1.14(3) provided also that the Board finds that the proposed use is more compatible with neighboring uses than is the existing use.

## CHAPTER 2

### ADMINISTRATION

2.1 Administration And Enforcement. An Administrative Officer designated by the Board of Supervisors shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Board of Supervisors may direct.

If the Administrative Officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

2.2 Appeals From Decision Of Administrative Officer. Appeals from any decision of the Administrative Officer may be taken to the Board of Adjustment as provided in Section 2.13.

2.3 Interpretation Of Provisions. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

2.4 Violation And Penalties. Any person, firm or corporation who shall violate or fail to comply with the provisions of this ordinance shall be guilty of a civil infraction and upon conviction shall be fined not more than two hundred dollars (\$200.00). Each day such violations continue shall constitute a separate offense.

2.5 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

2.6 Injunction, Mandamus. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

2.7 Construction Compliance Certificate. Subsequent to the adoption of this ordinance, a Construction Compliance Certificate shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this ordinance and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this ordinance.

2.8 Occupancy Compliance Certificate. Subsequent to the effective date of this ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Administrative Officer. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this ordinance.

2.9 Application For Compliance Certificates. Applications for Compliance Certificates shall be made prior to beginning construction or assuming occupancy on fully completed application forms obtained from the Administrative Officer, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this ordinance. The Administrative Officer shall, within seven (7) days thereof, approve or deny said applications. If denied, the Administrative Officer shall submit his reasons thereof in writing to the applicant.

2.10 Fees. The Administrative Officer is directed to issue a Construction Compliance Certificate and/or Occupancy Compliance Certificate as required by this ordinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee as established by rule of the Jackson County Board of Supervisors for each Construction Compliance Certificate or Occupancy Compliance Certificate issued separately. Only one (1) fee shall be charged for a Construction Compliance Certificate and Occupancy Compliance Certificate issued jointly.

There shall be no fees charged to the United States Government, the State of Iowa or any political subdivision thereof.

All fees are required and shall be paid to the Administrative Officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the county.

2.11 Board of Adjustment Created. A Board of Adjustment is hereby established. 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.

2.12 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. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, 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 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 Administrative Officer. 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 Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer 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 as established by rule of the Jackson County Board of Supervisors shall be paid to the Administrative Officer at the time the notice of appeal is filed which the Administrative Officer shall forthwith pay over to the credit of the general fund of the County.

2.14 Stay Of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his 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 Administrative Office from whom the appeal is taken and on due cause shown.

2.15 The Board of Adjustment: Powers And Duties: The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.

2. Special Exceptions: Conditions Governing Applications: Procedures. 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. 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 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.

a. 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.

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 by agent or attorney.

c. 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.

d. 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.

3. Variances: 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. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

a. A written application for a variance is submitted demonstrating:

(1) 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.

(2) 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;

(3) That the special conditions and circumstances do not result from the actions of the applicant;

(4) 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.

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

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

d. The Board of Adjustment shall make findings that the requirements of Section 2.15.3(a) have been met by the applicant for a variance.

e. 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.

f. 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.

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 2.4 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.

2.16 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 Administrative Officer 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 Administrative Officer 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.

2.17 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:

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.
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) below, whichever comes first.
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.
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.
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.

2.18 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 Chapter 358A, Code of Iowa.

## CHAPTER 3

### GENERAL PROVISIONS

3.1 Definitions. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural and the plural the singular and the word "shall" is mandatory and not directory.

1. Accessory Use Or Structure. A use or structure subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land.

2. Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for treating or storing the produce provided, however, that any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture shall not include commercial animal or poultry feeding or raising in confined lots or buildings as defined herein.

3. Alley. A public thoroughfare which affords only a secondary means of access to abutting property.

4. Alteration, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

5. Basement. A story having part but not more than one-half (1/2) of its height below grade. A basement is counted as a story for the purpose of height regulation.

