



WOODBURY COUNTY, IOWA

ORDINANCE NO. 61

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SUB-SECTION 2.01.4 ENTITLED "PLANNING AND ZONING COMMISSION" AND SUB-SECTION 2.01.5 ENTITLED "BOARD OF ADJUSTMENT" WITH REVISED LANGUAGE PERTAINING TO THE ESTABLISHMENT, APPOINTMENT AND MEMBERSHIP, RULES OF PROCEDURE, AND POWERS AND DUTIES OF BOTH THE PLANNING AND ZONING COMMISSION AND THE BOARD OF ADJUSTMENT.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGAUGE AMENDMENT BE MADE:

Amendment #1 –

Beginning on page 5: remove Sub-Section 2.01.4: Planning and Zoning Commission and replace with the following:

4. Planning and Zoning Commission

- A. Establishment. Pursuant to Chapter 335 of the Code of Iowa, a County Zoning Commission, consisting of five members, as previously established, is hereby continued.
- B. Appointment and Membership.
  - (1) The members of the Zoning Commission shall be appointed by the Board of Supervisors for terms of five years. Terms of the Commissioners shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term.
  - (2) Members of the Zoning Commission shall consist of eligible electors, as defined by Iowa Code section 39.3, who reside within the area regulated by the County Zoning Ordinance and shall not be officers or employees of any agency or department of the County. Iowa law requires all appointive boards, commissions, committees, and councils of a political subdivision to be gender balanced by using a fair and unbiased method of selecting the best qualified applicants. The Board of Supervisors may appoint any qualified applicant, regardless of gender, after making a three-month good faith effort to appoint a gender balanced Commission.
  - (3) Members of the Zoning Commission shall serve without compensation but may be reimbursed for the actual expenses incurred while performing their official duties, which shall be subject to the approval of the Board of Supervisors.
  - (4) Any member of the Zoning Commission may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Commission, including conflicts of interest, violations of laws or regulations pertaining to the role of the Commission, failing to carry out the duties of a member of the Commission, including failure to attend 50% or more regular meetings in any twelve month period, or other conduct which casts doubt upon the integrity or effectiveness of the member.
- C. Rules of Procedure. The Commission shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, Rules of Procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.

- D. Powers and Duties. The Zoning Commission shall have the following powers and it shall be its duty:
- (1) To recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts within the area regulated by the County Zoning Ordinance.
  - (2) To, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the Commission's final report to the Board of Supervisors as provided in the County Zoning Ordinance and Subdivision Regulations.
  - (3) To recommend to the Board of Supervisors amendments, supplements, changes or modifications to the text or Zoning District Map of the County Zoning Ordinance. The Commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.
  - (4) To recommend to the Board of Supervisors, the adoption of a comprehensive plan pursuant to Iowa Code Section 335.5, or amendments thereto.
  - (5) To contract with professional consultants, regional planning commissions, the economic development authority, or the federal government, for local planning assistance, with the approval of the Board of Supervisors.

Amendment #2 –

Beginning on page 7: remove Sub-Section 2.01.5: Board of Adjustment and replace with the following:

5. Board of Adjustment.

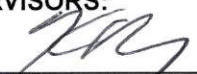
- A. Establishment. Pursuant to Chapter 335 of the Code of Iowa, a County Board of Adjustment, consisting of five members, as previously established, is hereby continued.
- B. Appointment and Membership.
  - (1) The members of the Board of Adjustment shall be appointed by the Board of Supervisors for terms of five years. Terms of the Board shall be staggered so that no more than two memberships expire on December 31 of any year. Vacancies shall be filled in the same manner for the remainder of an unexpired term.
  - (2) Members of the Board of Adjustment shall consist of eligible electors, as defined by Iowa Code section 39.3, who reside within the area regulated by the County Zoning Ordinance and shall not be officers or employees of any agency or department of the County. Iowa law requires all appointive boards, commissions, committees, and councils of a political subdivision to be gender balanced by using a fair and unbiased method of selecting the best qualified applicants. The Board of Supervisors may appoint any qualified applicant, regardless of gender, after making a three-month good faith effort to appoint a gender balanced Board.
  - (3) Members of the Board of Adjustment shall serve without compensation but may be reimbursed for the actual expenses incurred while performing their official duties, which shall be subject to the approval of the Board of Supervisors.
  - (4) Any member of the Board of Adjustment may be removed for cause by the Board of Supervisors following a public hearing on written charges. Cause for removal may be found by the Board of Supervisors in any action or condition which it determines to be detrimental to the proper functioning of the Board, including conflicts of interest, violations of laws or regulations pertaining to the role of the Board, failing to carry out the duties of a

