

1. Project Initiation and Development

A. Current Zoning Ordinance

- Loosely organized without headings, tables, or illustrations
- Lacks separate chapters for the Zoning Commission and Board of Adjustment
- Not consistent with recent Iowa Code provisions

B. Affirm Broad Goals for Update

- Create a user-friendly and better organized format
- Address concerns with uses and development regulations
- Create a new residential district for older subdivisions
- Reference most recent Iowa code provisions
- Add tables, illustrations, and definitions for clarity

C. Affirm County Vision, Goals, and Objectives

- 2022 Land Use Policy
- 2024 Comprehensive Plan
 - ❖ Shared Vision
 - ❖ Land Use Chapter
 - ❖ Goals for All Chapters

Shared Vision

Jackson County, Iowa is an engaging community, enthusiastically creating opportunity, supporting growth, and enhancing quality of life for all who live, work, and visit.

2003 Land Use Policy: Goals

The fundamental goals of land use planning and regulation in Jackson County are:

- to enhance the quality of life of our residents,
- to utilize and conserve land and other natural resources to the best advantage, and
- to provide a desirable level of facilities and services as economically and efficiently as possible.

2022 Land Use Policy: 10 Objectives

- 1. Accommodate anticipated growth by providing optimum locations for residential, commercial, industrial, public and semi-public land uses.**
 - A. Residential land use in the rural area of the county should consist of single- family dwellings. Multi-family dwellings or high-density development should be encouraged to locate near the population centers where an adequate level of municipal facilities and services as well as streets, schools and other facilities are available.
 - B. Commercial development in the county should be limited primarily toward highway-oriented uses and agricultural services. Major retail shopping centers should be encouraged to locate in urban areas.
 - C. Industrial development should be encouraged to locate along major transportation arteries and at locations where adequate utilities and services exist or can be readily supplied.
 - D. Locations for public and semi-public uses must be selected with regard for agricultural land, woodland and other natural resources as well as proximity to major streets and highways, users and effects on the environment.
- 2. Encourage future growth and development to occur in a compact and orderly manner.**
- 3. Protect valuable natural resources from incompatible uses or other uses that would make their future utilization difficult or impossible.**
- 4. Encourage urban development to take place near cities and towns where municipal facilities, such as sewers and water, are or will ultimately become available.**
- 5. Future development should be coordinated with existing and proposed transportation systems.**
- 6. Flood plains must be protected from encroachment.**
- 7. The natural beauty and historic treasures of the county should be conserved and enhanced for the benefit of the population of Jackson County and the entire region.**
- 8. The land use plan must have sufficient flexibility to permit private enterprise to operate freely in an open market.**
- 9. Accommodate existing development without encouraging its continued growth in inappropriate areas.**
- 10. Encourage home-based enterprise which does not conflict with neighboring uses.**

2024 Comprehensive Plan: 4 Land Use Goals

Best Practices

12.1 Keep the Land Use Policy current with changing growth conditions in the region by employing best practices.

- Evaluate land use goals on a 5-year basis to make sure the Land Use Policy remains a useful guide for growth and development.
- Consider reviewing and amending Land Use Policy's goals between 5-year intervals should development conditions significantly change.
- Review zoning and subdivision ordinances to ensure compliance with the recommendations in the Jackson County Comprehensive Plan.

12.2 Ensure that cities are coordinating with each other for their best development.

- Review existing future land use maps of each jurisdiction to ensure compatibility of goals with other jurisdictions in the county.

Preservation

12.3 Preserve and protect viable land for agriculture.

- Review the A-1 Agricultural District zone to ensure it effectively protects current open spaces.
- Evaluate the quality of land using indicators such as CSR2 and Land Capability Class in the county to determine the best use.
- Enforce zoning ordinance when proposed developments interfere with viable agricultural lands.

12.4 Preserve and protect parks, open spaces, and natural resources.

- Ensure that development is not interfering with water quality and cultural sites.
- Evaluate the effectiveness of the zoning code based on its ability to protect natural resources.

