



May 27, 2025

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

RE: Zoning Ordinance Update – **Iowa Code - County Zoning: Notice, Publication, Adoption (5-27-25)**

Dear Lori,

At their May 19, 2025 meeting, the Zoning Commission discussed the Iowa Code requirements for public hearing notices, publications in newspapers, and adoption of Iowa Code by reference without further Zoning Ordinance amendment. Attached is a review of 2025 Iowa Code provisions for consideration by the Zoning Commission at their June 16, 2025 meeting. The major findings are:

**Public Hearing Notice and Publication**

**In Chapter 335: COUNTY ZONING:**

**Sections 335.5 and 335.6** establish procedures for the Board of Supervisors regarding notice and publication of public hearings for comprehensive plan adoption and amendment, and zoning ordinance adoption, text amendments, and rezonings, as provided in Chapter 331.305.

**Section 335.7** establishes procedures for the Board of Supervisors regarding conditional rezonings and written protests against rezonings signed by at least 20% the owners of property included in or immediately adjacent to the proposed change and within 500 feet of the proposed change, and refers to the provisions regarding notice and publication of public hearings in Section 335.6.

**Section 335.8** establishes when the Zoning Commission should hold public hearings for zoning ordinance adoption, text amendments, and rezonings. The Zoning Commission's procedures for comprehensive plan adoption and amendment refer to Section 335.5. The Zoning Commission should follow the same public hearing notice and publication requirements as the Board of Supervisors.

- *Mailing notices to the owners of property within 500 feet of a proposal is not a requirement in Chapter 335. It is recommended, however, that the Zoning Commission continue to mail courtesy notices to inform those property owners most likely to be impacted by a proposal.*

**Section 335.12** directs the Board of Adjustment to adopt rules in accordance with any zoning regulations or ordinance adopted in accordance with Chapter 335, and to hold public meetings. While

not explicit, we can assume that the intent is for the Board of Adjustment to adhere to the same notice and publication requirements as the Board of Supervisors.

- *Mailing notices to the owners of property within 500 feet of a proposal is not a requirement in Chapter 335. It is recommended, however, that the Board of Adjustment continue to mail courtesy notices to inform those property owners most likely to be impacted by a change.*

**In Chapter 331 COUNTY HOME RULE IMPLEMENTATION, Section 331.305** states that the Board of Supervisors shall publish the notice at least once, not less than four (4) nor more than twenty (20) **days** before the date of the hearing in one or more newspapers which meet the requirements of section 618.14.

- *The current Jackson County Zoning Ordinance has a different time frame:  
“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 county.”*
- *The recommendation is to replace this current language with a reference to Iowa Code:  
“Notice shall be given in compliance with Iowa Code Section 331.305.”*

**In Chapter 618 PUBLICATION AND POSTING OF NOTICES, Section 618.14** provides that the Board of Supervisors may publish the hearing notices in one or more newspapers having general circulation in the county.

#### **Adoption of Iowa Code by Reference**

**In Chapter 335: COUNTY ZONING, Section 335.6** provides that the Board of Supervisors shall adopt regulations, amendments, and rezonings in compliance with Chapter 331.302.

**In Chapter 331 COUNTY HOME RULE IMPLEMENTATION, Section 331.302** provides guidance for the Board of Supervisors to adopt by ordinance any portion of Iowa Code by reference as follows:

- The ordinance shall describe the subject matter and identify the portion of the Iowa Code adopted by chapter, section, and subsection or other subpart, as applicable.
- Amendments or other changes to those portions of the Code of Iowa which have been ***adopted by reference shall serve as an automatic modification of the applicable ordinance.***

Maximizing the adoption of Iowa Code provisions by reference in this Zoning Ordinance Update will minimize the number of future updates that will be triggered by amendments to the Iowa Code.

Please let me know if you have any questions or need more information. Thank you.