6. Billboard. An advertising sign for a business, commodity or service located or offered elsewhere than upon the premises where such sign or billboard is located.

7. Board. The Zoning Board of Adjustment of Jackson County, Iowa.

8. Building, (Structure). Anything constructed, erected or built, the use of which requires a location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons.

9. Campground. An area providing spaces for two (2) or more travel trailers, camping trailers or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.

10. Cellar. A story having more than one-half (1/2) its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

11. Commercial Feedlot. The feeding or raising of livestock, poultry or other animals in confined feedlots, dry lots, pens, cages or buildings as a commercial enterprise when not in conjunction with a farming operation.

12. Commission. The Zoning Commission of Jackson County, Iowa.

13. Condominium, Residential. As established in Chapter 499B, Code of Iowa, a building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Residential condominiums shall be considered multiple-family dwellings for the purpose of this ordinance.
14. County. The unincorporated portions of Jackson County, Iowa.
15. Directional Signs. Any sign erected to call attention and direct traffic to businesses located off the primary highway system. Such signs must be placed no more than five (5) miles from the business served and positioned specifically to guide traffic to the service available. Except adjacent to U.S. Highway 61, directional signs must serve businesses in unincorporated areas.
16. Drive-in Restaurant. Any place or premises used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
17. Dwelling. Any building or portion thereof which is designed for or used exclusively for residential purposes.
18. Dwelling, Multiple-family. A building designed for or occupied by more than one (1) family as defined in this ordinance. This definition shall not include mobile homes as herein defined.
19. Dwelling, Single-family. A building designed for or occupied by one (1) family. This definition shall not include mobile homes as herein defined.
20. Dwelling, Seasonal. A single-family dwelling or mobile home, including house boats, intended for seasonal or temporary occupancy only and not permanently occupied as a family residence for more than one hundred eighty (180) days during any calendar year.
21. Dwelling Unit. One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.
22. Family. One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel. A family as defined herein, shall include not more than four (4) unrelated persons.
23. Farm. An area of not less than ten (10) acres which is primarily adapted by reason of nature and area for use for agricultural purposes and is used for the growing of the usual farm products and their storage on the area as well as for the raising thereof of the usual farm poultry and farm animals. The term "farming" includes the operation of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include commercial feedlots or livestock cooperatives as defined herein.
24. Farm Dwelling, Principal. A dwelling located on a farm and occupied by the owner or operator of the farm on which it is located.

25. Farm Dwelling, Secondary. A dwelling located on a farm that is under the same ownership as the principal farm dwelling and other buildings and lands used in conjunction with the farming operation and occupied by a person or family employed thereon or the retired owner and his family.

26. Floor Area. The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar which is used for storage or incidental use.

27. Frontage. All the property on one (1) side of a street between two (2) intersecting streets, crossing or terminating, measured along the line of the street, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

28. Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

29. Height Of A Building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

30. Home Occupation. A business which

a. is conducted entirely within a dwelling unit or its customary accessory structures, and

b. is carried on by a member of the family residing in the dwelling unit, and

c. is clearly secondary to the use of the dwelling unit for residential purposes, and

d. does not employ more than one (1) person outside the immediate family on the premises, and

e. has no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building other than one (1) sign erected in conformance with the sign provision in its zoning district, and

f. does not occupy an area greater than thirty percent (30%) of the floor area of the dwelling unit, and

g. produces no offensive noises, vibration, smoke, dust, odors, heat or glare rendering such buildings or premises objectionable or detrimental to the residential character of the neighborhood.

31. Home Industry. A business which

a. is conducted on a residential premises, inside or adjacent to the dwelling and/or customary structures, and

b. is carried on by a member of the family residing in the dwelling unit, and

- c. is clearly secondary to the use of the dwelling unit for residential purposes, and
- d. produces no offensive noises, vibration, smoke, dust, heat or glare rendering the premises objectionable or detrimental to the character of the neighborhood.

