



January 3, 2025

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

RE: Zoning Ordinance Update – Initial Draft of Chapter 5. Zoning Commission

Dear Lori,

Attached is information regarding the initial draft of Chapter 5. Zoning Commission for review and approval by the Zoning Commission at their January 20, 2025 meeting.

Discussion

The Zoning Commission is given a separate Chapter 5 with its adopted rules and procedures, current regulations, and additional regulations taken from Iowa Code. The attached REDLINE version outlines the proposed changes with commentary, and the CLEAN version shows the resulting restructure.

Major updates proposed are as follows:

- Two sections 5.1 and 5.2 are based on the Commission’s established rules and procedures
- Two new sections related to Iowa Code are added (5.3 and 5.6)
- Two existing sections in old Chapter 3 are moved to new Chapter 5 (5.4 and 5.5)
- Section 5.4 is reworked to clarify procedures for Text Amendments
- Section 5.5 is reworked to clarify procedures for Map Changes (Rezoning)

Recommendation

The Commission is asked to review the initial draft of Chapter 5. Zoning Commission, and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Carstens", is written over a light blue horizontal line.

Laura Carstens
Senior Planner

Attachment

CHAPTER 5. ZONING COMMISSION

5.1 Zoning Commission Created. The Jackson County Zoning Commission, hereinafter referred to as the Commission, was established by the April 16, 1975 resolution of Jackson County, Iowa. The Commission shall consist of seven (7) members to be appointed by the Board of Supervisors for a term of five (5) years, such terms to be staggered. Members of the Commission 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.

Commented [LC1]: The first two sections are based on Resolution #1002-01-02-2024 establishing rules and procedures for the Commission

5.2 Proceedings of the Zoning Commission. The Commission shall adopt rules and procedures necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. These rules and procedures are set forth below.

A. General Governing Rules. The Commission shall be governed by the provisions of Chapter 335, Code of Iowa, as amended, and by the April 16, 1975 resolution of Jackson County, Iowa, establishing the Commission and approved by the Board of Supervisors. No rule herein shall be changed or waived without the affirmative vote of four (4) members of the Commission and concurrence of the Board of Supervisors.

B. Officers and Committees.

1. The Commission shall elect a chair and a vice-chair, who shall be acting chair in the absence of the chair, annually at the first meeting in January. The chair may not succeed themselves.
2. The chair, or in their absence the vice-chair, shall preside at all meetings and hearings of the Commission and decide all points of order and procedure. The chair shall appoint any committees which may be found necessary to perform the duties of the Commission.
3. A secretary (who need not be a member of the Commission) shall be designated by the Commission. The secretary shall conduct all correspondence of the Commission, keep a minute book recording attendance, the vote of each member upon each question, or if absent or failing to vote indicating such fact and records of examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Commission.

C. Meetings.

1. Regular Meetings. The regular meeting of the Commission shall be held each month unless there is no cause for holding such meetings. If there is to be a regular meeting, the secretary shall inform the members of the Commission at least twenty-four (24) hours in advance.

2. Special Meetings. Special meetings may be called by the chair provided that at least twenty-four (24) hours' notice of such meeting is given to each member.
3. Quorum. A quorum shall consist of four (4) members of the seven (7) appointed members for the transaction of all business.
4. Representation, Personal Interest. Neither the secretary nor any member of the Commission shall appear for or represent any person in any matter pending before the Commission. No member of the Commission shall hear or vote upon any appeal in which they have any personal or financial interest, directly or indirectly.
5. Conduct of Meetings. All meetings shall be open to the public. The chair, or in their absence the vice-chair, shall or may administer oaths or compel the attendance of witnesses. The order of business at meetings shall be as follows:
 - a. Roll call
 - b. Approval of minutes of the previous meeting
 - c. Reports of committees
 - d. Unfinished business
 - e. Hearing of cases, or appeals or referrals
 - f. New business
 - a-g. Reading of correspondence other than that related to new or old business or hearing scheduled
6. Voting. The chair or presiding officer shall have equal voting power with the other members of the Commission and may vote on all questions before the Commission unless otherwise limited herein.
7. Adjourned Meetings. The Commission may adjourn a regular meeting if all business cannot be disposed of on the day set and no further public notice shall be necessary for such a meeting if the time and place of its resumption are stated at the time of adjournment and are not changed after adjournment.