2024 Comprehensive Plan: Future Land Use Map

Jackson County, Iowa

Future Land Use

Legend

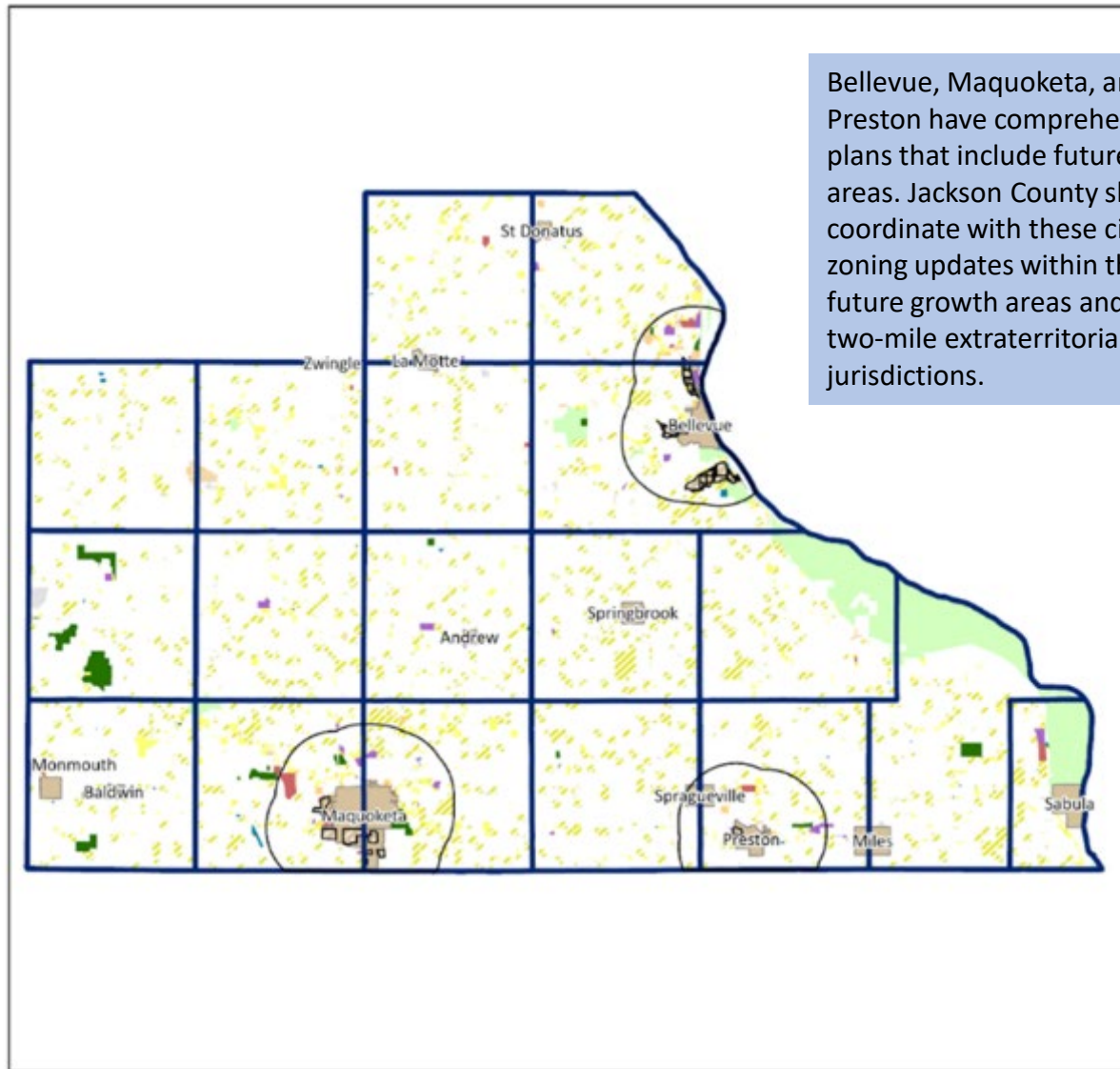
- Extraterritorial Jurisdiction
- Political Townships
- Future City Boundaries
- City Boundaries

Land Use

- Agriculture
- Commercial
- Industrial
- Institutional
- County Park
- State/Federal Park
- Residential
- Rural Residential
- Farmhouse
- Vacant



Map data provided by Jackson County
Map created by ECA, 2024



Bellevue, Maquoketa, and Preston have comprehensive plans that include future growth areas. Jackson County should coordinate with these cities for zoning updates within their future growth areas and their two-mile extraterritorial jurisdictions.

In the Jackson County Comprehensive Plan, Chapters 4 through 13 identify goals. Chapter 14 provides an implementation strategy to reach these goals. The chapter goals are summarized below.

4. COMMUNITY FACILITIES & SERVICES

- Address the top three community health priorities through community partnerships.
- Ensure high-quality child care opportunities are available and affordable to all residents.
- Support efforts to attract, maintain, and expand child care services in the region.
- Continue to support the Jackson County Campaign for Grade-Level Reading.

5. INFRASTRUCTURE & UTILITIES

- Maintain/modernize critical infrastructure for transportation, broadband, water, sewer, downtowns, and community facilities.
- Install solar panels on county buildings.
- Create solar-ready zoning and building codes.
- Expand data collection for solar installations.
- Advocate for clean energy policy.
- Encourage involvement in the Grow Solar Jackson County Program.

6. TRANSPORTATION

- Strategically preserve existing infrastructure and focus future investment in areas already served by significant public investments.
- Increase the safety, security, and resiliency of the transportation system.
- Support improvements and projects that promote economic development.
- Provide a high degree of multimodal accessibility and mobility for individuals, and better integration and connectivity between modes of travel.
- Support efficient freight system in the region.