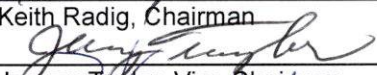
member of the Board, including failure to attend 50% or more regular meetings in any twelve-month period, or other conduct which casts doubt upon the integrity or effectiveness of the member.


- C. Rules of Procedure. The Board of Adjustment shall organize itself and shall adopt and maintain, subject to the approval of the Board of Supervisors, rules of procedure in conformance with the provisions of this ordinance and the Iowa Code to govern the conduct of its business.
- D. Powers and Duties. The Board of Adjustment shall have the following powers and it shall be its duty:
- (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Iowa Code Chapter 335, or of any ordinance adopted pursuant thereto.
  - (2) To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance.
  - (3) To authorize upon appeal, in specific cases, such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed, and substantial justice done.

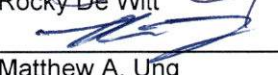
Dated this 15<sup>th</sup> day of February 2022.

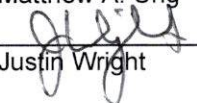
THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

  
\_\_\_\_\_  
Keith Radig, Chairman

  
\_\_\_\_\_  
Jeremy Taylor, Vice Chairman

  
\_\_\_\_\_  
Rocky De Witt

  
\_\_\_\_\_  
Matthew A. Ung

  
\_\_\_\_\_  
Justin Wright

ATTEST

  
\_\_\_\_\_  
Patrick F. Gill, Auditor

Adoption Timeline:

Public Hearing and 1st Reading: Feb. 8, 2022  
Public Hearing and 2nd Reading: Feb. 15, 2022  
Public Hearing and 3rd Reading: Waived on Feb. 15, 2022  
Adopted: Feb. 15, 2022  
Effective: Feb. 23, 2022

**PROOF OF PUBLICATION**  
**STATE OF IOWA**  
**COUNTY OF WOODBURY**

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday and that the annexed printed NOTICE OF

NOTICE OF ADOPTION AND EFFECTIVE DATE OF ORDINANCE #61 AMENDING THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SUBSECTION 2.01.4: PLANNING AND ZONING COMMISSION AND SUBSECTION 2.01.5: BOARD OF ADJUSTMENT - EFFECTIVE UPON PUBLICATION ON FEBRUARY 23, 2022.

The Woodbury County Board of Supervisors held public hearings on the following item of business, hereafter summarized, on Tuesday, February 8, 2022 at 4:05 PM and Tuesday, February 15, 2022 at 4:37 PM. The third public hearing and reading scheduled for Tuesday, February 22, 2022 at 4:35 PM was waived by the Board of Supervisors during the Tuesday, February 15, 2022 meeting.

The Woodbury County Board of Supervisors approved and adopted Ordinance #61 on Tuesday, February 15, 2022. The ordinance becomes effective upon publication on February 23, 2022. Said hearings were held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse.

**ORDINANCE SUMMARY**  
SUMMARY OF ZONING ORDINANCE TEXT  
AMENDMENTS: Amendments to the Woodbury County Zoning Ordinance to repeal and replace Subsection 2.01.4: Planning and Zoning Commission and Subsection 2.01.5: Board of Adjustment with revised language pertaining to the establishment, appointment and membership, rules of procedure, and powers and duties of both the Commission and Board.

Published in the Sioux City Journal February 23, 2022. LGL#35259

Notice: ORD 61 Notice of Adoption

in said newspaper one consecutive Wednesday issues, the first publication thereof being on 23rd day of February, 2022.

