

**165.90: Initiation of Amendments to the Zoning District Map**

1. **Authority:** The City Council may, from time to time, in the manner hereinafter set forth, amend The Zoning District Map.
2. **Purpose:** The amendment process herein established is intended to provide a means for changing the Zoning Classification of specific parcels of property.
3. **Initiation of amendment:** An amendment to the Zoning District Map may be initiated by a motion of the City Council or the Planning and Zoning Commission, or by the filing of an application by the owners of the property which is the subject of the proposal. Such motion or application shall be directed to the City Clerk, and contain the materials specified by Section 165.91.
4. **Amendment Initiated by City Council or Planning and Zoning Commission:** When an amendment to the Zoning District Map is initiated by a motion of the City Council or the Planning and Zoning Commission, certain of the requirements contained in this section and Section 165.91 may be waived, including but not limited to: written petition, location map, site development plan, posting of notification signs, and payment of application fee. The initiating body shall, however, utilize alternative means which are determined by the City Council to provide sufficient information and notice to the public. The procedure provided for in Section 165.90:5 shall in all instances be followed.
5. **Legal Notice and Adjacent Property Owner Notification:**
  - A. Not less than (7) nor more than twenty (20) days before the date of the public hearing to be held by the City Council to consider the amendment, notice of the time and place of such hearing shall be published in a newspaper printed and published at least once weekly and having general circulation in the City of Hiawatha, Iowa.
  - B. Not less than seven (7) nor more than twenty (20) days before the date of the public hearing to be held by the City Council to consider the amendment, notice of the time and place of such hearing shall be sent to the owners of any real property which is located within the City of Hiawatha and is either a part of the area which would be directly affected by the proposed amendment or located within five hundred (500) feet of any part of the area which would be directly affected by the proposed amendment. Owners of property which is a part of the area which would be directly affected by the proposed amendment or located within two hundred (200) feet of any part of the area which would be directly affected by the proposed amendment shall be notified by certified mail, and owners of other property located within five hundred (500) feet of any part of the area which would be directly affected by the proposed amendment shall be by regular mail.
  - C. If the amendment is initiated by a property owner, it shall be the responsibility of the property owner to obtain a listing of the parties to whom notice must be provided by regular or certified mail from the Linn County Auditor, and to reimburse the City for the costs of mailing the required notices. Such notices shall be mailed to the address shown by the records of the county auditor provided, however, that if the property is shown to be in the name of more than one owner, a single notice shall be mailed to all owners at the address of record.
  - D. Failure of actual notice to any party, whether sent by regular or certified mail, shall not invalidate the proceedings or require the denial of the proposed amendment.
  - E. Notwithstanding the above, if the proposed amendment would directly affect a more than ten (10) parcels of property, only published notice shall be required.

6. **Notification signs:**

- A. **Signs Required:** The City Clerk shall provide each applicant for an amendment to the District Zoning Map with at least two rezoning notification signs containing the time, date and place of the Planning and Zoning Commission meeting at which the proposed amendment shall be considered. Said signs shall be clearly posted by the applicant on the property which is the subject of the rezoning request. On large parcels, additional signs may be required to be posted. At least one sign must be placed so that it may be seen from a street, and in cases of through lots and/or corner lots, a sign shall be posted on both frontages. When a property is on the interior of a block or tract of land, additional signs may be required to be posted adjacent to and facing the surrounding properties. For each sign provided, the applicant shall pay a fee in an amount established from time to time by the City Council by resolution.
- B. **Posting of notification signs:** Notification signs shall be posted at least 19 days before the meeting of the Planning and Zoning Commission at which the proposed amendment shall be considered. It shall be the applicant's responsibility to assure that the signs remain posted until the date of the meeting. If the signs are not posted in accordance with these requirements, the Planning and Zoning Commission may delay consideration of the proposed amendment. The signs shall be removed by the applicant no later than five days after final consideration of the proposed amendment by the City Council or withdrawal of the proposed amendment by the applicant.
- C. **Action at Other Than Specified Times:** If the Planning and Zoning Commission is to consider the proposed amendment at any time other than that specified on the notification signs, the applicant may be required to obtain and post signs with the new dates.

