

COUNCIL ACTION FORM

REQUEST: AMENDMENTS TO THE AMES MUNICIPAL CODE FOR APPLICATIONS REQUIREMENTS AND APPROVAL AUTHORITY

BACKGROUND:

The Planning Division along with the City Manager's Office have recently reviewed some of the City's planning project review and notification procedures and approval processes. Staff determined that modifications to defined roles would improve the administration of the Ames Municipal Code and better serve our customers. City Council on April 13, 2021, directed staff to move forward with drafting the proposed amendments. The changes relate to the Zoning Board of Adjustment, Zoning Enforcement Officer, Planning and Zoning Commission, references to the Comprehensive Plan, and various application procedures in Chapter 29, including the addition of a formal Annexation initiation procedure.

The proposed ordinance amends the following parts of the Ames Municipal Code:

- Chapter 20-Planning and Zoning Commission authority
- Chapter 29-Article 15- Application requirements
- Chapter 29-Article 14- Procedures, notification, and administration
- Chapter 29-Articles 1, 4, 12- Comprehensive Plan references and Planning Director authority

The Planning and Housing Department is identified in the Municipal Code as the responsible entity for the administration of the Subdivision Code and for the administration of the Zoning Ordinance. However, the Zoning Ordinance currently designates the Building Official as the Zoning Enforcement Officer responsible for the interpretation and enforcement of zoning standards related to building permits and code enforcement. Planning staff is responsible for other activities related to Site Development Plans, Zoning Board of Adjustment applications, and Rezoning. The current Municipal Code further assigns the City Clerk the responsibility for intake of certain applications and for administrative support for the Zoning Board of Adjustment.

The proposed changes assigns the Planning and Housing Department the responsibility for support of the Zoning Board of Adjustment rather than the City Clerk's Office, and empowers the Planning Director to have final authority on

interpretations of the Zoning Ordinance, in lieu of the Zoning Enforcement Officer. The Planning Director will also be responsible for approval of front yard paving related to driveways and parking. **It should be emphasized that for the public, there will be no outward change in how applications are handled as a result of these modifications.**

Changes related to the Zoning Board of Adjustment include:

1. Modification of voting standards to follow state law for an affirmative vote of three members to approve a project, anything less would be a denial. Current language appears to indicate three votes are needed for any type of decision, which has been problematic when a full Board is not present. The proposed language also allows for an applicant to obtain up to a 45-day continuance if the full Board is not present at a meeting.

Staff originally proposed to change voting rules to allow for a 2-1 vote to be a definitive action, however per state law three votes are required to approve a project and would not allow for a 2-1 vote.

2. There is no change to the Zoning Board of Adjustment notification requirement for publication of public hearing items (e.g. Special Home Occupations, Variances, Special Use Permits, etc.) in the newspaper.

Staff originally proposed to remove the newspaper publication requirement for the Zoning Board of Adjustment applications while maintaining the 200-foot mailed notice and sign posting requirement. After further review it was determined that Iowa Code Section 362.3 applies to all ZBA public hearing items and it requires a between 4-20 day newspaper publication requirement.

3. Assigning Planning and Housing Department as administrative support to the ZBA will eliminate the confusion of a customer having to communicate with both the Planning and City Clerk staff. Under the proposed changes, an Assistant City Attorney would still attend meetings and prepare Decision and Orders (D&Os), while the City Clerk would remain responsible for retaining the D&Os.

Application requirements are proposed to be adjusted to add some discretion related to scope of a project and the needed submittals. Other changes are designed to update requirements.

