



Secondary Roads Department
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SETBACK VARIANCE ORDINANCE

SECTION 1. TITLE

This ordinance may be known and may be cited and referred to as the "Jones County Secondary Road Setback Ordinance".

SECTION 2. PURPOSE

The purpose of this ordinance is to insure uniform building and structural alteration locations along County public secondary road rights-of-way that will protect and preserve the highway corridor potential for future expansion, construction and growth and to insure that future improvements in or along the public secondary road rights-of-way may occur at a reasonable cost to the County taxpayer. This also includes adoption of provisions for the inspection and regulation of building and structural alteration locations and to provide penalties for the violation of this ordinance in order to protect public safety, health and welfare.

SECTION 3. DEFINITIONS

For use in this ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Board of Supervisors: Refers to the Jones County Board of Supervisors.
- B. Building: Any structure built for the support, shelter, or enclosure of persons, animals, and moveable property of any kind.
- C. County: Refers to Jones County, Iowa.
- D. Highway corridor: Means the highway right-of-way and all that area within thirty (30) feet outside the established road right-of-way line on each side of the road.
- E. Landowner: Includes a person, persons, company, corporation or governmental entity desirous of locating a new building or structural alteration along the County's Secondary Road System.
- F. Unincorporated Village: The villages in Jones County of Scotch Grove, Langworthy, Amber, Hale, Oxford Mills, Stone City, Center Junction, Fairview, and any other cities that become unincorporated in the future.
- G. Structural alteration: Refers to any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

SECTION 4. POWERS OF THE BOARD OF SUPERVISORS

Subject to Iowa Code Chapters 331 and 335, the Board of Supervisors may regulate and restrict the placement of new buildings or structural alterations to existing buildings along the secondary road system within the highway corridor as defined above. The Board of Supervisors may authorize upon appeal, in specific cases, a variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

SECTION 5. ADMINISTRATIVE OFFICER

The County Engineer shall have the principal responsibility to enforce this ordinance. The County Engineer shall provide and maintain a public information record relative to all matters arising under this Ordinance as well as accept and review variance applications for development required under this Ordinance.

SECTION 6. VARIANCE REVIEW

A landowner may request a variance from this ordinance pursuant to section 7. An application shall only be reviewed after an engineering investigation at the location of the proposed building or structural alteration. No variance shall be granted to the setback requirements contained herein unless a substantial hardship exists and relief, if granted, meets the general purpose and intent of this article. The Board of Supervisors shall not approve a setback variance which:

- A. Fails to meet the standards of this ordinance; or
- B. Increases traffic hazards or hinders sight distance due to location or orientation of proposed building or structural alteration; or
- C. Encroaches within seventeen (17) feet of the setback unless location of proposed building or structural alteration is within one half mile of the Platted Unincorporated Villages of Jones County; or
- D. Encroaches beyond the average footage consistent with the setbacks of the prevailing adjoining properties within one half mile of the Platted Unincorporated Villages of Jones County; or
- E. Creates the probability of the County purchasing proposed buildings or structural alterations in the course of future expansion, construction and growth.

SECTION 7. VARIANCE APPLICATION REQUIREMENTS

A landowner shall complete a Variance Application available at the County Engineer's Office and procure a site plan that shall show the following:

- A. A metes and bounds legal description of the property certified by a land surveyor;
- B. A vicinity map showing the subject parcel and illustrating its relationship to the adjacent roadway and nearest intersecting roadway;
- C. Property lines and right-of-way lines;
- D. Location and size of existing and proposed building or structural alterations on the property;
- E. Dimensions of proposed buildings and structural alterations relative to property and right-of-way lines.

SECTION 8. ENCROACHMENTS AND PROJECTIONS IN THE REQUIRED SETBACK

The following encroachments are permitted in the required setback provided there is no obstruction of any sight distance.

- A. Landscaping features including ornamental pools, planting boxes, sculpture, arbors, birdbaths, and similar uses;
- B. At grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, HVAC equipment, mailboxes, outdoor fireplaces, fences and retaining walls;
- C. Enclosed or uncovered porches less than thirty five (35) square feet in area encroaching thirteen (13) feet or less into the setback.

SECTION 9. FEE

A fee of one hundred (\$100.00) dollars, as set by the Boards of Supervisors, shall be charged to the landowner for any variance application to help defray administrative costs related to reviewing applications and performing engineering investigation.

SECTION 10. PENALTY

Violation of this ordinance shall constitute a county infraction which shall be punishable by a civil penalty in an amount not to exceed that allowed by Iowa Code Section 331.307 (1.), as now or hereafter amended. Alternatively, or in addition to, constitution of a county infraction, a person found in violation of this ordinance may be guilty of a simple misdemeanor, and on conviction thereof be subject to such maximum penalty as the law allows in Iowa Code Section 903.1, as now or hereafter amended. Each day that a violation occurs or is permitted to exist by the respondent/defendant constitutes a separate offense.

In addition, any building or structural alteration in violation of this ordinance that requires relocation or removal due to additional right-of-way requirements for any construction project or maintenance activity of Jones County shall be at the landowner's expense.

SECTION 11. SEVERABILITY CLAUSE

If any section, provision, or part of this ordinance shall be adjudged invalid, or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof, not adjudged invalid or unconstitutional.