D. Vacancies. Failure to attend four (4) regular consecutive meetings or four (4) of any seven (7) consecutive meeting shall be considered automatic resignation from the Commission and upon such resignation, resignation by other means, or other vacancies occurring in the office, the chair or presiding officer shall inform the Board of Supervisors as promptly as possible so that the Board of Supervisors may appoint a replacement to fill out the unexpired term.

E. Public Hearings.

1. At public hearings held by the Commission on any matter as may be required by law or as may be set by the Commission upon its own motion, any person may appear on their own behalf or be represented by agent or by attorney.
2. The order of the hearing shall be:
 - a. Statement of case by chairperson
 - b. Supporting argument by the applicant or their agent or attorney
 - c. Supporting arguments by persons at the hearing
 - d. Opposing arguments by persons at the hearing
 - e. Rebuttals by those supporting the application other than the applicant
 - f. Rebuttals by those opposed to the application
 - g. Final rebuttal by the applicant

F. Decisions. Final decisions upon all questions shall be made within forty-five (45) days of the receipt of the question or referral by the Commission and shall be in the form of a motion made, seconded, and passed by a majority of those present at the meeting, provided that there shall have been a quorum present.

The decision shall be promptly transmitted in writing to the Board of Supervisors by the secretary stating the Commission's action, the vote thereon and the reasons therefore, and any recommendations or modifications or conditions to which the Commission's recommendation is subject. One (1) copy of all actions of the Board of Supervisors shall be sent to the applicant or his or her agent or attorney where such are concerned, and one (1) copy of all actions shall be filed in the official files of the Commission.

5.3 The Zoning Commission: Powers and Duties. In accordance with Iowa Code Chapter 355, the Commission shall have the following powers and discharge the following duties under this Ordinance:

Commented [LC2]: Related to Iowa Code

- A. Recommend the adoption of a Comprehensive Plan pursuant to Iowa Code Section 335.5, and consider any proposed amendments or modifications of the adopted Comprehensive Plan.
- B. Recommend the adoption of a Zoning Ordinance pursuant to Iowa Code Section 335.8, and consider any proposed amendments of the adopted Zoning Ordinance.
- C. Review proposed rezoning of property including changes in boundaries of the various zoning districts and in appropriate uses, regulations and restrictions to be enforced in the districts.
- D. With the approval of the Board of Supervisors, contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.

3-25.4 Text Changes and Amendments. Any person may submit to the Commission an application requesting a change in the Ordinance regulations. The Commission may, from time to time, recommend to the Board of Supervisors amendments to this Ordinance upon application, at the direction of the Board of Supervisors, or of its own accord. 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 Iowa Code 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 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.

Commented [LC3]: Reworked to clarify procedures and provide standards for review for Text Amendments to the Ordinance.

A. Procedures. A proposed amendment of this Ordinance shall not be considered by the Commission unless and until:

Commented [LC4]: Procedures suggested for consistency.

1. A written application for an amendment is submitted indicating the section of this Ordinance under which the amendment is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication of the requested amendment in a newspaper of general circulation in the county.
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on the request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.

B. Standards for Review. The Commission shall review the proposed rezoning for conformance to the following standards for review:

1. Whether or not the current zoning regulations are valid, and

- 2. Whether there is a need for the modifications for the purpose requested, and
- 3. Whether the proposed rezoning is consistent with the Comprehensive Plan.

C. Recommendation. The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of this Ordinance. The Commission’s report and any recommendations may include a proposed ordinance or amendments to an ordinance for the rezoning. The Commission’s final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission’s public hearing. The Board of Supervisors shall not hold its public hearing or act until it has received the final report of the Commission.

~~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.~~

Commented [LC5]: Deleted this language because the required vote for any action by the Board of Supervisors requires a 66% majority.

~~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.~~

Commented [LC6]: This subsection about rezonings was moved to section 5.5.D.

5.5 3-3 Map Change of Zoning District Boundaries, Application and Procedures (Rezoning). Any person may submit to the Board of Supervisors Commission an application requesting a change in the zoning district boundaries (rezoning) as shown on the Official Zoning Map. The Commission may, from time to time, recommend to the Board of Supervisors a rezoning upon application, at the direction of the Board of Supervisors, or of its own accord. The boundaries of the districts as shown on the Official Zoning Map created by this Ordinance may be changed from time to time by the Board of Supervisors in the manner set forth in Iowa Code Sections 331.302 and 331.305 after a report has been made upon the proposed rezoning by the Commission. The Board of Supervisors, before acting on a rezoning, shall hold a public hearing on the requested rezoning. 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.