7. ECONOMIC DEVELOPMENT

- Attract and maintain a diverse population and workforce that can meet the needs of regional employers.
- Continue to support business retention and expansion through capital investments and entrepreneurial centers.
- Improve the region's desirability by enhancing and expanding access to the arts and recreational opportunities.

8. HOUSING

- Provide affordable housing to make Jackson County attractive for young workers.
- Increase and diversify housing options throughout Jackson County.
- Provide more housing options for seniors.

9. AGRICULTURE & NATURAL RESOURCES

- Implement Jackson County Soil and Water Conservation District 5-year priority goals.
- Implement Maquoketa River Watershed Management Plan – Phase 1 and Phase 2.
- Implement 2023 Outdoor Recreation Plan.

10. PARKS, RECREATION, & CULTURAL RESOURCES

- Implement 2023 Environmental Education Plan's 5-Year Plan for programming.
- Implement 2023 Outdoor Recreation Plan.
- Enhance quality of life through honoring arts and cultural events and natural resources.
- Promote celebration of arts & cultural events.
- Ensure cultural sustainability for the wellbeing of all.

- Enhance access to natural excursion areas and recreational activities.
- Implement the updated Grant Wood Loop Master Plan's Future Priorities.

11. HAZARD MITIGATION

- Protect the health, safety and quality of life while reducing or eliminating property losses, economic costs, and damage to the natural environment caused by a disaster.
- Ensure government operations, response, and recovery are not significantly disrupted by disasters.
- Expand public awareness and encourage intergovernmental cooperation, coordination and communication to build a more resilient community against all hazards.

12. LAND USE

- Keep Land Use Policy current with changing growth conditions in the region.
- Ensure that cities are coordinating with each other for their best development.
- Preserve and protect viable agriculture land, parks, open spaces, and natural resources.

13. INTERGOVERNMENTAL COLLABORATION

- Build capacity of local governments, non-profits, and community organizations.
- Collaborate with Jackson County, cities, schools, hospital, and service organizations.
- Promote engagement and entrepreneurship among the county's youth, including professional development opportunities for young workers.

2. Initial Draft of Zoning Ordinance Update:

*Proposed Restructure:
Redline*

Chapter 1 becomes General Provisions. It is expanded to provide for greater context relative to Iowa Code and overall purpose and format of the ordinance.

Jackson County Zoning Ordinance – Proposed Restructure 12-30-24 REDLINE	
CHAPTER 1. DISTRICT REGULATIONS GENERAL PROVISIONS	
<u>1.1</u> Title.	
<u>1.2</u> Jurisdiction.	
<u>1.3</u> Purpose.	
<u>1.4</u> 2.6 Effective Date.	Commented [LC1]: Moved from old Chapter 3.
<u>1.5</u> Relationship to the Land Use Policy Statement and Comprehensive Plan.	
<u>1.6</u> Minimum Requirements Interpretation.	
<u>1.7</u> 3.4 Separability Clause.	Commented [LC2]: Moved from old Chapter 3.
<u>1.8</u> Not a Licensing Ordinance.	
<u>1.9</u> Private Agreement.	
<u>1.10</u> Code References.	
<u>1.11</u> Headings or Titles.	
<u>1.12</u> Cumulative Provisions.	
<u>1.13</u> 3.5 Repeal of Conflicting Ordinances.	Commented [LC3]: Moved from old Chapter 3.
<u>1.14</u> Iowa Open Meetings Law.	
<u>1.15</u> Establishment of Districts.	
<u>1.216</u> Adoption of Official Zoning Map.	
<u>1.317</u> Identification of Official Zoning Map.	
<u>1.418</u> Changes in Official Zoning Map.	
<u>1.619</u> Interpretation of District Boundaries.	
<u>1.620</u> Farms exempt.	
<u>1.7</u> Schedules of District Regulations	Commented [LC4]: Moved to new Chapter 2.
CHAPTER 2. ZONING DISTRICT REGULATIONS	
<u>2.1</u> 1.7 Schedules of District Regulations.	Commented [LC5]: Regulations for Zoning Districts are not well-organized or structured. Current regulations should be restructured as a new Chapter with better organization.
<u>2.2</u> A-1 Agricultural District.	
A. Statement of Intent.	
B. Permitted Principal Uses and Structures and Required Parking.	
C. Permitted Accessory Uses and Structures.	
D. Special Exception Uses and Structures.	
E. Minimum Lot Area and Width Requirements, Minimum Yard, Maximum Height Development Regulations.	Commented [LC7]: Development regulations will be organized into a table template for clarity.
F. Permitted Signs.	
G. Special Requirements.	
<u>2.3</u> R-1 Residential District.	
A. Statement of Intent.	
B. Permitted Principal Uses and Structures and Required Parking.	
C. Permitted Accessory Uses and Structures.	
D. Special Exception Uses and Structures.	
E. Minimum Lot Area and Width Requirements, Minimum Yard, Maximum Height Development Regulations.	Commented [LC8]: Development regulations will be organized into a table template for clarity.
F. Permitted Signs.	