1. Currently, all application requirements are mandatory regardless of the scope of a project, which at times can be overkill in terms of process for a small project. **The proposed changes allow the Planning Director to modify submittal requirements for only relevant information.** The ability to modify the submittal requirements will alter any of the actual zoning standards that would apply to a project.
2. Staff also proposes to add an application section for initiating Annexations. Currently, annexations are processed per State requirements and City Council directed procedures, but not included in the Municipal Code. Establishing the process by ordinance helps establish uniformity for review of annexation petitions. **The proposed process includes review by the Planning and Zoning Commission of annexations only when there is an 80/20 proposal. If an annexation is 100% consenting, the P&Z would not review the annexation petition, and the matter will go directly to the City Council for consideration.** State law does not require the Commission to review any annexations.
3. Currently, minor changes to approved Major Site Development Plans and Special Use Permits are allowed to be approved by staff in limited circumstances. At the time the PUD Overlay was adopted in 2021, a new set of minor change standards were adopted for PUDs. **Staff is recommending to use the PUD language for all types of Major Site Development Plans, PRDs, and Special Uses so there is one common set of criteria.**
4. Site Plan criteria and application requirements have been updated to reflect current practices and relationships to the Comprehensive Plan.
5. Application requirements are modified to allow for on-line submittals as part of our permitting software, rather than requirements to submit plans of certain sheet sizes.

Staff also proposes to clarify the sign posting notification process and the grant of access to a property requesting. **The proposed ordinance clarifies the lack of a sign posting does not invalidate the notice requirements if the other requirements are met. Changes also address that the posting requirement only apply to an applicant-initiated map amendment, not a City Council initiated change, which usually involves a broad area involving numerous lots. The posting requirement will also apply to a “site” or contiguous properties, not for each property.** Article 15 of the Zoning Ordinance includes these amendments.

Planning and Zoning Commission

The Planning and Zoning Commission reviewed the scope of the amendments at its May 18th meeting. The Commission voted 5-1 to support the full scope of changes presented by staff. **The dissenting vote was based on a desire to not change the proposed sign posting requirement which would consider adequate notice to have occurred without the posting of a sign.** As a result of the City Attorney's review, the proposed language was refined from the draft that went to the P&Z. For example, the ZBA voting and publication requirements were modified.

ALTERNATIVES:

1. City Council can approve on first reading the attached draft ordinance amending the Ames Municipal Code Chapter 20 and Chapter 29.
2. The City Council can direct staff to modify the proposed text changes and return with an updated draft ordinance.
3. The City Council can defer action on this item and request more information from staff.

CITY MANAGER RECOMMENDATION:

Staff believes the amendments listed above are beneficial to clarify a number of planning processes. The most significant changes proposed by staff relate to updating application procedures along with adjustment to the interpretation of the Zoning Ordinance by the Planning and Housing Director, rather than the designated Zoning Enforcement Officer. Changes to the voting requirements of the ZBA will be consistent with typical rules for approving a project and state law for having three affirmative votes.

The changes in application process, staffing, and roles are not anticipated to have any significant impact on the public or customers of the City.

Therefore, the City Manager recommends the City Council act in accordance with Alternative #1.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTIONS 20.8, 20.9, 2.10, 20.11, 2.102, 29.104, 29.406, 29.1200, 29.1201, 29.1202, 29.1203, 29.1401, 29.1402, 29.1403, 29.1404, 29.1405, 29.1500, 29.1501, 29.1502, 29.1503, 29.1504, 29.1505, 29.1506, 29.1507, ENACTING A NEW SECTION 29.1509 AND REMOVING SECTION 20.14 THEREOF, FOR THE PURPOSE OF UPDATING THE PLANNING AND ZONING COMMISSION CHAPTER AND THE ZONING CODE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended as follows:

“Sec. 20.8. POWERS OF COMMISSION.

The commission shall have power and authority to make or cause to be made surveys, studies, maps, plans or charts of the whole or any portion of the municipality or of any land outside thereof which in the judgment of the commission bears relation to a comprehensive plan, and shall bring to the attention of the council and may publish its studies and recommendations. Staff support shall be provided by the department of Planning and Housing Community Development from the budget of that department in accordance with the budget approved by City Council.

Sec. 20.9. AUTHORITY OVER SUBDIVISIONS.

The Commission shall review Preliminary Plats as specified by Ames Municipal Code Chapter 23

~~Any plans, plats or replats of subdivisions or resubdivisions of land within the city or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public, shall first be submitted to the commission and its recommendations obtained before approval by the city council.~~

Sec. 20.10. PREPARATION, USE OF COMPREHENSIVE PLAN.

