

ITEM #: 31  
DATE: 11-12-24  
DEPT: P&H

**COUNCIL ACTION FORM**

**SUBJECT:      **MODIFY PUBLIC HEARING REQUIREMENTS FOR PLAN APPROVALS  
UNDER THE ZONING ORDINANCE****

**BACKGROUND:**

In 2022, the City updated its notification requirements for various Planning applications. At that time, a requirement was added for newspaper publication of notices for certain applications, such as Major Site Development Plans, where our City code mandated public hearings. Iowa Code section 362.3 requires notice by publication when a "public hearing" is required by the city code.

Upon further consideration of this requirement, staff believes it is not necessary to categorize all approvals as public hearings, and, therefore, publication in a newspaper is not necessary in these instances. Additionally, Planning and Zoning Commission items are only recommendations are not "approvals". As such, they do not need to be classified as public hearings unless required by Iowa Code. **The proposed changes will no longer require the City to publish a hearing notice for Comprehensive Plan Amendment recommendations and Site Development Plan reviews of the P&Z and the City Council, since they are not required by state law.**

**Instead of the newspaper publication requirement, the notification process will include a mailed notice to property owners within 200 feet of the site for Comprehensive Plan Amendments and Site Development Plans as well as a posted notice on the site for Site Development Plans.**

**It should be noted that the City's Resident Satisfaction Survey indicates that residents increasingly prefer other methods of communication than newspapers to learn about City projects. The proposed notification process aligns with other cities in Iowa that do not notice or provide a limited courtesy notice, other than what is required by state law.**

**ALTERNATIVES:**

1. Direct staff to prepare a text amendment to remove public hearing requirements for application approvals that do not require public hearings under the Code of Iowa.
2. Decline to proceed with changes to the notification requirements.

**CITY MANAGER'S RECOMMENDED ACTION:**

**Eliminating the publication of newspaper notices for actions where the Code of Iowa does not require such publication will result in a cost savings for the City. Staff does not believe the elimination of newspaper notifications in instances where the law does not require them will adversely affect the public's ability to learn about projects and participate in decision-making. The proposed direct mailed and posted notification to adjacent affected parties will provide the best notification for individual sites. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.**