

**MITCHELL COUNTY ORDINANCE NO. 34**  
**AN ORDINANCE AMENDING MITCHELL COUNTY**  
**ORDINANCE NO. 17.1.30**

**BE IT ENACTED BY THE BOARD OF SUPERVISORS OF MITCHELL COUNTY, IOWA:**

Mitchell County Ordinance No. 17.1.30 is hereby amended in the following particulars:

§17.1.30 is amended by deleting the current language and replacing it with the following:

1.30 ZONING COMMISSION.

In order to avail itself of the powers conferred by this Ordinance, the Board of Supervisors shall provide for a Zoning Commission. Such Commission shall, with due diligence, prepare reports and hold public hearings on issues under this Ordinance and such Board of Supervisors shall not hold or take action until it has received the report or reports of such Commission. If no report is received by the Board of Supervisors within sixty (60) days from when the Commission hears or meets on the issue, request, or change, the Board shall presume the Commission does not object to the said request or change.

MEMBERSHIP

The Mitchell County Planning and Zoning Commission shall have six (6) members, each serving a term of three (3) years. New members of the Mitchell County Planning and Zoning Commission shall be appointed by the Board of Supervisors, each serving a term of (3) years. Two (2) members shall be appointed on July 1st of each year. The members shall reside in Mitchell County, Iowa. A majority of the members shall reside outside the corporate limits of any city. Any member residing within the corporate limits of a city shall also hold title to property located in an unincorporated area of Mitchell County.

**ENACTMENT AND EFFECTIVE DATE**

This amendment shall be in full force and effect from and after its passage and adoption as provided by law.

Passed this 20 day of November, 2007.

Nov. 20, 2007  
Date

Stan Hall, Chair  
Chairperson, Mitchell County Board of Supervisors

ATTEST:

Lowell Tesch  
Lowell Tesch, Mitchell County Auditor

ORDINANCE NO. 17

AN ORDINANCE RELATING TO THE AMENDMENT OF THE MITCHELL COUNTY ZONING ORDINANCE RELATING TO THE USE OF AGRICULTURAL PROPERTY FOR NON-FARM SINGLE-FAMILY DWELLINGS.

Be it enacted by the Board of Supervisors of Mitchell County, Iowa:

Section 1: PURPOSE. The purpose of this ordinance is to amend Ordinance No. 17 (Mitchell County Zoning Ordinance) relating to the use of agricultural property for non-farm single-family dwellings provided for by the Ordinance.

Section 2: NEW SECTION. The following new section is enacted to amend Ordinance No. 1.17.2.C:

Section 1.17.2.C will be struck and replaced with the following:

C. Non-farm single-family dwellings, provided that the site is an existing or abandoned farmstead on the effective date of this Ordinance, regardless of size. A dwelling may also be placed on a parcel, if the land in question has a CSR rating of less than 55 or if it is determined that the shape, topography or location of the land is impractical to be used for modern day crop farming practices. If either of the above qualifications are met, then a single family dwelling may be allowed on a minimum one acre plot.

Notwithstanding the provisions of Section 1.29, the determination of whether real estate located in the agricultural district qualifies for this use will be made by the zoning administrator and two members of the board of adjustment.

The determination of whether land qualifies under this section shall be a determination that shall not be affected by transfer of ownership of the property, shall run with the land and shall be assignable by the owner of the property.

Section 1.18.2.B will be struck and replaced with the following:

B. Non-farm single-family dwellings, provided that the site is an existing or abandoned farmstead on the effective date of this Ordinance, regardless of size. A dwelling may also be placed on a parcel, if the land in question has a CSR rating of less than 55 or if it is determined that the shape, topography or location of the land is impractical to be used for modern day crop farming practices. If either of the above qualifications are met, then a single family dwelling may be allowed on a minimum one acre plot.

Notwithstanding the provisions of Section 1.29, the determination of whether real estate located in the agricultural district qualifies for this use will be made by the zoning administrator and two members of the board of adjustment.

The determination of whether land qualifies under this section shall be a determination that shall not be affected by transfer of ownership of the property, shall run with the land and shall be assignable by the owner of the property.

Section 3: SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4: REPEAL OF CONFLICTING ORDINANCES OR SECTIONS. All ordinances or parts of ordinances in conflict with any of the provisions with this amendment are hereby repealed insofar as the same are in conflict with the provisions hereof.

Section 5: WHEN EFFECTIVE: this amendment shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Mitchell County Board of Supervisors this 14th day of September, 2004.

  
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Verne Tanner, Chairman

ATTEST:

  
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Lowell Tesch, County Auditor

I certify that the foregoing was published as an amendment to Ordinance No. 17 on the 10th day of January, ~~2004~~, 2005, in the Mitchell County Press News.

  
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Lowell Tesch, County Auditor