*Beth Birdsell*

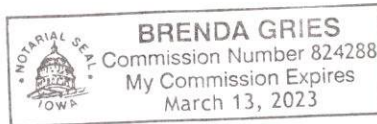
Beth Birdsell

Subscribed and sworn before me in Sioux City, in said County, this .....23rd.....day of .....February....., 2022.

*Brenda Gries*

Notary Public

In and for Woodbury County.



Legal #35259

40 Line

1 Times

\$23.32

**PROOF OF PUBLICATION**  
**STATE OF IOWA**  
**COUNTY OF WOODBURY**

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday and that the annexed printed NOTICE OF

NOTICE REGARDING PUBLIC HEARINGS  
WOODBURY COUNTY  
BOARD OF SUPERVISORS  
The Woodbury County Board of Supervisors will hold public hearings on the following item of business, hereafter described in detail, on Tuesday, February 8, 2022 at 4:05 PM, Tuesday, February 15, 2022 at 4:37 PM and Tuesday, February 22, 2022 at 4:35 PM or as soon as possible thereafter as the matter may be considered.  
Said hearings shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors' meeting room in the basement of the courthouse. Persons wanting to participate in the public hearings may attend in person during the meetings to comment.  
Copies of said item may now be examined in the Woodbury County Auditor's office in the said Courthouse during the normal business hours of Monday through Friday between 8:00 AM and 4:30 PM by any interested persons.  
All persons who wish to be heard in respect to this matter should appear to participate in the aforesaid hearings.  
Item One (1)  
SUMMARY OF ZONING ORDINANCE TEXT AMENDMENTS: Amendments to the Woodbury County Zoning Ordinance to repeal and replace Subsection 2.01.4: Planning and Zoning Commission and Subsection 2.01.5:

Notice: Hearing Zoning Ordinance Amendments

in said newspaper one consecutive Thursday issues, the first publication thereof being on the 3rd day of February, 2022.

*Beth Birdsell*

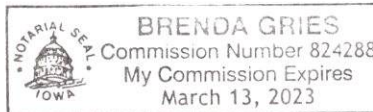
Beth Birdsell

Subscribed and sworn before me in Sioux City, in said County, this .....3rd.....day of .....February....., 2022.

*Brenda Gries*

Notary Public

In and for Woodbury County.



Legal #35168

39 Line

1 Times

\$22.74

THURSDAY, FEBRUARY 3, 2022 | B7  
Board of Adjustment with revised language pertaining to the establishment, appointment and membership, rules of procedure, and powers and duties of both the Commission and Board.  
Published in the Sioux City Journal February 3, 2022. LGL#35168



**PROOF OF PUBLICATION**  
**STATE OF IOWA**  
**COUNTY OF WOODBURY**

The undersigned, of said County, being duly sworn, on oath states the undersigned is an employee of the Sioux City Journal printed and published by Journal Communications, in Sioux City in said County and issued daily and Sunday and that the annexed printed NOTICE OF

Notice: Zoning Comm. Public Hearing

in said newspaper one consecutive Saturday issues, the first publication thereof being on the 8th day of January, 2022.

*Beth Birdsell*

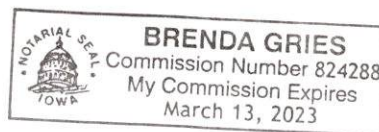
Beth Birdsell

Subscribed and sworn before me in Sioux City, in said County,  
this ..... 10th.....day of .....January....., 2022.

*Brenda Gries*

..... Notary Public

In and for Woodbury County.