*Proposed
Restructure:
Redline*

**Chapter 2 becomes
Zoning District
Regulations.**

- Each district is numbered.
- Development regulations will be placed in tables for clarity.
- A new residential district will be developed to address subdivisions platted before 1976.

Jackson County Zoning Ordinance – Proposed Restructure **12-30-24 REDLINE**

G. Special Requirements.

2.4 R-2A Alternative Residential District. (to be determined)

- A. Statement of Intent.
- B. Permitted Principal Uses and Structures and Required Parking.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Development Regulations.
- F. Permitted Signs.
- G. Special Requirements.

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2.5 C-1 Highway Commercial District.

- A. Statement of Intent.
- B. Permitted Principal Uses and Structures and Required Parking.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Minimum Lot Area and Width Requirements, Minimum Yard, Maximum Height Development Regulations.
- F. Permitted Signs.
- G. Special Requirements.

Commented [LC10]: Development regulations will be organized into a table template for clarity.

2.6 M-1 Limited Industrial District.

- A. Statement of Intent.
- B. Permitted Principal Uses and Structures and Required Parking.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Minimum Lot Area and Width Requirements, Minimum Yard, Maximum Height Development Regulations.
- F. Permitted Signs.
- G. Special Requirements.

Commented [LC11]: Development regulations will be organized into a table template for clarity.

2.7 M-2 General Industrial District.

- A. Statement of Intent.
- B. Permitted Principal Uses and Structures and Required Parking.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Minimum Lot Area and Width Requirements, Minimum Yard, Maximum Height Development Regulations.
- F. Permitted Signs.
- G. Special Requirements.

Commented [LC12]: Development regulations will be organized into a table template for clarity.

2.8 PUD Planned Unit Development District.

- A. Statement of Intent.
- B. Special Requirements.

*Proposed
Restructure:
Redline*

**Chapter 3
becomes
Administration
and
Enforcement.**

Jackson County Zoning Ordinance – Proposed Restructure **12-30-24 REDLINE**

~~1-82.9~~ Supplemental District Regulations.

- A. ~~1.~~ Visibility At Intersection.
- B. ~~2.~~ Accessory Buildings.
- C. ~~3.~~ More Than One Principal Structure on A Lot.
- D. ~~4.~~ Height Regulation Exceptions.
- E. ~~5.~~ Use of Public Right-of-Way.
- F. ~~6.~~ Proposed Use Not Covered In Ordinance.
- G. ~~7.~~ Buildings to have Access.
- H. ~~8.~~ Off-Street Parking.
- I. ~~9.~~ Existing Farm Dwellings.
- J. ~~10.~~ Flag Lots.
- K. ~~11.~~ Compliance With Other County Development Requirements.

~~1-92.10~~ Application of District Regulations.

- A. ~~1.~~ Regulations To Be Uniformly Applied.
- B. ~~2.~~ All Uses and Structures to Conform.
- C. ~~3.~~ Height, Density or Yards Shall Not Be Violated.
- D. ~~4.~~ Separate Yards, Open Space and Off-Street Parking Required.
- E. ~~5.~~ Minimum Yard and Lot Areas May Not Be Reduced.
- F. ~~6.~~ New Areas.

~~1-92.10~~ Nonconformities.

- A. ~~1-11~~ Nonconforming Lots of Record.
- B. ~~1-12~~ Nonconforming Uses of Land.
- C. ~~1-13~~ Nonconforming Structures.
- D. ~~1-14~~ Nonconforming Uses of Structures.
- E. ~~1-15~~ Repairs and Maintenance.
- F. ~~1-16~~ Uses Under Exception Provision.

CHAPTER 33. ADMINISTRATION AND ENFORCEMENT.

~~2-13.1~~ Administration and Enforcement.

~~2-23.2~~ Appeals from Decision of Administrator.

~~2-33.3~~ Interpretation of Provisions.

~~2-43.4~~ Violation and Penalties.

~~2-53.5~~ Separate Offenses May Be Charged.

~~2-63.6~~ Injunction, Mandamus.

~~2-73.7~~ Zoning Permit Required.

~~2-83.8~~ Zoning Permit Not Required.

~~2-93.9~~ Application for Zoning Permit.

- A. Construction Compliance Certificate.
- B. Occupancy Compliance Certificate.

~~2-103.10~~ Fees.

*Proposed
Restructure:
Redline*

Chapter 4 is the
Board of Adjustment.

Chapter 5 is the
Zoning Commission.

Chapter 6 is
Definitions.

