	Mitchell County Zoning Commission	Policy & Procedures
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APPROVED BY:

Zoning Commission _____ Date_____

Zoning Administrator _____ Date_____

DISTRIBUTION:


01- Zoning Commission

02- Zoning Administrator

EFFECTIVE DATE & HISTORY:

03/29/2022- Original

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PURPOSE:

To establish a standard for an applicant to apply for a building permit or agriculture exemption to be exempt from a building permit fee for the erection, construction, reconstruction, conversion, alteration, enlargement, extension, or movement of any building or any part thereof.

SCOPE:

These procedures apply to all applicants. These procedures must be followed completely before any building permits will be issued and any building is erected in Mitchell County.

REFERENCES:

Iowa Code Chapter 335

Mitchell County Zoning Ordinance 17

Mitchell County Zoning Hearing Policy & Procedures


Mitchell County Condition Use/Variance Policy & Procedures

DEFINITIONS:

Building- Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels), nor any moveable device, such as furniture, machinery, or equipment.

Building/Zoning Permit- A permit issued by the Zoning Administrator allowing the applicant to build, erect, construct, reconstruct, alter, enlarge, extend, or move any building.

Farm- An Area comprising of thirty-five (35) or more acres which is used and primarily adapted, by reason of nature and area, for the growing of the usual farm products such as vegetables, fruits and grains, or the usual farm poultry and farm animals such as horses, cattle, sheep, and swine, while so used. The term “farming” includes the operating of such an area for one or more of the

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above uses, including dairy farms with the necessary accessory uses for treating or storing the produce, provided, however that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided further, that farming does not include the feeding of collected garbage or offal to swine or other animals.


Farmstead- The service area of a farm which typically includes the farmhouse, outbuildings, and some trees.

Farm Exempt (Iowa Code Section 335.2)- Except to the extent requires to implement Iowa Code 335.27, no ordinance adopted under this chapter applies to land, farmhouses, farm barns, farm outbuildings, or other buildings and structures, which are primarily adapted, by reason of nature and area, for use of agricultural purposes, while so used. However, the ordinances may apply to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river or stream.

Mitchell County Filing Procedure- The filing and retention of documents in the office of the Mitchell County Planning & Zoning Department. Any time reference is made to the filing of a document, the document needs to be scanned to the County hard drive and saved in the appropriate file for the subject property unless stated otherwise. The original shall then be placed in an appropriate file folder. All original documents should be scanned to the hard drive and the original retained in the office.

PROCEDURE:

1. An applicant will need to contact the Mitchell County Zoning Administrator or visit the Mitchell County website at <https://mitchellcounty.iowa.gov/departments/planning-a-zoning/> to obtain a Zoning Application.
2. Upon completion of the Zoning Application, the applicant must submit same to the Mitchell County Zoning Administrator along with a non-refundable \$55.00 and any other supporting documentation.
3. Upon receiving the Zoning Application, and the non-refundable fee, the Zoning Administrator will go through a checklist with the applicant to determine the size of the lot, what zone the property is currently located in, whether the property is in a flood zone, and whether any condition uses, variances, or rezoning requests need to be approved prior

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to the issuance of the building permit, as well as whether a septic and/or well permit will also be required and whether the proposed setbacks are in compliance with the Mitchell County Zoning Ordinance. In order to answer these questions, the Zoning Administrator must visit with the applicant and thoroughly research the subject property. A site visit may also be necessary upon the discretion of the Zoning Administrator.

4. In the event the applicant is applying for a building permit to have a new home on a bare piece of ground that is less than thirty-five (35) acres, the applicant will need to apply to have the property rezoned to Residential, Single Family in accordance with the Mitchell County Zoning Hearing Procedures, unless the subject property is an existing building site prior to September 11, 1990, with either a well, foundation, or other evidence of the prior site still remaining on the subject property. If the rezoning request is denied, the applicant **will not** be allowed to build any structure on the subject property.

5. If the applicant plans to operate a business on the subject property, the property may be subject to rezoning or conditional use request as determined by the Mitchell County Zoning Administrator, depending on the nature of the business and what is allowed in the zoning district as listed in the Mitchell County Zoning Ordinance. If the applicant can not meet the setbacks requires in the zoning district of the subject property, a variance will be required. Please refer to the Mitchell County Conditional Uses/Variance Policy & Procedures for additional information.

6. Once the property has been thoroughly researched, the Zoning Administrator will the fill out the building permit. The Zoning Administrator will sign the original copy of the building permit and filing it in regard to the Mitchell County Filing Procedures as stated above. The applicant will receive a copy of the original building permit.

7. In the event that the applicant desires to erect a building in the floodplain, a floodplain permit will also need to be filled out, with a copy of the permit being given to the applicant. All floodplain building regulations shall be followed by the applicant when erecting a structure in the floodplain.