Legal #35062

40 Line

1 Times

\$23.32

NOTICE OF PUBLIC HEARING  
WOODBURY COUNTY ZONING  
ORDINANCE TEXT AMENDMENTS  
The Woodbury County Zoning Commission will hold a public hearing on the following item of business, hereafter described in detail, on Monday, January 24, 2022 at 6:00 PM or as soon as possible thereafter as the matter may be considered.  
Said hearing shall be held at the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, in the Board of Supervisors' Meeting Room, Number 104. Public access to the conversation will also be made available during the meeting by telephone. Persons wanting to participate in the public hearing may attend in person or call: 712-454-1133 and enter the Conference ID: 516 721 135# during the meeting to listen or comment.  
Copies of said item may now be examined in the Auditor's office in said Courthouse between the hours of 8:00 AM to 4:30 PM Monday through Friday by any interested persons.  
All persons who wish to be heard in respect to this matter should appear at or participate in the aforesaid hearing.  
Item One (1)  
SUMMARY OF ZONING ORDINANCE TEXT AMENDMENTS: Amendments to the Woodbury County Zoning Ordinance to repeal and replace Subsection 2.01.4: Planning and Zoning Commission and Subsection 2.01.5: Board of Adjustment with revised language pertaining to the establishment, appointment and membership, rules of procedure, and powers and duties of both the Commission and Board.  
Published in the Sioux City Journal January 8, 2022. LGL#35062

**RULES OF PROCEDURE  
FOR THE  
WOODBURY COUNTY ZONING COMMISSION**

**ARTICLE I: PURPOSE**

The Woodbury County Zoning Commission created the foregoing rules with the intent of making its procedures clear, clean, and easy to follow, both for the Commission members and for members of the public.

The following rules of procedure have been approved by the Board of Supervisors on MONTH/DATE/YEAR and are hereby adopted by the Woodbury County Zoning Commission.

**February 8, 2022**

**ARTICLE II: MEMBERS**

There are 5 members of the Woodbury County Zoning Commission. They shall be residents of unincorporated Woodbury County, Iowa and are appointed by the Woodbury County Board of Supervisors.

**ARTICLE III: OFFICERS**

**Section 1. Officers**

The Commission shall select from its membership a Chair and a Vice-Chair who will perform the usual duties pertaining to such office. Per Section 2.01: B of the County Zoning Ordinance, the Zoning Director or his/her appointee, will serve as Secretary.

**Section 2. Selection**

At the first regular meeting of the calendar year the Commission will pick its officers from its membership. All officers are eligible for re-election.

**Section 3. Tenure**

The Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

The Vice-Chair shall take office immediately following their selection and shall hold office for a term of 1 year or until their successor is selected and assumes office.

**Section 4. Duties**

The Chair will preside at all regular meetings and hearings, appoint committees, and perform such other duties as may be ordered by the Commission. The Vice-Chair shall act in the capacity of the Chair in their absence. If the Chair and Vice-Chair are both absent from a meeting and there is a quorum, the most-senior Commissioner shall serve as Chair of that meeting. The Secretary will record and maintain minutes of the meetings, maintain all records, and perform such other duties as the Zoning Commission may determine.

**Section 5. Vacancy**

If office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. If only the office of the Vice-Chair becomes vacant, the Commission shall select a successor to the office of Vice-Chair for the unexpired term.

## **ARTICLE IV. MEETINGS**

### **Section 1. Compliance with the Open Meetings Law**

All meetings of the Commission shall be conducted in compliance with Chapter 21 of the Code of Iowa and other applicable law.

### **Section 2. Regular Meetings**

The Zoning Commission is on-call for its regular meeting scheduled on the last Monday of every month beginning at 6pm in the 1<sup>st</sup> Floor Board Room at the Woodbury County Courthouse, subject to formal business to be considered. Notice of the regular meeting shall typically be sent by the Secretary to the members at least 2-days prior to such meeting and shall state the purpose and time of the meeting.

### **Section 3. Special Meetings**

Special meetings may be called at the request of the Chair from time to time as required to conduct the business of the County, provided that at least 24-hours notice of such meeting is given to each member.

### **Section 4. Quorum and Consensus**

The presence of three members shall constitute a quorum. Without a quorum, no business will be transacted and no official action on any matter will take place.

### **Section 5. Majority Required**

A majority of the quorum present is required for the adoption of any matter to come before the Commission.

### **Section 6. Manner of Acting**

Any question to come before the Commission shall be in the form of a motion by a commissioner and shall require a second for consideration. Remarks made by a Commissioner shall be limited to 10-minutes unless an extension is granted by a majority of the Commission. Commissioners shall address the Chair and confine their remarks to the question before the Commission and shall be respectful of other Commissioners and avoid referencing or questioning the motives of another Commissioner.