For the purpose of making a comprehensive plan for the physical development of the city, the commission shall make careful and comprehensive studies of present conditions and future development of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with the present and future needs, best promote health, safety, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development. ~~The commission shall make an annual report of its activities to the city council.~~

Sec. 20.11. ADOPTION OF COMPREHENSIVE PLAN.

...

(2) After adoption of the plan by the commission, an attested copy thereof shall be certified to the city council and the council may approve the same. When the plan or any modification or amendment thereof shall receive the approval of the council, the plan, until subsequently modified or amended as hereinbefore authorized, shall constitute the official city Comprehensive Plan.

...

~~**Sec. 20.14. COMMISSION TO MAKE RECOMMENDATIONS RELATIVE TO LOCATION OF CITY FACILITIES AND STREETS.**~~

~~The commission may, from time to time, make recommendations to the city council relative to the location of municipal buildings and other facilities and the location of city streets, alleys, parking lots and open spaces. The~~

~~recommendations of the commission shall be obtained before enactment or revision of a comprehensive plan for city streets.~~

...

Sec. 29.102. PURPOSE, INTERPRETATION AND APPLICATION.

(1) **Purpose.** The Ordinance regulates and restricts the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes in order to promote the health, safety and the general welfare of the City in the following ways:

- (a) To direct the development of the City in accordance with the ~~Land Use Policy Comprehensive Plan, which is the City's comprehensive plan;~~

...

Sec. 29.104. RELATIONSHIP TO OTHER LAWS.

In addition to the requirements of the Ordinance, all uses of land, buildings and structures must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Ordinance to other City, county, state or federal statutes or regulations are for informational purposes only and do not constitute a complete list of such statutes or regulations. The Ordinance is expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances, including but not limited to:

- (1) ~~Land Use Policy Comprehensive Plan (known as Ames Plan 2040, or as amended).~~
- (2) **Subdivision Regulations.**
- (3) **Historic Preservation Ordinance.**
- (4) **Flood Plain Ordinance.**
- (5) **Building, Sign and House Moving Code.**
- (6) **Rental Housing Code.**
- (7) **Transportation Plan.**
- (8) **Park Master Plan.**
- (9) **Bicycle Route or Pedestrian Master Plan.**

...

Sec. 29.406. OFF-STREET PARKING.

...

- (7) **Locating Parking Spaces in Front Yard**

...

(e) Under no circumstances shall vehicular parking be permitted in the front yard of any Household Living or Short Term Lodging uses in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side property line.

There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of ~~by the Zoning Enforcement Officer~~ Planning Director for the dimension and configuration of paving. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

...

Sec. 29.1200. FLOATING ZONES

(1) **Purpose.** The "floating" zone concept provides flexibility in determining the style and layout of residential development ~~in newly annexed related to the expansion areas of the city that the Land Use Policy Plan designates as Village/Suburban Residential or that the Ames Urban Fringe Plan designates as Urban Residential as described by the Comprehensive Plan.~~ The Floating Zoning Districts established by this ordinance are:

...

(2) **Pre-application Conference.**

...

(d) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas ~~designated~~ identified by the ~~Ames Land Use Policy~~ Comprehensive Plan as Greenways and Environmentally Sensitive Areas.

...

Sec. 29.1201. "F-VR" VILLAGE RESIDENTIAL DISTRICT.

...

(4) **Establishment.**

...

(a) The designation is consistent with the ~~Land Use Policy~~ Comprehensive Plan.

...

(12) **Minor Changes.** Minor changes to the approved Site Development Plan Major may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for the purposes of keeping the Site Development Plan Major current, ~~Minor changes are defined as changes that:~~ Minor changes are defined in Section 29.1502.

- (a) ~~Do not constitute a change in the land use of the project; or the overall layout and design;~~
- (b) ~~Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;~~
- (c) ~~Do not change the overall landscape design of the F-VR project;~~
- (d) ~~Do not change the height or placement of buildings, or other major features.~~

...