Jackson County Zoning Ordinance – Proposed Restructure **12-30-24 REDLINE**

CHAPTER 4. BOARD OF ADJUSTMENT

- 2-114.1 Board of Adjustment Created.
- 2-124.2 Proceedings of ~~The~~ the Board of Adjustment.
- 2-134.3 Hearings; Appeals; Notice.
- 2-144.4 Stay of Proceedings.
- 2-154.5 The Board of Adjustment: Powers and Duties:
 - 1-4.6 Administrative Review.
 - 2-4.7 Special Exceptions: ~~Conditions Governing Applications; Procedures.~~
 - 3-4.8 Variances: ~~Conditions Governing Applications; Procedures.~~
- 2-164.9 Decisions of ~~The~~ the Board of Adjustment.
- 2-174.10 Remanding of Variances by the Board of Supervisors.
- 2-184.11 Appeals from ~~The~~ the Board of Adjustment.

Commented [LC13]: Separated into Chapter 4 for Board of Adjustment.

CHAPTER 5. ZONING COMMISSION.

- 5.1 Zoning Commission Created.
- 5.2 Proceedings of the Zoning Commission.
- 5.3 The Zoning Commission: Powers and Duties.
- 5.4 ~~2-2~~ Text Changes and Amendments.
- 5.5 ~~2-3~~ Map Change of Zoning District Boundaries (Rezoning), Application and Procedures.
- 5.6 Comprehensive Plan Adoption and Amendments.

Commented [LC14]: New Chapter 5 for Zoning Commission.

Commented [LC15]: The proceedings section is based on Resolution #1002-01-02-2024 establishing rules and procedures for the Commission

Commented [LC16]: Moved from old Chapter 3.

CHAPTER 36. GENERAL PROVISIONS/DEFINITIONS.

- 36.1 Definitions.
- 3.2 ~~Changes and Amendments.~~
- 2.3 ~~Change of Zoning District Boundaries, Application and Procedures.~~
- 3.4 ~~Separability Clause.~~
- 3.5 ~~Repeal of Conflicting Ordinances.~~
- 3.6 ~~Effective Date.~~

Commented [LC17]: Moved to new Chapter 5.

Commented [LC18]: Moved to revised Chapter 1.

CHAPTER 1. GENERAL PROVISIONS

- 1.1 Title.
- 1.2 Jurisdiction.
- 1.3 Purpose.
- 1.4 Effective Date.
- 1.5 Relationship to the Land Use Policy Statement and Comprehensive Plan.
- 1.6 Minimum Requirements Interpretation.
- 1.7 Separability Clause.
- 1.8 Not a Licensing Ordinance.
- 1.9 Private Agreement.
- 1.10 Code References.
- 1.11 Headings or Titles.
- 1.12 Cumulative Provisions.
- 1.13 Repeal of Conflicting Ordinances.
- 1.14 Iowa Open Meetings Law.
- 1.15 Establishment of Districts.
- 1.16 Adoption of Official Zoning Map.
- 1.17 Identification of Official Zoning Map.
- 1.18 Changes in Official Zoning Map.
- 1.19 Interpretation of District Boundaries.
- 1.20 Farms exempt.

CHAPTER 2. ZONING DISTRICT REGULATIONS

- 2.1 Schedules of District Regulations.
- 2.2 A-1 Agricultural District.
 - A. Statement of Intent.
 - B. Permitted Principal Uses and Structures and Required Parking.
 - C. Permitted Accessory Uses and Structures.
 - D. Special Exception Uses and Structures.
 - E. Development Regulations.
 - F. Permitted Signs.
 - G. Special Requirements.
- 2.3 R-1 Residential District.
 - A. Statement of Intent.
 - B. Permitted Principal Uses and Structures and Required Parking.
 - C. Permitted Accessory Uses and Structures.
 - D. Special Exception Uses and Structures.
 - E. Development Regulations.
 - F. Permitted Signs.
 - G. Special Requirements.
- 2.4 **R-2A Alternative Residential District. (to be determined)**

- A. Statement of Intent.
- B. Permitted Principal Uses and Structures and Required Parking.
- C. Permitted Accessory Uses and Structures.
- D. Special Exception Uses and Structures.
- E. Development Regulations.
- F. Permitted Signs.
- G. Special Requirements.
- 2.5 C-1 Highway Commercial District.
 - A. Statement of Intent.
 - B. Permitted Principal Uses and Structures and Required Parking.
 - C. Permitted Accessory Uses and Structures.
 - D. Special Exception Uses and Structures.
 - E. Development Regulations.
 - F. Permitted Signs.
 - G. Special Requirements.
- 2.6 M-1 Limited Industrial District.
 - A. Statement of Intent.
 - B. Permitted Principal Uses and Structures and Required Parking.
 - C. Permitted Accessory Uses and Structures.
 - D. Special Exception Uses and Structures.
 - E. Development Regulations.
 - F. Permitted Signs.
 - G. Special Requirements.
- 2.7 M-2 General Industrial District.
 - A. Statement of Intent.
 - B. Permitted Principal Uses and Structures and Required Parking.
 - C. Permitted Accessory Uses and Structures.
 - D. Special Exception Uses and Structures.
 - E. Development Regulations.
 - F. Permitted Signs.
 - G. Special Requirements.
- 2.8 PUD Planned Unit Development District.
 - A. Statement of Intent.
 - B. Special Requirements.
- 2.9 Supplemental District Regulations.
 - A. Visibility At Intersection.
 - B. Accessory Buildings.
 - C. More Than One Principal Structure on A Lot.
 - D. Height Regulation Exceptions.

