

CHAPTER 5. ZONING COMMISSION

5.1 Zoning Commission Created. In accordance with Iowa Code Section 335.8, a Zoning Commission is hereby established by the Jackson County Board of Supervisors. 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 Zoning Commission shall adopt rules and procedures necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chair and at such other times as the Commission may determine. The chair, or in the absence of the chair, the acting chair, may conduct the meetings. All meetings shall be open to the public.

The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Commission.

5.3 The Zoning Commission: Powers and Duties. In accordance with Iowa Code Section 355.8, the Commission shall have the following powers and discharge the following duties under this Ordinance:

- A. Zoning Ordinance Adoption and Amendment.** To recommend the adoption of a Zoning Ordinance, and consider any proposed amendments, supplements, changes, or modifications of the adopted Zoning Ordinance and appropriate uses, regulations and restrictions to be enforced in the districts.
- B. Zoning Ordinance Map Amendment (Rezoning).** To review proposed Zoning Ordinance Map Amendment (Rezoning) rezoning of property including changes in boundaries of the various zoning districts.
- C. Comprehensive Plan Adoption and Amendment.** To recommend the adoption of a Comprehensive Plan, and consider any proposed amendments or modifications of the adopted Comprehensive Plan.
- D. Contract for Services.** 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 after holding a public hearing in accordance with Iowa Code Section 335.8. The regulations imposed and the districts created by this Ordinance may be amended from time to time by the Board of Supervisors the manner set forth in Section Iowa Code Section 331.302 and Iowa Code 331.305 after a report has been made upon the amendment by the Commission in accordance with Iowa Code Section 335.8. The Board of Supervisors, before adopting an amending ordinance, shall hold a public hearing on the proposed change in accordance with Iowa Code Section 335.6.

A. Procedures. A proposed text amendment or change 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. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305.
3. 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 amendment 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 amendment is consistent with the Comprehensive Plan and the Land Use Policy Statement.

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 changes to an ordinance for the requested amendment. The Commission's final report shall be filed with the Board of Supervisors within forty-five (45) days of the Commission's public hearing unless the public hearing has been continued or tabled for more information or at the request of the applicant. 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, such amendment shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.

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 Section 335.7 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. In

accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code section 331.305.

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. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305, and 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. 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 shall be mailed a copy of the notice within the same timeframe as for publication of the notice.
5. 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 Comprehensive Plan and the Land Use Policy Statement.

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.

In case the Commission does not approve the change or, in the case of a protest filed with the Board of Supervisors in accordance with Iowa Code Section 335.7, such rezoning shall not be passed except by the favorable vote of sixty (60) percent of all the members of the Board of Supervisors.

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 in accordance with Iowa Code Section 335.7.

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 of this Ordinance. 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. In accordance with Iowa Code Section 335.6, notice of the time and place of the hearing shall be published as provided in Iowa Code Section 331.305.
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 goals and objectives of the Comprehensive Plan 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 and the Land Use Policy Statement.

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 forty-five (45) 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.