Sec. 29.1202. "F-S" SUBURBAN RESIDENTIAL ZONE.

...

(2) **Suburban Residential Development Principles.**

...

(b) An economic and efficient subdivision design with respect to the provision of streets, utilities, and community facilities ~~with limited focus on building and development design integration and a greater emphasis on vehicular mobility;~~

...

(f) A development pattern that is compatible with surrounding neighborhoods and is consistent with the ~~Goals and Objectives of the Land Use Policy Plan.~~ Principles, Land Use Categories, and policies of the Comprehensive Plan.

(3) **Establishment.** The F-S is hereby established and applies to all lands that are rezoned to F-S on the Zoning Map. A Zoning Map Amendment as described in Section 29.1507(2) may be approved provided the City Council makes the following findings:

(a) The designation is consistent with the ~~Land Use Policy~~ Comprehensive Plan;

...

~~(7) — Site Development Plan Amendments. All site development plans approve hereunder may only be amended pursuant to the same procedure for approving an F S Plan as provided herein.~~

...

Sec. 29.1203. “F-PRD” PLANNED RESIDENCE DISTRICT

...

(2) Planned Residence District Development Principles.

...

(b) Result in a more efficient, aesthetic, desirable and economic use of land and other resources while maintaining the density of use and character, as provided for in the Land Use Policy Comprehensive Plan and the underlying base zone regulations;

...

(3) Establishment.

...

(a) The designation is consistent with the Land Use Policy Comprehensive Plan.

...

(9) Minor Changes. Minor changes to the approved Site Development Plan Major may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Site Development Plan Major current. Minor changes are defined as ~~changes that:~~ in Section 29.1502.

~~(a) — Do not constitute a change in the land use of the project, or the overall layout and design;~~

~~(b) — Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;~~

~~(c) — Does not change the overall landscape design of the F-PRD project; or~~

~~(d) — Change the height or placement of buildings, or other major site features.~~

...

Sec. 29.1401. CITY COUNCIL.

The City Council is the elected body that is ultimately responsible for all decisions and actions that establish the overall land use policy and vision for the City. This occurs through the City Council adoption of the Land Use Policy Comprehensive Plan for the City. The Council is also responsible for other policy direction established through the City's long range Transportation Plan, Parks and Recreation Plan, Bicycle Route Master Plan and other functional plans like water distribution and wastewater collection plans. These plans and policies are implemented by Council through a variety of strategies, including zoning and subdivision regulations, the City's operating budget, the Capital Improvements Program, and annexation policies.

Sec. 29.1402. PLANNING AND ZONING COMMISSION.

The Planning and Zoning Commission is appointed by the Mayor with the approval of the City Council to serve as an independent advisory body to the Council. The Commission is responsible for the preparation and adoption of the official Land Use Policy Comprehensive Plan of the City and gives advice and recommendations on matters involving amendments to the Comprehensive Plan, the City's Zoning Ordinance and historic preservation ordinance and guidelines. The Commission reviews and gives advice on preliminary plats subdivisions occurring within the City and within the extraterritorial jurisdiction of the City.

Sec. 29.1403. ZONING BOARD OF ADJUSTMENT.

...

- (4) **Board Action.** The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

At the request of the person seeking action from the Board and prior to the beginning of the hearing on the person's matter, the hearing on the matter may be delayed until such time that the full Board is present to hear the person's request. The hearing may be delayed up to 45 days in an attempt to accommodate the request. However, if a meeting where full the Board is present cannot be held within 45 days of the original hearing date, the hearing on the matter shall proceed at the next Board meeting following the 45 day delay.

- (5) **Officers and Duties.**

...

- (b) Board Secretary. ~~The City Clerk or his/her designee~~ The Planning and Housing Department is responsible for appointing staff to serve as secretary of the Board. In the absence of the secretary, the chair may appoint one of the members of the Board to act as secretary pro tem for the meeting. The secretary shall keep minutes of the Board's proceedings, showing the vote for each member upon each question. If a member is absent or does not vote on any matter, the minutes shall indicate this fact. The Board shall keep records of all official actions, which shall be on file in the office of the City Clerk as a public record.