- E. Use of Public Right-of-Way.
- F. Proposed Use Not Covered in Ordinance.
- G. Buildings to have Access.
- H. Off-Street Parking.
- I. Existing Farm Dwellings.
- J. Flag Lots.
- K. Compliance With Other County Development Requirements.

2.10 Application of District Regulations.

- A. Regulations To Be Uniformly Applied.
- B. All Uses and Structures to Conform.
- C. Height, Density or Yards Shall Not Be Violated.
- D. Separate Yards, Open Space and Off-Street Parking Required.
- E. Minimum Yard and Lot Areas May Not Be Reduced.
- F. New Areas.

2.11 Nonconformities.

- A. Nonconforming Lots of Record.
- B. Nonconforming Uses of Land.
- C. Nonconforming Structures.
- D. Nonconforming Uses of Structures.
- E. Repairs and Maintenance.
- F. Uses Under Exception Provision.

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT.

- 3.1 Administration and Enforcement.
- 3.2 Appeals from Decision of Administrator.
- 3.3 Interpretation of Provisions.
- 3.4 Violation and Penalties.
- 3.5 Separate Offenses May Be Charged.
- 3.6 Injunction, Mandamus.
- 3.7 Zoning Permit Required.
 - A. Construction Compliance Certificate.
 - B. Occupancy Compliance Certificate.
- 3.8 Zoning Permit Not Required.
- 3.9 Application for Zoning Permit.
- 3.10 Fees.

CHAPTER 4. BOARD OF ADJUSTMENT

- 4.1 Board of Adjustment Created.
- 4.2 Proceedings of the Board of Adjustment.
- 4.3 Hearings; Appeals; Notice.
- 4.4 Stay of Proceedings.
- 4.5 The Board of Adjustment: Powers and Duties.

- 4.6 Administrative Review.
- 4.7 Special Exceptions.
- 4.8 Variances.
- 4.9 Decisions of the Board of Adjustment.
- 4.10 Remanding of Variances by the Board of Supervisors.
- 4.11 Appeals from the Board of Adjustment.

CHAPTER 5. ZONING COMMISSION.

- 5.1 Zoning Commission Created.
- 5.2 Proceedings of the Zoning Commission.
- 5.3 The Zoning Commission: Powers and Duties.
- 5.4 Text Changes and Amendments.
- 5.5 Map Change of Zoning District Boundaries (Rezoning).
- 5.6 Comprehensive Plan Adoption and Amendments.

CHAPTER 6. DEFINITIONS.

- 6.1 Definitions.

Proposed Chapter 1: Redline

Chapter 1 becomes General Provisions. It is expanded to provide for greater context relative to Iowa Code and overall purpose and format of the ordinance. Major updates proposed are as follows:

- Five existing sections in current Chapter 1 are renumbered (1.15 – 1.20)
- Three existing sections in old Chapter 3 are moved to Chapter 1 (1.4, 1.7, and 1.13)
- Three new sections related to Iowa Code are added (1.3, 1.5, and 1.14)
- Remaining nine new sections are added for overall organization and context

CHAPTER 1. GENERAL PROVISIONS

1.1 Title. This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Jackson County, Iowa.

1.2 Jurisdiction. The jurisdiction of this Ordinance shall apply to all areas of Jackson County outside the incorporated limits of municipalities.

1.3 Purpose. This Ordinance is adopted in accordance with, and as authorized by, Iowa Code Chapter 335, County Zoning. Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.

Commented [LC1]: Related to Iowa Code

~~3.6~~1.4 Effective Date. This Ordinance shall be in full force and effect after its passage and publication as provided by law.

Commented [LC2]: Moved from old Ch. 3

1.5 Relationship to the Land Use Policy Statement and Comprehensive Plan. In accordance with Iowa Code Section 335.5, the regulations in this Ordinance are made in accordance with the 2003 Jackson County Land Use Policy adopted by Resolution #485-02-17-98, as amended by Resolution #116-09-09-03, and the 2024 Jackson County Comprehensive Plan adopted by Resolution #1053-06-25-2024 and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Commented [LC3]: Relates to Iowa Code

It is the intention of this Ordinance to implement the goals and objectives reflected in the Jackson County Land Use Policy and the Comprehensive Plan adopted by the Jackson County Board of Supervisors, and as may be amended from time to time. While Jackson County reaffirms its commitment that the provisions of this Ordinance and any amendments made to this Ordinance shall conform to adopted planning policies, Jackson County acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Land Use Policy or the Comprehensive Plan.