Commented [LC7]: Reworked to clarify procedures and provide standards for review for zoning map changes (rezonings).

A. 1. Procedures. Such application shall be filed with the Administrator accompanied by a fee as established by rule of the Jackson County Board of Supervisors and shall contain the following information: A proposed rezoning shall not be considered by the Commission unless and until:

Commented [LC8]: Procedures suggested for consistency.

1. A written application for a rezoning is submitted with 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.

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

3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication of the requested rezoning in a newspaper of general circulation in the county and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.

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

- a. The original application.
- b. The staff report and records of any action on the request by the Zoning Administrator.
- c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
- d. Proof of publication of the legal notice published in the local newspaper.
- e. Minutes of the public hearing.

~~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.~~

B. Standards for Review. The Commission shall review the proposed rezoning for conformance to the following standards for review:

~~2. Upon receipt of the application by the Administrator, 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:~~

Commented [LC9]: Replaced with procedures in preceding section 5.5.A.

1. ~~a.~~—Whether or not the current district classification of the property to be rezoned is valid.
2. ~~b.~~—Whether there is a need for additional land zoned for the purpose requested.
3. ~~c.~~—Whether the proposed change is consistent with the current land use plan or policy.
4. ~~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.
5. ~~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.

C. Recommendation. ~~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. The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested rezoning. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearing or act until it has received the final report of the Commission.~~

Commented [LC10]: Replaced this language with new language that is consistent with section 5.4.C.

D. Conditional Rezoning. ~~As part of an ordinance amendment a rezoning 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.~~

Commented [LC11]: Moved here from section 5.4.

E. Change of Official Zoning Map. ~~Change of the boundaries of districts as shown on the Official Zoning Map) for a rezoning request approved by the Board of Supervisors shall~~

Commented [LC12]: Describes current procedure.

be made by an ordinance amending the Zoning Ordinance, shall refer to the Official Zoning Map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Recorder as other ordinances and the Official Zoning Map changed as provided in Section 1.18. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the County subject to the provisions of this Ordinance.

5.6 Comprehensive Plan Adoption and Amendments. The Commission may recommend to the Board of Supervisors for adoption a Comprehensive Plan pursuant to Iowa Code Section 335.5. After adoption of the Comprehensive Plan, the Commission may, from time to time, recommend to the Board of Supervisors amendments to the Comprehensive Plan upon application, at the direction of the Board of Supervisors, or of its own accord. The Commission may make such surveys, studies, maps, plans, or charts for the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring its studies and recommendations to the attention of the Board of Supervisors.

Commented [LC13]: Related to Iowa Code

A. Procedures. An amendment of the Comprehensive Plan shall not be considered by the Zoning Commission unless and until:

Commented [LC14]: Procedures suggested for consistency.

1. A written application for an amendment is submitted indicating the section of the Comprehensive Plan under which the amendment is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County of the requested amendment.
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on this request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.

- d. Proof of publication of the legal notice published in the local newspaper.
- e. Minutes of the public hearing.

B. Standards for Review. The Zoning Commission shall review the proposed amendment for conformance to the following standards for review:

1. Whether or not the current Comprehensive Plan provisions are valid, and
2. Whether there is a need for the modifications for the purpose requested, and
3. Whether the proposed amendment is consistent with the Comprehensive Plan.

C. Recommendation. The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of the Comprehensive Plan. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within thirty (30) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or act until it has received the final report of the Commission.

CHAPTER 5. ZONING COMMISSION

5.1 Zoning Commission Created. The Jackson County Zoning Commission, hereinafter referred to as the Commission, was established by the April 16, 1975 resolution of Jackson County, Iowa. The Commission shall consist of seven (7) members to be appointed by the Board of Supervisors for a term of five (5) years, such terms to be staggered. Members of the Commission 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.

5.2 Proceedings of the Zoning Commission. The Commission shall adopt rules and procedures necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. These rules and procedures are set forth below.

A. General Governing Rules. The Commission shall be governed by the provisions of Chapter 335, Code of Iowa, as amended, and by the April 16, 1975 resolution of Jackson County, Iowa, establishing the Commission and approved by the Board of Supervisors. No rule herein shall be changed or waived without the affirmative vote of four (4) members of the Commission and concurrence of the Board of Supervisors.