...

- (9) **Applications to the Board.** Applications to the Board for a Special Use Permit, Special Home Occupation Permit, ~~or~~ Variance, Exception, or Reasonable Accommodation may be made by any person. Such application shall be made by filing with the secretary of the Board a written notice specifying the grounds therefore. The secretary shall publish notice of the application in a paper of general circulation in the City.

Sec. 29.1404. DEPARTMENT OF PLANNING AND HOUSING.

The Department of Planning and Housing provides technical support to the City Council, the Planning and Zoning Commission, Historic Preservation Commission, and the Zoning Board of Adjustment. The Department is responsible for the administration of the zoning and subdivision regulations of the City, including the technical review of site plans, plats of subdivision and other land development requests submitted to the City. Department staff is responsible for the intake, distribution, review, coordination and communication to applicants seeking a decision on a development ~~request~~ application in the City. Department staff is authorized by the Zoning Ordinance in specific instances to review and approve specified permits ~~site plans and Zoning Permits~~.

The Planning and Housing Director, or their designee, is responsible for the interpretation and administration of the Zoning Ordinance.

Sec. 29.1405. ZONING ENFORCEMENT OFFICER.

- (1) This Ordinance shall be enforced by a Zoning Enforcement Officer who shall be appointed by the City Manager. ~~The Zoning Enforcement Officer shall be directly responsible to the Fire Chief, but for the purpose of administering the Ordinance, shall consult with the Director of Planning and Housing.~~ The Zoning Enforcement Officer shall carry out duties according to law and under such rules and regulations as the city council may from time to time adopt. The Zoning Enforcement Officer may issue building/zoning permits as authorized by this Code. If a question arises about the interpretation of a zoning standard or interpretation of a provision of this Code, the Planning Director shall provide written guidance regarding the issue to the Zoning Enforcement Officer prior to issuing a permit.

...

Sec. 29.1500. GENERAL.

...

(2) **Notices and Hearings.** The requirements and limitations of this Section shall apply to ~~all~~ hearings and public notice, as applicable, required under this Article.

...

(a) Notices and Hearings.

...

(v) When required mailing and/or publication notices have been provided, the absence of a sign posting shall not invalidate the satisfaction of the notice requirements of this Code.

~~(v)~~(vi) In the event that . . .

...

(d) Notices.

...

(iii) **Posted Notice.** Notice required pursuant to this Section shall be posted by the City on signs posted on the subject property. One sign shall be posted for each property; contiguous properties may be considered one property for purposes of this subsection. The required sign shall be posted along the perimeter of the subject property in a location that is highly visible from adjacent public streets in a reasonable time prior to the meeting or hearing, unless conditions prevent such posting, or unless otherwise prescribed by statute.

(3) **Consent for Site Visit and Public Hearing Notice Posting.** By applying for a Plan approval or Permit of this Article, there is consent by the property owner for City staff to visit and walk the site as part of the review of the project, and the property owner consents to the posting of a public hearing notice on the property.

Sec. 29.1501. BUILDING/ZONING PERMIT.

...

(2) **~~Submission~~ Submittal Requirements.**

...

(d) Deletion or Modification of ~~Submission~~ Submittal Requirements.

...

Sec. 29.1502. SITE DEVELOPMENT PLAN REVIEW.

...

(2) **General Requirements for Site Plan Review.**

(b) **Exceptions.** No Site Development Plan shall be required for the development or redevelopment of a single-family dwelling or a two-family dwelling in any Zone, or for a project that meets the following conditions:

(i) The development or redevelopment does not require the ~~provision~~ construction of any additional parking spaces;

...

(c) Number of Copies.

...

(iii) The Planning Director may allow for electronic submittals in lieu of paper copies.

...

(d) ~~Submission~~ Submittal Requirements.

...

