

ITEM #: 20
DATE: 01-28-25
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT MODIFYING PUBLIC HEARING NOTIFICATION REQUIREMENTS BY AMENDING CHAPTER 20 AND 29 OF MUNICIPAL CODE

BACKGROUND:

On November 12, 2024, City Council initiated amending local notification requirements related to newspaper publication for actions that did not otherwise require such notice under state law. Updates to the Zoning Ordinance in 2022 had created additional notification requirements that had not previously been required. **Other forms of more effective notification, such as mailing and sign posting on a site, would still apply.** There are costs savings from removing the newspaper publication requirement.

The draft ordinance (attached) addresses notification related to Planning and Zoning Commission items which are advisory only and to the City Council approval of Major Site Development Plans. **The proposed changes eliminate published notice requirements and will allow for courtesy notices for both Planning and Zoning items and City Council review of Major Site Development Plans.**

Per advice from the City Attorney's office, the notification requirements within Chapter 29 include: 1) mandatory notices specified by project type, and 2) courtesy notices provided by staff, but not specified by project type. New language defining courtesy notices is part of the proposed amendment. Courtesy notice is the type of notice provided for Major Site Development Plans, which typically includes mailed notice to property owners within 200 feet and posting of a sign.

The proposed amendment also includes clarifying language by separating statutory notice requirements and the City's additional local requirements for zoning map amendments. Statutory requirements of publication apply to City Council initiated rezonings, while an applicant-initiated map amendment includes not only publication, but also mailed and posted sign notification. The proposed language is not a change to the actual practice or standards applicable to map amendments currently.

ALTERNATIVES:

1. Approve first reading of an ordinance amending the notification requirements.
2. Direct staff to modify the proposed changes to notification requirements.
3. Decline to approve the proposed amendments.

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 and more efficient processing by staff.

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 process returns notification requirements in essence to how they were prior to 2022. The use of courtesy notices (mailed and sign posting notification) will provide the best notification for individual sites compared to general newspaper publication. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, as described above.

ATTACHMENT(S):

[DRAFT Ordinance for Modifying Certain Notice Requirements.pdf](#)