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2. The chair, or in their absence the vice-chair, shall preside at all meetings and hearings of the Commission and decide all points of order and procedure. The chair shall appoint any committees which may be found necessary to perform the duties of the Commission.
3. A secretary (who need not be a member of the Commission) shall be designated by the Commission. The secretary shall conduct all correspondence of the Commission, keep a minute book recording attendance, the vote of each member upon each question, or if absent or failing to vote indicating such fact and records of examinations and hearings and other official action and shall carry out such other official duties as may be assigned by the Commission.

C. Meetings.

1. *Regular Meetings.* The regular meeting of the Commission shall be held each month unless there is no cause for holding such meetings. If there is to be a regular meeting, the secretary shall inform the members of the Commission at least twenty-four (24) hours in advance.

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4. *Representation, Personal Interest.* Neither the secretary nor any member of the Commission shall appear for or represent any person in any matter pending before the Commission. No member of the Commission shall hear or vote upon any appeal in which they have any personal or financial interest, directly or indirectly.
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 - f. New business
 - g. Reading of correspondence other than that related to new or old business or hearing scheduled
6. *Voting.* The chair or presiding officer shall have equal voting power with the other members of the Commission and may vote on all questions before the Commission unless otherwise limited herein.
7. *Adjourned Meetings.* The Commission may adjourn a regular meeting if all business cannot be disposed of on the day set and no further public notice shall be necessary for such a meeting if the time and place of its resumption are stated at the time of adjournment and are not changed after adjournment.

D. Vacancies. Failure to attend four (4) regular consecutive meetings or four (4) of any seven (7) consecutive meeting shall be considered automatic resignation from the Commission and upon such resignation, resignation by other means, or other vacancies occurring in the office, the chair or presiding officer shall inform the Board of Supervisors as promptly as possible so that the Board of Supervisors may appoint a replacement to fill out the unexpired term.

E. Public Hearings.

1. At public hearings held by the Commission on any matter as may be required by law or as may be set by the Commission upon its own motion, any person may appear on their own behalf or be represented by agent or by attorney.
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 - c. Supporting arguments by persons at the hearing
 - d. Opposing arguments by persons at the hearing
 - e. Rebuttals by those supporting the application other than the applicant
 - f. Rebuttals by those opposed to the application
 - g. Final rebuttal by the applicant

F. Decisions. Final decisions upon all questions shall be made within forty-five (45) days of the receipt of the question or referral by the Commission and shall be in the form of a motion made, seconded, and passed by a majority of those present at the meeting, provided that there shall have been a quorum present.

The decision shall be promptly transmitted in writing to the Board of Supervisors by the secretary stating the Commission's action, the vote thereon and the reasons therefore, and any recommendations or modifications or conditions to which the Commission's recommendation is subject. One (1) copy of all actions of the Board of Supervisors shall be sent to the applicant or his or her agent or attorney where such are concerned, and one (1) copy of all actions shall be filed in the official files of the Commission.

5.3 The Zoning Commission: Powers and Duties. In accordance with Iowa Code Chapter 355, the Commission shall have the following powers and discharge the following duties under this Ordinance:

- A. Recommend the adoption of a Comprehensive Plan pursuant to Iowa Code Section 335.5, and consider any proposed amendments or modifications of the adopted Comprehensive Plan.
- B. Recommend the adoption of a Zoning Ordinance pursuant to Iowa Code Section 335.8, and consider any proposed amendments of the adopted Zoning Ordinance.
- C. Review proposed rezoning of property including changes in boundaries of the various zoning districts and in appropriate uses, regulations and restrictions to be enforced in the districts.
- D. With the approval of the Board of Supervisors, contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance.

5.4 Text Changes and Amendments. Any person may submit to the Commission an application requesting a change in the Ordinance regulations. The Commission may, from time to time, recommend to the Board of Supervisors amendments to this Ordinance upon application, at the direction of the Board of Supervisors, or of its own accord. 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 Iowa Code Sections 331.302 and 331.305 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 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.

A. Procedures. A proposed amendment of this Ordinance shall not be considered by the Commission unless and until:

1. A written application for an amendment is submitted indicating the section of this Ordinance under which the amendment is sought and stating the grounds on which it is requested.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication of the requested amendment in a newspaper of general circulation in the county.
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on the request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.

B. Standards for Review. The Commission shall review the proposed rezoning for conformance to the following standards for review:

1. Whether or not the current zoning regulations are valid, and
2. Whether there is a need for the modifications for the purpose requested, and

3. Whether the proposed rezoning is consistent with the Comprehensive Plan.

C. Recommendation. The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of this Ordinance. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance for the rezoning. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearing or act until it has received the final report of the Commission.