1.6 Minimum Requirements Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. Where for specific land, the requirements of any other ordinances of the County are more

Proposed Chapter 1: Redline

~~stricter or restrictive than the requirements set forth in this Ordinance; nothing herein shall be construed to waive compliance with the provisions of such other Ordinance.~~

~~**1.4-1.7 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.~~

Commented [104]: Moved from old Ch. 3

~~**1.8 Not a Licensing Ordinance.** Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.~~

~~**1.9 Private Agreement.** This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this Ordinance shall govern.~~

~~**1.10 Code References.** Any references herein to sections of the Jackson County Code of Ordinances are to those sections in force on the effective date of this Ordinance and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.~~

~~**1.11 Headings or Titles.** Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.~~

~~**1.12 Cumulative Provisions.** The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.~~

~~**1.5-1.13 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.~~

Commented [105]: Moved from old Ch. 3

~~**1.14 Iowa Open Meetings Law.** The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under Iowa Code Chapter 21. Whenever in this Ordinance a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.~~

Commented [106]: Refer to Iowa Code

~~**1.4-1.15 Establishment of Districts.** The following districts are hereby established for the unincorporated areas of the county:~~

Commented [107]: Renumbered Sections 1.15-1.18 are now old Ch. 1

A-1 Agricultural

- R-1 Residential
- ~~R-2A Alternative Residential~~
- C-1 Highway Commercial
- M-1 Limited Industrial
- M-2 General Industrial
- ~~PUD Planned Unit Development District~~

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

~~**1.3-1.16 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.~~

~~**1.3-1.17 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 ~~1-3-1.16~~, of the Zoning Ordinance of Jackson County, Iowa, as adopted on the 26th day of April, 1976, A. D. and as amended thereafter."~~

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.

~~**1.4-1.18 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 ~~1-4-5.4~~ 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 ~~1-4-3.4~~ of this Ordinance.

~~**1.5-1.19 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.~~

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

Proposed Chapter 1: Redline

- C. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. 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.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections ~~4-A~~ through ~~4-F~~ above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. 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 ~~4-A~~ through ~~4-F~~ above, the Board of Adjustment shall interpret the district boundaries.
- H. 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 fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

~~4-6-1.20~~ 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 in accordance with the Jackson County Floodplain Management Ordinance.

~~3.7 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

CHAPTER 1. GENERAL PROVISIONS

- 1.1 **Title.** This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of Jackson County, Iowa.
- 1.2 **Jurisdiction.** The jurisdiction of this Ordinance shall apply to all areas of Jackson County outside the incorporated limits of municipalities.
- 1.3 **Purpose.** This Ordinance is adopted in accordance with, and as authorized by, Iowa Code Chapter 335, County Zoning. Except as may be hereinafter specified, no land, building, structure, or premises, hereafter shall be used, and no structure may be located, constructed, extended, converted, structurally altered, or otherwise developed, without full compliance with the terms of this Ordinance.
- 1.4 **Effective Date.** This Ordinance shall be in full force and effect after its passage and publication as provided by law.
- 1.5 **Relationship to the Land Use Policy Statement and Comprehensive Plan.** In accordance with Iowa Code Section 335.5, the regulations in this Ordinance are made in accordance with the 2003 Jackson County Land Use Policy adopted by Resolution #485-02-17-98, as amended by Resolution #116-09-09-03, and the 2024 Jackson County Comprehensive Plan adopted by Resolution #1053-06-25-2024 and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street or highway; to secure safety from fire, flood, panic, and other dangers; to protect health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

It is the intention of this Ordinance to implement the goals and objectives reflected in the Jackson County Land Use Policy and the Comprehensive Plan adopted by the Jackson County Board of Supervisors, and as may be amended from time to time. While Jackson County reaffirms its commitment that the provisions of this Ordinance and any amendments made to this Ordinance shall conform to adopted planning policies, Jackson County acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Land Use Policy or the Comprehensive Plan.
- 1.6 **Minimum Requirements Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations or ordinances, the provisions of this Ordinance shall control. Where for specific land, the requirements of any other ordinances of the County are more

- stringent or restrictive than the requirements set forth in this Ordinance; nothing herein shall be construed to waive compliance with the provisions of such other Ordinance.
- 1.7 **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.
- 1.8 **Not a Licensing Ordinance.** Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any building, structure or facility or to carry on any trade, industry, occupation or activity.
- 1.9 **Private Agreement.** This Ordinance is not intended to abrogate, annul, or otherwise interfere with any easement covenant, or any other private agreement or legal relationship; provided, however, that where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement or legal relationship, the regulations of this Ordinance shall govern.
- 1.10 **Code References.** Any references herein to sections of the Jackson County Code of Ordinances are to those sections in force on the effective date of this Ordinance and shall be deemed to refer to the successor section, if any, in the event the section referenced is renumbered.
- 1.11 **Headings or Titles.** Headings or titles to sections, subsections and paragraphs shall be construed as informative of general nature of its contents, but not a restriction upon its contents.
- 1.12 **Cumulative Provisions.** The provisions of this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.
- 1.13 **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.
- 1.14 **Iowa Open Meetings Law.** The commissions and boards, and public bodies of this Ordinance are subject to the terms, regulations, and restrictions of the Iowa Open Meetings Law, under Iowa Code Chapter 21. Wherever in this Ordinance a conflict appears between the Ordinance and the Open Meetings Law, the Open Meetings Law shall control.
- 1.15 **Establishment of Districts.** The following districts are hereby established for the unincorporated areas of the county:
 - A-1 Agricultural