32. Home Occupation, Farm. An occupation customarily engaged in on a farm, as a supplementary source of income, which

- a. is clearly incidental and secondary to the operation of the farm, and
- b. is carried on by a member of the family residing in the farm dwelling, and
- c. does not employ more than one (1) person outside the resident family on the premises, and
- d. is conducted within or adjacent to the farm dwelling or the customary farm out buildings, and
- e. has no exterior displays or storage of materials visible from the public road or other exterior indication or variation from the agricultural character of the farm other than not more than one (1) sign identifying the product or service available, which sign shall not exceed thirty-two (32) square feet, and
- f. produces no offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference detectable within the limits of the nearest neighboring farm dwelling.

33. Individual Private Access Easement. Authorization by a property owner of use of a specified part of that owner's property by another single property owner for the purpose of accessing private property. In context the term may also refer to the land specified by such authorization. Excluded from this definition are private access easements which grant such authorization to more than one property owner for access over the same real estate, except where that real estate lies within the right-of-way of a public road.

34. Intermittent Or Temporary Commercial Activity. An activity which occurs on a one-time temporary or intermittent basis and for which no permanent structures are required, along with associated camping and entertainment, such uses not to exceed 14 days per year, involve more than 15 acres, including parking, and creating no public nuisance. Examples include but are not limited to flea markets, consignment auctions, music or sport events, and commercial exhibitions.

35. Junk Yard. Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned or handled, including the dismantling or "wrecking" of automobiles or other machinery, used lumber yards and places or yards for storage of salvage, house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building.

36. Kenel. An establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.

37. Loading Space. A space within the main building or on the same lot providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and vertical clearance of at least fourteen (14) feet.

38. Lot. A parcel of land with an officially approved legal description occupied or intended for occupancy by one (1) or more main buildings together with accessory buildings. The boundaries of the lot shall be determined by its lot lines.
39. Lot Area. The area included within the boundaries of a lot, including area over which public or private easements have been granted, but excluding that portion of a flag lot which is used primarily for access (the flagpole portion).
40. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.
41. Lot, Depth Of. The mean horizontal distance between the front and rear lot lines.
42. Lot, Flag. A lot having no frontage or access to a street or place except by a narrow strip of land which is included within the lot.
43. Lot of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
44. Lot Width. The width of a lot measured at the front of the principal structure and at right angles to its depth.
45. Mobile Home. A vehicle or vehicles used, or so originally constructed as to permit being used, as a conveyance upon the public streets or highways and duly licensed as such and constructed in such a manner as will permit occupancy for human habitation, dwellings or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle or vehicles. This definition shall also include and apply to such vehicles or structures that are located on a permanent or temporary foundation but shall not include mobile homes converted to real estate as defined herein.
46. Mobile Home Converted To Real Estate. An unencumbered mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular frame modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the tax rolls of the County.
47. Mobile Home Park. Any site, lot, field or tract of land upon which two (2) or more occupied mobile homes are harbored either free of charge or for revenue purposes including any building, structure, vehicle or enclosure intended for use as part of the equipment of such mobile home park.
48. Parking Space. An area surfaced with not less than four (4) inches of gravel or crushed stone or equally suitable material, enclosed in the main building or in any accessory building, or unenclosed, having an area of not less than one hundred eighty (180) square feet exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for automobiles.
49. Place. An open unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

50. Premises. The land together with any buildings or structures located thereon.
51. Quarry Active. Any site used primarily for extraction of sand, gravel, or stone for commercial purposes in compliance with the provisions of this ordinance.
52. Recreational Lodge. A short-term lodging facility whose primary appeal is its rural and/or natural setting, with direct access to public or private recreational land, with a maximum of ten (10) units.
53. Sewer System, Community. A public or private sewerage collection system with treatment and disposal facilities providing secondary treatment meeting applicable County and State effluent standards. A community sewer system as herein defined shall not include septic tanks.
54. Signs. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:
- a. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
  - b. Flags and insignia of any government except when displayed in connection with commercial promotion.
  - c. Legal notices, identification, informational or directional signs erected or required by governmental bodies.
  - d. Signs directing and guiding traffic and parking on public or private property but bearing no advertising matter.
  - e. Warning signs, no trespassing, no hunting and similar signs not to exceed two (2) square feet in area located on the premises.
  - f. Integral decorative or architectural features of buildings, except letters, trademarks moving parts or moving lights.
55. Special Exception. A use or structure that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in zoning divisions or district as special exceptions if specific provisions for such special exceptions are made in this zoning ordinance.
56. Story. That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
57. Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