(i) **Site Plan.** It is the intent of the City to ensure that site plans be prepared with a high degree of accuracy and insure proper coordination of the site plan development and review responsibilities, which serve to facilitate compliance with the requirements of the city. To accomplish this intent, the applicant shall provide copies of a site plan, drawn to scale on a sheet not to exceed 24" X 36", prepared by a Civil Engineer, a Land Surveyor, a Landscape Architect, or an Architect. The site plan must be certified as "substantially correct" by

a Professional Engineer, Land Surveyor, Landscape Architect, or Architect, licensed by the State of Iowa, showing the ~~following~~ information listed below as of the date of application. The Planning and Housing Director has the discretion to waive submittal requirements of a Site Development Plan, depending upon the scope of the development proposal, the location, and the type of application, such as an amendment to an existing improved site that has no utility work.

...

e. Specific types of uses, size and location of all existing and proposed buildings, additions, structures, and uses of land, at least one sheet with an overall proposed site plan is required;

...

m. When an application pertains to any new permanent detached building or structure (principal or accessory), include existing and proposed contours at 2 foot intervals based on ~~City Datum~~ accepted Datum standard of NAD 83 or NADV 88;

n. When an application is located in a flood-prone area include existing and proposed site grades, contours or elevations, base flood elevation data, top-of-foundation elevations, finished floor elevations, and any proposed watercourse relocation, as required to conform to Chapter 9;

...

q. A landscape plan, showing location of plants, calculations for required landscaping, and a plant list to include: plant species, number of each plant, and plant size; and

r. Soils tests, traffic impact studies, utility capacity analysis, and other similar information if deemed necessary by the Department of Planning and Housing to determine the feasibility of the proposed development and compliance with the Design Standards.

~~s. For Village Residential projects, Suburban Residential projects, or Planned Residence District projects that are to develop in phases, the applicant shall provide a phasing plan indicating areas to be developed in each phase and the time frame for the development of each phase.~~

(Ord. No. 3571, 6-27-00)

(ii) Building Plan

...

d. All exterior wall elevations, indicating floor heights, overall building height, materials and fenestration

...

f. roof plan, including screening details

...

(3) **Procedures for Approval of a Minor Site Development Plan.**

...

(e) Upon receipt of a complete application, the Planning Director shall forward copies to the Development Review Committee for a determination of compliance with applicable provisions of this chapter. The Development Review Committee has up to 30 days to provide a determination on compliance.

(f) Design Standards. When acting upon an application for minor site plan approval, the Planning Director shall rely upon generally accepted site planning criteria and design standards for functional, convenient, and compatible improvements. These criteria and standards are necessary to fulfill the intent and purposes of the Zoning Ordinance, the ~~Land Use Policy Comprehensive Plan,~~ and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

...

(xi) Site coverage, orientation, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

...

(h) The Planning Director may impose such reasonable conditions on an approval as are necessary to ensure compliance with applicable regulations. An application shall be considered automatically withdrawn if the Department receives no response from the project contact within thirty (30) days for requested information or required resubmittal.

Final action by the Planning Director shall be taken within 30 days of the filing of a complete application or within such further time consented to by written notice from the applicant. If the applicant has been notified of necessary corrections for code compliance and a resubmittal of an updated application is necessary, the 30-day final decision period shall not apply. However, after the Planning Director's notification of necessary corrections, an applicant may request, in writing, a final decision be issued within 30 days of the request.

(i) Applicant's Appeal of Conditions. An applicant may appeal any conditional approval or denial to City Council upon written notice to the Planning Director.

...

(4) Major Site Development Plan Review

...

(b) ~~Submission~~ Submittal Requirements.

...

(c) Procedures for Approval of a Major Site Development Plan.

...

(v) Development Review Committee. Upon receipt of a complete application the Planning Director shall forward copies to the Development Review Committee for a determination of compliance with applicable provisions of this Chapter. Upon its review the The Development Review Committee, upon its review and upon receipt of necessary revisions to the plan, must forward the application and its recommendations to the Planning and Zoning Commission.