- R-1 Residential
- R-2A Alternative Residential
- C-1 Highway Commercial
- M-1 Limited Industrial
- M-2 General Industrial
- PUD Planned Unit Development District

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

1.16 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.

1.17 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 1.16, of the Zoning Ordinance of Jackson County, Iowa, as adopted on the 26th day of April, 1976, A. D. and as amended thereafter."

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.

1.18 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 5.4 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 Chair 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 3.4 of this Ordinance.

1.19 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.

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

- C. Boundaries indicated as approximately following township lines or section lines shall be construed as following said township lines or section lines.
- D. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- E. 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.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G. 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 A through F above, the Board of Adjustment shall interpret the district boundaries.
- H. 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 fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

1.20 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 in accordance with the Jackson County Floodplain Management Ordinance.

Proposed Chapter 3: Redline

Chapter 3 becomes Administration and Enforcement. Changes are minor, primarily for renumbering sections, we'll skip the CLEAN version.

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

3.1 Administration and Enforcement. In accordance with Iowa Code 335.9, an Administrator shall be designated by the Board of Supervisors shall to administer and enforce this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

If the Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator 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.

3.2 Appeals From Decision of Administrator. Appeals from any decision of the Administrator may be taken to the Board of Adjustment as provided in Section 2-134.6.

3.3 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. See also Section 1.6 Minimum Requirements Interpretation.

3.4 Violation and Penalties. In accordance with Iowa Code Chapter 331.307, "County Infractions," 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 seven hundred and fifty (\$750.00) dollars on the first offense. On repeated offenses, upon conviction, the fine shall not be more than one-thousand (\$1,000.00) dollars. Each day such violations continue shall constitute a separate offense.

3.5 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.

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

3.7 Zoning Permit Required. A Zoning Permit shall be obtained from the Administrator 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.

A. 3-Construction Compliance Certificate. Subsequent to the adoption of this Ordinance, a Construction Compliance Certificate shall be obtained from the Administrator 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.

B. 3-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 Administrator. 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.

3.8 Zoning Permit Not Required. A Zoning Permit shall not be required for any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use. A Zoning Permit shall not 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 in accordance with farm exemption per Section 4-61.20 of this Ordinance.

3.9 Application For Zoning Permit. Applications for a Zoning Permit shall be made prior to beginning construction or assuming occupancy on a fully completed application form obtained from the Administrator, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this Ordinance. The signature of the applicant on the Zoning Permit application shall certify that the new construction and use will comply with all provisions of this Ordinance and other County development ordinances as stated in Section 4-4-2.9.E of this ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Ordinance or other applicable development ordinances of Jackson County.

The Administrator shall approve or deny said application. If denied, the Administrator shall submit the reasons thereof in writing to the applicant, said notice to be posted on the premises. This permit notice must be displayed near the front of the premises during construction.

The Zoning Permit approval shall be valid for construction begun one (1) year from the date of issuance and diligently continued. A zoning permit approval may be renewed for a period not exceeding one (1) year by the Administrator upon a showing of good cause, but may not be renewed more than one time.

3.10 Fees. The Administrator is directed to issue a Zoning Permit with 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 Administrator, 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.

*Proposed
Chapter 5: Redline*

Chapter 5. Zoning Commission is new. Major updates proposed are as follows:

- Two new 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)

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 [LCT]: 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.

Proposed Chapter 5: Redline

2. Special Meetings. Special meetings may be called by the chair provided that at least twenty-four (24) hours' notice of such meetings 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
 - 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, recorded, 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 therefor, 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's Powers and Duties In accordance with Iowa Code Chapter 335, 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.

Commented [JC2]: Related to Iowa Code

4-45.4 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]: Reworded 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

Proposed Chapter 5: Redline

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 60% 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 on any amendment 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 hearings 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]: Reworded to clarify procedures and provide standards for review for zoning map changes (rezoning).

A. 3-3- 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.

Proposed Chapter 5: Redline

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:

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 therefor, 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.

D. Conditional Rezoning. As part of an ordinance amending 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

Commented [LC9]: Replaced with procedures in preceding section 5.4.A.

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

Commented [LC11]: Moved here from section 5.4.

Commented [LC12]: Describes current procedure.

Proposed Chapter 5: Redline

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.

Commented [LC13]: Related to Iowa Code

Commented [LC14]: Procedures suggested for consistency.

- 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.

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
 - 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:

- 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.