58. Street, Road. A public or private thoroughfare which affords the principal means of access to abutting property.

59. Street Line. The right-of-way line of a street.

60. Structure, Building. Anything constructed, erected or built, the use of which requires a location on the ground and designed for the support, enclosure shelter or protection of persons, animals, chattels or property of any kind, including, but without limiting the generality of the foregoing, installation such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons.

61. Temporary Concrete Plant. Portland cement or asphaltic concrete mixing or batching facility for temporary use during the construction, repair, or maintenance of public roads, highways, or other public facilities.

62. Travel Trailer Or Camping Trailer: A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one (1) or more persons. Said vehicle may be up to eight (8) feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight of the vehicle fully equipped, or any weight provided its overall length does not exceed twenty-eight (28) feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes and not used as a place of human habitation for more than ninety (90) days in any twelve (12) month period or it shall be classed as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

63. Variance. A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

64. Water System, Community. A public or private water distribution system having a common source of supply and necessary treatment facilities.

65. Yard. An open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from two and one-half (2 1/2) feet above the ground upward except as otherwise provided herein.

66. Yard, Front. A yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimensions, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension.

67. Yard, Rear. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection

thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

68. Yard, Side. A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto, except on the street side of a corner lot, the side yard shall extend from the required front yard to the rear lot line.

3.2 Changes and Amendments. The regulations imposed and the districts created by this ordinance may be amended from time to time by the Board of Supervisors in the manner set forth in Sections 331.302 and 331.305 of the Code of Iowa after a report has been made upon the amendment by the Commission. The Board of Supervisors, before adopting an amending ordinance, shall hold a public hearing on the proposed change. At least 10 but no more than 20 days notice of the time, Place and nature of such hearing shall be published in a newspaper having general circulation in the county. In case the Commission does not approve the change or, in the case of a protest filed with the Board of Supervisors against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within five hundred (500) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.

As part of an ordinance amendment reclassifying land from one zoning district to another zoning district, the Board of Supervisors may impose conditions on a property owner which are in addition to existing regulations. The imposed conditions shall be agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

3.3 Change of Zoning District Boundaries, Application And Procedures. Any person may submit to the Board of Supervisors an application requesting a change in the zoning district boundaries as shown on the official zoning map.

1. Such application shall be filed with the Administrative Officer accompanied by a fee as established by rule of the Jackson County Board of Supervisors and shall contain 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.

All fees shall be deposited to the general revenue fund of the county. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. Upon receipt of the application by the administrative officer, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall give notice of a public hearing on the proposed change to be held before the Commission. At least ten (10) but no more than twenty (20) days notice of the time, place and nature of such hearing shall be published in a newspaper having general circulation in the county. Upon holding the hearing but prior to making a recommendation, the commission shall determine the following:

a. Whether or not the current district classification of the property to be rezoned is valid.

b. Whether there is a need for additional land zoned for the purpose requested.

c. Whether the proposed change is consistent with the current land use plan or policy.

d. Whether the proposed change would result in a population density or development which would in turn cause a demand for services or utilities in excess of the capacity planned for the area.

e. Whether the proposed change would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

3. The Commission shall submit its recommendations to the Supervisors within forty-five (45) days from receipt of the application stating the reasons therefore, except that when no report issues within that time, the application will be deemed approved by the Commission. The Supervisors may then consider the matter as provided in Section 3.2 of this ordinance.

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

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

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