(vi) Planning and Zoning Commission. Commission review shall not be concluded until consideration is given to comments at a public hearing, which may be scheduled as part of the regularly scheduled meeting. Notification of the public hearing shall be made by mail, publication, and posting in accordance with Sections 29.1500(2)(d)(i), (ii), and (iii) above. Within 30 days of the hearing the Planning and Zoning Commission shall submit the written recommendation to the City Council setting forth the reasons for its recommendation of acceptance, denial or modification of the application.

(vii) City Council Decision. After the transmittal of the recommendation from the Planning and Zoning Commission, the City Council shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, publication, and posting, in accordance with Sections 29.1500(2)(d)(i), (ii), and (iii) above. The City Council must approve, deny or modify the Major Site Development Plan approval application within 60 days of the public hearing.

...

(d) Design Standards. When acting upon an application for a major site plan approval, the City Council shall rely upon generally accepted site planning criteria and design standards for functional, convenient, and compatible improvements. These criteria and standards are necessary to fulfill the intent and purposes of the Zoning Ordinance, the ~~Land Use Policy~~ Comprehensive Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

...

(xi) Site coverage, orientation, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

...

- (6) **Minor Changes.** Minor changes to the approved Major Site Development Plan may occur after staff of the Department of Planning and Housing has determined that the proposed changes are minor in nature, and revised plans have been provided to the Department for purposes of keeping the Major Site Development Plan current. However, the Planning Director may refer any change to the City Council for approval. Minor Changes are defined as changes that: A minor change is defined as a change that satisfies all of the following criteria:
 - (a) Does not constitute a change in the land use of the project;
 - (b) Does not change the overall general layout and design of buildings, open spaces, landscaping, parking, and circulation;
 - (c) Does not change the number of buildings or the number of dwelling types by more than 10%;
 - (d) Does not increase the density of units in the project or the intensity of use as related to parking requirements, i.e., floor area of use and bedroom counts, by more than three parking spaces;
 - (e) Does not allow an increase in the height of a building or grading of the site by more than two feet in total. Any height increase must not allow additional stories;
 - (f) Does not exceed the allowed deviation or exception to zoning standards; and does not remove or reduce the quality of architectural character, design features, or use of high-quality building and roofing materials at the time of initial construction.
 - (a) — Do not constitute a change in the land use of the project; or the overall layout and design;
 - (b) — Do not increase the density or intensity of use, and the number of buildings or a change in dwelling unit types;
 - (c) — Does not change the overall landscape design of the M-SDP project; or Change the height or placement of buildings, or other major site features.

...

Sec. 29.1503. SPECIAL USE PERMIT.

...

- (2) **Submission Submittal Requirements.** In accordance with Section 29.1503, Applicants must submit an Application for a Special Use Permit to the Planning and Housing Department for consideration by the Zoning Board of Adjustment, An application for a Special Use Permit filed in accordance with Section 29.1503, The Application for a Special Use Permit shall be accompanied by:
 - (b) A Site Plan meeting all the submittal requirements stated in Section 29.1502(2), unless no site improvements are required; and
- (3) If a proposed Special Use is within an existing building and improved site, plans for use of the site and building must be submitted in lieu of the Site Plan requirements.
- (3) (4) **Procedure for Special Use Permits.**
 - a. Zoning Board of Adjustment. The Zoning Board of Adjustment shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. The Zoning Board of Adjustment must approve, deny, or modify the Special Use Permit application within 60 days of the public hearing.

(4)(5) Review Criteria.

...

...

- (a) General Standards.
 - i. Be harmonious with and in accordance with the general principles and proposals of the Land

Use Policy Comprehensive Plan of the City;

...

Sec. 29.1504. VARIANCE.

...

(2) **Submittal Requirements.** In accordance with Sec. 29.1500(1)(a), Applicants must submit a Variance Application to the Planning and Zoning Department for consideration by the Zoning Board of Adjustment. ~~An application for a variance, filed in accordance with Section 29.1500(1)(b),~~ The Application for a Variance shall include the following:

...