Sincerely,



Laura Carstens, Senior Planner

Attachment

**Iowa Code 2025, Chapter 335 COUNTY ZONING****335.5 Regulations and comprehensive plan — considerations and objectives — notice, adoption, distribution.**

4. *a.* A comprehensive plan recommended for adoption or amendment by the zoning commission established under section 335.8 may be adopted by the board of supervisors. The board of supervisors shall not hold a public hearing or take action on the recommendation until it has received the zoning commission's final report containing the recommendation.

*b.* Before taking action on the recommendation, the board of supervisors shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305.

*c.* The board of supervisors may amend a proposed comprehensive plan or amendment prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan or amendment will be considered for adoption. The notice shall be published as provided in section 331.305.

**335.6 Procedure — hearings — notice.**

The board of supervisors shall provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, the regulation, restriction, or boundary shall not become effective until after a public hearing, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305. 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. The regulation, restriction, or boundary shall be adopted in compliance with section 331.302.

**335.7 Changes — protest.**

The regulations, restrictions, and boundaries may be amended, supplemented, changed, modified, or repealed. Notwithstanding section 335.4, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a board of supervisors may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been 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. In case, however, of a protest against the change signed by the owners of twenty percent or more either of the area included in the proposed change, or of the area immediately adjacent to the proposed change and within five hundred feet of the boundaries of the proposed change, the amendment shall not become effective except by the favorable vote of at least sixty percent of all of the members of the board of supervisors. The provisions of section 335.6 relative to public hearings and official notice shall apply equally to all changes or amendments.

**335.8 Commission appointed — powers and duties.**

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a ... county zoning commission. The commission may recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts. The commission shall, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the commission's final report. ... After the adoption of the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.
2. The zoning commission may recommend to the board of supervisors for adoption a comprehensive plan pursuant to section 335.5, or amendments thereto.

**335.12 Rules.**

The board of adjustment shall adopt rules in accordance with the provisions of any regulation or ordinance adopted pursuant to this chapter. ... All meetings of the board shall be open to the public.

**Iowa Code 2025, Chapter 331 COUNTY HOME RULE IMPLEMENTATION****331.305 Publication of notices — electronic delivery authorization.**

1. Unless otherwise provided by state law, if notice of an election, hearing, or other official action is required by this chapter, the board shall publish the notice at least once, not less than four nor more than twenty days before the date of the election, hearing, or other action, in one or more newspapers which meet the requirements of section 618.14. Notice of an election shall also comply with section 49.53.

**331.302 County legislation.**

5. *a.* A county may by ordinance adopt by reference any portion of the Code of Iowa in effect at the time of the adoption in the manner provided in section 380.8 for adoption of a proposed code of ordinances containing a proposed new ordinance or amendment, subject to the following limitations:

- (1) The ordinance shall describe the subject matter and identify the portion of the Code of Iowa adopted by chapter, section, and subsection or other subpart, as applicable.
  - (2) A portion of the Code of Iowa may be adopted by reference only if the criminal penalty provided by the law adopted does not exceed the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph "a".
  - (3) Amendments or other changes to those portions of the Code of Iowa which have been adopted by reference shall serve as an automatic modification of the applicable ordinance.
- b.* An ordinance which adopts by reference any portion of the Code of Iowa may provide that violations of the ordinance are county infractions and subject to the limitations of section 331.307 (Civil Citations).

## Iowa Code 2025, Chapter 618 PUBLICATION AND POSTING OF NOTICES

### **618.14 Publication of matters of public importance.**

1. The governing body of any municipality or other political subdivision of the state may publish, as straight matter or display, any matter of general public importance, in one or more newspapers, as defined in section 618.3<sup>1</sup> published in and having general circulation in such municipality or political subdivision, at the legal or appropriate commercial rate, according to the character of the matter published.

2. In the event there is no such newspaper published in such municipality or political subdivision or in the event publication in more than one such newspaper is desired, publication may be made in any such newspaper having general circulation in such municipality or political subdivision.

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<sup>1</sup> Iowa Code 618.13 outlines the requirements for publishing court dockets in counties with populations over 75,000.