5.5 Map Change of Zoning District Boundaries (Rezoning). Any person may submit to the Commission an application requesting a change in the zoning district boundaries (rezoning) as shown on the Official Zoning Map. The Commission may, from time to time, recommend to the Board of Supervisors a rezoning upon application, at the direction of the Board of Supervisors, or of its own accord. The boundaries of the districts as shown on the Official Zoning Map created by this Ordinance may be changed from time to time by the Board of Supervisors in the manner set forth in Iowa Code Sections 331.302 and 331.305 after a report has been made upon the proposed rezoning by the Commission. The Board of Supervisors, before acting on a rezoning, shall hold a public hearing on the requested rezoning. 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.

A. Procedures. A proposed rezoning shall not be considered by the Commission unless and until:

1. A written application for a rezoning is submitted with 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.
2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication of the requested rezoning in a newspaper of general circulation in the county and by contacting by mail, for the purpose of a courtesy notice of the public hearing, all property owners within five hundred (500) feet of the exterior boundaries of the property for which the rezoning is requested. The notice shall state the location of the district affected by naming the township and section, and the boundaries of the district shall be expressed in terms of streets or roads if possible.
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on the request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.

B. Standards for Review. The Commission shall review the proposed rezoning for conformance to the following standards for review:

1. Whether or not the current district classification of the property to be rezoned is valid.
2. Whether there is a need for additional land zoned for the purpose requested.
3. Whether the proposed change is consistent with the current land use plan or policy.
4. 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.
5. Whether the proposed change would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

C. Recommendation. The Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested rezoning. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing. The Board of Supervisors

shall not hold its public hearing or act until it has received the final report of the Commission.

- D. Conditional Rezoning.** As part of a rezoning 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.
- E. Change of Official Zoning Map.** Change of the boundaries of districts as shown on the Official Zoning Map) for a rezoning request approved by the Board of Supervisors shall be made by an ordinance amending the Zoning Ordinance, shall refer to the Official Zoning Map, and shall set out the identification of the area affected by legal description and identify the zoning district as it exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Recorder as other ordinances and the Official Zoning Map changed as provided in Section 1.18. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, as amended, shall be the final authority to the current zoning status of land and water areas, buildings, and other structures in the County subject to the provisions of this Ordinance.

5.6 Comprehensive Plan Adoption and Amendments. The Commission may recommend to the Board of Supervisors for adoption a Comprehensive Plan pursuant to Iowa Code Section 335.5. After adoption of the Comprehensive Plan, the Commission may, from time to time, recommend to the Board of Supervisors amendments to the Comprehensive Plan upon application, at the direction of the Board of Supervisors, or of its own accord. The Commission may make such surveys, studies, maps, plans, or charts for the whole of the County, which in the opinion of the Commission bears relation to the Comprehensive Plan and shall bring its studies and recommendations to the attention of the Board of Supervisors.

- A. Procedures.** An amendment of the Comprehensive Plan shall not be considered by the Zoning Commission unless and until:
1. A written application for an amendment is submitted indicating the section of the Comprehensive Plan under which the amendment is sought and stating the grounds on which it is requested.
 2. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

3. Notice shall be given at least ten (10) and no more than twenty (20) days (Iowa Code Section 331.305), in advance of the public hearing by publication in a newspaper of general circulation in Delaware County of the requested amendment.
4. The public hearing shall be held. Any party may appear in person or appear virtually, or by agent or attorney. A complete record of the hearing shall contain the following:
 - a. The original application.
 - b. The staff report and records of any action on this request by the Zoning Administrator.
 - c. All relevant information, including but not limited to, maps, drawings, and/or photographs.
 - d. Proof of publication of the legal notice published in the local newspaper.
 - e. Minutes of the public hearing.

B. Standards for Review. The Zoning Commission shall review the proposed amendment for conformance to the following standards for review:

1. Whether or not the current Comprehensive Plan provisions are valid, and
2. Whether there is a need for the modifications for the purpose requested, and
3. Whether the proposed amendment is consistent with the Comprehensive Plan.

C. Recommendation. The Zoning Commission shall prepare a final report recommending to the Board of Supervisors the approval, approval with conditions, or denial of any requested amendment of the Comprehensive Plan. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance. The Commission's final report shall be filed with the Board of Supervisors within thirty (30) days of the Commission's public hearing. The Board of Supervisors shall not hold its public hearings or act until it has received the final report of the Commission.