- b. How the granting of the requested variance relates to the intent and purposes of this Ordinance and the ~~Land Use Policy~~ Comprehensive Plan.

...

(3) **Procedure.**

...

(b) **Public Hearing Required.** Prior to disposition of an application for a variance, the Zoning Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be by mail, posting, and publication, in accordance with Sections 29.1500(2)(d)(i), (ii) and (iii) above. ~~in accordance with Section 29.1500(2)(d)(i) above. Posted notice shall also be provided in accordance with Section 29.1500(2)(d)(iii) above.~~

...

Sec. 29.1505. REQUESTS FOR REASONABLE ACCOMMODATION.

...

(4) **Notice for Request for Accommodation.** Written notice that a Request for Reasonable Accommodation shall be given as follows:

...

- (c) Notice that such a request has been made shall be made by publication and posting, in accordance with Sections 29.1500(2)(d)(ii) and (iii) above.

...

Sec. 29.1506. EXCEPTIONS.

...

(2) **Submittal Requirements.** In accordance with Sec. 29.1500(1)(a), Applicants must submit an application for an Exception to the Planning and Zoning Department for consideration by the Zoning Board of Adjustment. ~~An application for an exception, filed in accordance with Sec. 29.1500(1)(a),~~ The Application for an Exception shall include the following:

...

(3) **Procedure.** Review of an application for an exception shall be considered by the Zoning Board of Adjustment at a public hearing conducted as a part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail, ~~and~~ publication, and posting in accordance with Sec. 29.1500(2)(d)(i), ~~and (ii), and (iii) above.~~ The Zoning Board of Adjustment may approve, deny or modify the request.

...

Sec. 29.1507. ZONING TEXT AND MAP AMENDMENTS

...

(3) **Master Plan Determination.**

...

(b) The City Council may require a Master Plan to be submitted with a rezoning application if it determines that any one of the following conditions is met:

...

- (ii) The area to be rezoned contains designated wetlands; flood plain and floodway

boundaries; areas designated by the Ames ~~Land Use Policy~~ Comprehensive Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.

...

(4) **Master Plan.** When a Master Plan is required, it shall be submitted in compliance with the following:

...

(a) Submittal requirements.

...

(xi) For proposed ~~commercial~~ nonresidential development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site. City Council may choose to accept and approve a Master Plan that does not contain all of the listed requirements.

(b) Number of Copies. Submit seven (7) copies of the Master Plan on a sheet not to exceed 30" x 40", and one (1) reduced copy of the Master Plan no larger than 11" x 17". The Planning Director may allow for electronic submittals in lieu of paper copies.

...

Sec. 29.1509. ANNEXATION INITIATION.

(1) **Petition Requirements.** A property owner may submit a petition for annexation with applicable fees to the Planning and Housing Department on forms prescribed by the Department. The petition shall include:

- (a) Property Owner Identification
- (b) Authorized Signature(s)
- (c) Identification of Parcel IDs and Legal Description
- (d) Annexation Plat depicting real property and rights-of-way
- (e) Description of desired use of the property upon annexation

(2) **City Council Decision.** Upon receipt of complete petition and review by City staff within 30 days of its submittal, it shall be forwarded to the City Council for acceptance and a determination of whether to proceed with the annexation as proposed within the petition. If the City Council requires addition information, studies, or inclusion of additional territory with the petition, the applicant must provide the additional materials prior to commencing with required noticing requirements.

(3) **Notice Procedure.** In addition to notification requirements of the Iowa Code, if a petition for annexation includes additional non-consenting territory as permitted by the "80/20" rule, the annexation must be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission must provide City Council a recommendation regarding consistency of the proposed annexation with the Comprehensive Plan. The Commission must make its recommendation within 30 days of holding the initial Planning and Zoning Commission meeting for the annexation petition. City Council shall not hold a hearing for approval of the proposed annexation prior to receiving the recommendation from the Planning and Zoning Commission.

A voluntary annexation petition where 100% of the property owners consent to the annexation does not require a recommendation of the Planning and Zoning Commission."

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor