

	<p align="center"><b>Mitchell County Zoning Commission</b></p>	<p align="center"><b>Policy &amp; Procedures</b></p>
<p>Effective Date: 03/29/2022</p>	<p align="center">P-01: Zoning Commission Hearings</p>	<p align="center">Page 1 of 5</p>

**APPROVED BY:**

Zoning Commission \_\_\_\_\_ Date\_\_\_\_\_

Zoning Administrator \_\_\_\_\_ Date\_\_\_\_\_

**DISTRIBUTION:**


01- Zoning Commission

02- Zoning Administrator

**EFFECTIVE DATE & HISTORY:**

03/29/2022- Original

**This is a controlled document with the words “MCZA POLICY & PROCEDURE” printed in RED on each page. Any procedure without this stamp affixed (see below) is not a controlled document and will not be updated.**

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**PURPOSE:**

To establish a standard for an applicant to request a property be rezoned, with said request being heard by the Mitchell County Planning & Zoning Commission.

**SCOPE:**

These procedures are office procedures and shall be used by the staff of the Mitchell County Planning & Zoning Department when setting a rezoning hearing.


**REFERENCES:**

**Iowa Code Chapter 335**

**Mitchell County Zoning Ordinance 17**

**DEFINITIONS:**

**Planning & Zoning Commission** – The Planning & Zoning Commission, hereinafter referred to as the “Commission”, consists of six (6) members appointed by the Board of Supervisors, with a majority of whose members shall reside within the County but outside the corporate limits of any city. The Commission members serve for a term of five (5) years, at which time they will have the option to serve for an additional five (5) years or terminate their membership upon expiration of their current term. The Commission elects its own chairman to serve for a period of one (1) year. The chairman shall be responsible for calling the hearings to order, administering oaths, and compelling the attendance of witnesses. Each Commission member shall receive reimbursement for mileage for each meeting he or she attends. The Commission’s duties and responsibilities are outlined in Mitchell County Zoning Ordinance 17. Each hearing date will be followed by a hearing before the Board of Supervisors. **NOTE: The Planning & Zoning Commission is a recommendation body that gives a recommendation to the Board of Supervisors. The Board of Supervisors has the final approval/denial of all rezoning requests.**


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**Application Requirements** – An Applicant must fill out and submit a Petition to Rezone and a Zoning Application to the Mitchell County Planning & Zoning Administrator. Said Petition to Rezone must include the name, address, and phone number of the applicant; legal description of the property; what zoning change is being requested; and the reason for the requested zone change. A non-refundable fee of \$300.00 for the Petition to Rezone and a non-refundable fee of \$55.00 for the Zoning Application shall also accompany the application along with a list of all property owners within 500 feet of the subject property, a plat of the area to be rezoned, and details concerning the reason for the request, including but not limited to: business plans, site maps, sketches, building plans, etc. Any site maps, sketches, and building plans must include all existing facilities on the property, as well as dimensions and distances of any proposed project from the property lines. The Applicant may also submit letters of support or objection from surrounding property owners or other interested parties.

**Mitchell County Filing Procedures** – The filing and retention of documents in the office of the Mitchell County Zoning Administrator. Any time reference is made to the filing of a document, the document needs to be scanned to the County hard drive and saved. The original shall then be placed in an appropriate filing folder.

**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 Petition to Rezone and a Zoning Application.
2. Upon completion of the Petition to Rezone and the Zoning Application, the applicant must submit same to the Mitchell County Zoning Administrator along with a non-refundable fee of \$300.00 and \$55.00 and any other supporting documentation.
3. Upon receiving the Petition to Rezone, Zoning Application, and both non-refundable fees, the Zoning Administrator will go through a checklist with the applicant to determine what zone the property is currently located in, whether the applicant is the owner of the property, whether the zoning request complies with the County Comprehensive/Land use Plan,

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whether the zoning request is necessary, and whether or not the applicant has a sufficient plan to submit to the Commission regarding their request. In order to answer these questions, the zoning Administrator must research the property on the Mitchell County Assessors page and ArcMap, as well as refer to the Mitchell County Zoning Ordinance and County Comprehensive/Land Use Plan to ensure that the zoning request is in compliance with said Plan. Additional information can also be obtained by visiting with the applicant concerning their request, as well as reviewing any documents submitted in support of said request.

4. Once the checklist has been completed, the Zoning Administrator will set a hearing date, followed a hearing before the Board of Supervisors, as well as verify that the list of property owners includes all property owners within 500 feet of the subject property. **NOTE: A hearing date shall not be scheduled until the Applicant has provided all of the paperwork that may be required for their specific rezoning request as well as supporting documents for said request.**
  
5. A Notice of Public Hearing must be published in the Mitchell County Press News and Enterprise Journal and mailed to all Commission members and property owners within 500 feet of the subject property or up to one (1) mile of the subject property if surrounding property owners do not fall within the 500 feet radius, not less than four (4) days nor more than twenty (20) days prior to the hearing date. It is standard practice of this office to publish the notice ten (10) days prior to the hearing date or on the Friday two weeks prior to the hearing. The notices shall be emailed to MSC Legals at [msc.legals@globegazette.com](mailto:msc.legals@globegazette.com), Osage Advertising at [osage.advertising@globegazette.com](mailto:osage.advertising@globegazette.com), Amy Denning at [amy@ejnewspaper.com](mailto:amy@ejnewspaper.com), and Val Johnson at [val@ejnewspaper.com](mailto:val@ejnewspaper.com). A copy of any documentation accompanying the application should also be sent to the Commission members prior to the hearing. A copy of the Notices of Public Hearing shall be filed in accordance with the Mitchell County Filing Procedures as described in the Definitions section above and the copies retained in the file should include a notation as to what date they were sent/emailed to the recipients. If there are any realtors involved, they should also be made aware of the hearing date. **NOTE: A notation shall be included in notices stating the Zoning Commission hearing will be followed by the Board of Supervisor's hearing.**

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6. Prior to the hearing, the Zoning Administrator will prepare an agenda for the Commission. An agenda will be given to each Commission Member at the time of the hearing and a copy should be retained by the Zoning Administrator. At the time of the hearing, the administrator will mark the attendance and the motions of the Commission Members on their copy of the agenda.
  
7. At the time of the hearing, the Zoning Administrator will also provide a sign in sheet for anyone from the public who attends the hearing, whether it be the applicants, realtor, neighbors, or any other interested parties.
  
8. After the hearing, the Zoning Administrator and Commission Chair will need to report to the Board of Supervisors regarding the Commission's decision at the time of the public hearing before the Board of Supervisors. The Administrator will also transcribe the notes from the meeting to create the Minutes of the hearing, which will be retained in the office of the Planning & Zoning Department. The Administrator must also write a disposition letter to the applicants regarding the Board of Supervisor's decision.
  
9. The Petition to Rezone, Agenda, Minutes, Sign in Sheet, Maps, and any other supporting documents shall then be filed in accordance with the Mitchell County Filing Procedures in the Definitions section above.
  
10. If the zoning change is granted, the Zoning Administrator will need to ensure the change is made on the official zoning map.