### **Section 7. Roll Call Votes.**

The Chair shall order a roll call vote when requested by a member. The roll shall be called alphabetically, except the Chair shall be called last.

### **Section 8. Effects of Abstention.**

When a Commissioner abstains due to a conflict of interest, the vote of the Commission shall be computed on the basis of the number of Commissioners not disqualified by reason of conflict of interest. However, at least 3 Commissioners eligible to vote are required for a quorum on any matter. Abstentions that are not due to a conflict of interest shall be counted as a "no" vote.

### **Section 9. Electronic Participation**

Members of the Commission may participate in a meeting by electronic means only in circumstances where participation in person is impossible or impractical. Any member participating electronically shall be connected by a speaker phone, video conference, or other device or software, so that the public can hear any discussion by that member. The vote of any



member participating electronically must be made public at the meeting and the minutes of the meeting shall include sufficient information to indicate the vote of each member participating.

## **ARTICLE V: ADMINISTRATION**

### **Section 1.**

Commission meetings are administered by the Chair. The Chair has the right to:

1. Call the meeting to order
2. Recognize speakers
3. Call for motions on agenda items, and facilitate debate
4. Preserve order and decorum
5. Determine points of order

## **ARTICLE VI. ORDER OF BUSINESS**

### **Section 2.**

The Secretary will prepare an agenda for each meeting and send it to each member typically at least 2-days before the meeting. The order of business shall typically be as follows:

1. Call to order and opening statement by Chair
2. Roll call
3. Public comments on matters not on the established agenda (3-minute limit)
4. Approval of minutes
5. Item of business
6. Public comments on matters not on the established agenda (3-minute limit)
7. Commissioner comments
8. Adjournment

### **Section 3.**

As to an item of business, the order shall typically be as follows:

1. Staff report
2. Petitioner comments
3. Commissioner comments and questions for staff/petitioner
4. Staff/petitioner rebuttal opportunity
4. Public comments
5. Staff/petitioner rebuttal opportunity
6. Vote

## **ARTICLE VII. MOTIONS AND VOTING**

### **Section 1.**

Motions may be made by anyone on the Commission. The Chair will restate the motion before a vote is taken. The Commission typically recognizes three kinds of motions:

- A. Main Motion – request for action on an item; can be made by any member, including the Chair.
- B. Motion to Amend a Motion – which the Commission must vote on first, then the Commission votes on the underlying motion.
- C. Motion to Postpone discussion of a matter until a future meeting.

**Section 2.**

Another Commissioner may then second a motion. The motion dies if no member seconds it.

**Section 3.**

The Commission may then debate the motion further.

1. Members should keep their discussion concise and limited to the motion on the table.
2. A member may withdraw his/her own motion at any time during debate.

**Section 4.**

The Chair may then conclude debate by calling for a vote. Each member must respond:

1. Yes ("aye")
2. No ("nay")
3. Abstain

**Section 5.**

The Chair shall then state whether the motion passes or fails, and the final vote tally

**ARTICLE VIII. PUBLIC PARTICIPATION**

**Section 1.**

Any member of the public wishing to address the Commission may do so during the appropriate "public comments" section of the Order of Business.

**Section 2.**

Comments by any one member of the public shall be limited to 3 minutes.

**Section 3.**

Any person so addressing the Commission shall step up to the microphone and give their name and address for the record.

**Section 4.**

Should a person engage in slanderous remarks, personal attacks, or boisterous behavior, the Chair may refuse to recognize the speaker, may ask the speaker to leave, or may have the speaker removed.

**ARTICLE IX. AMENDMENTS**

**Section 1.**

The Commission may suspend or amend these rules at any regular or special meeting by a majority vote of the members present.

2/28/22  
 \_\_\_\_\_  
 DATE ADOPTED  
 \_\_\_\_\_  
 ATTESTOR

\_\_\_\_\_ Chair  
 CHAIRPERSON