**165.91: Contents of Application for Amendment to the Zoning District Map:** An application for an amendment to the Zoning District Map shall be in the form of a petition. Except for applications to reclassify property as A, R-1 or R-3, the petition shall contain each of the following items, unless waived by the City Clerk based on the nature of the request.

1. **Written Material:**

- A. Zoning classification requested and existing zoning.
- B. Complete legal description of property.
- C. Street address if applicable.
- D. Statement describing the relationship of the request to the Land Use Plan and other elements of the Comprehensive Plan.
- E. Compatibility of the requested district to the adjoining neighborhood.
- F. Suitability of the property to uses permitted in the district requested.
- G. Adequacy of street facilities, utilities and other facilities in the area and the effect proposed development will have on them.
- H. Property owner's signature.
- I. Other information deemed necessary by the City.

2. **Location Map:** The location map shall be at a scale of one (1) inch equals three hundred (300) feet or larger, have a north arrow, and shall include the following information:
  - A. Existing platted lot lines and streets.
  - B. Existing zoning of all property within 600 feet of the boundaries of the property submitted for reclassification.
  - C. Identification of the area to be reclassified.
  - D. The names and contact information for the property owner, petitioner and the petitioner's agent.
  - E. Reclassification request.
  - F. General geographic location of the request.
  - G. Legal description of the property.
  - H. Other information deemed necessary by the City.
3. **Site Development Plan:**
  - A. Scale of 1 inch equals 20 feet or larger.
  - B. Prepared by an engineer, landscape architect, urban planner, architect or similar professional.
  - C. Existing site contours at maximum five-foot intervals.
  - D. Water courses and floodplains.
  - E. Unique natural features.
  - F. All trees five inches or more in diameter measured four feet above natural ground line and/or general wooded areas.
  - G. Required minimum linear yard dimensions of the requested district.
  - H. Provide linear yard dimensions, if different from required district.
  - I. Parking spaces, drives, radius or curvature of ingress and egress drives, circulation patterns of traffic, access to public or private streets.
  - J. Location of all structures.
  - K. Physical characteristics pertinent to the development.
  - L. Soil erosion control plan.
  - M. Total lot area to be reclassified and exterior lot dimensions.
  - N. Square footage and percentage of the lot covered by existing and proposed structure(s) and hard surfacing.

- O. Area of required yards and open space.
- P. Number of parking spaces required and number provided.
- Q. Owner's name requesting reclassification, location of the property, petitioner's name, address and phone number.
- R. All dimensions necessary to assure that the proposed development is in accord with the requirements of this Code.
- S. Other information as deemed necessary by the City.

**165.92: Policies Relating to the Reclassification of Property:** The City of Hiawatha has established policies which apply whenever an applicant proposes to reclassify property, and the reclassification would result in a significant change in use or a higher intensity of use from the current zoning. Figure III (next page) lists the type of rezoning requests to which these policies apply. The reclassification policies are intended to obtain development which, in addition to being in conformance with the Comprehensive Plan is compatible with existing development in the vicinity and the natural features of the site (Where these policies conflict with the policies contained in the Comprehensive Plan shall be given precedence.) These reclassification policies shall be applied by the City Council, Planning and Zoning Commission and the City in reviewing and acting upon rezoning applications.

1. **Zoning Density:** In determining densities for a particular property, the City Council will take into account both the property's physical characteristics and the location of the property relative to available services and facilities such as roads, water, sewer, utility services, fire protection, the degree and intensity of development in the vicinity, the surrounding neighborhood character and the Comprehensive Plan policies regarding land use applicable to the property.
2. **Consideration of Development Constraints:** It is the City Council's intent to obtain the best possible harmony between the physical characteristics of a site and the type and intensity of development proposed for the site. Land having development constraints shall be avoided or used for lower intensity development unless constraints are mitigated to the satisfaction of the City Council. Suggested and required mitigation measures are listed in Figure IV.
  - A. Identification of Development Constraints: An applicant requesting a rezoning shall provide maps depicting any of the following areas applicable to the property contained in the rezoning application. The applicant shall provide an estimate of acreage contained in each of these areas, and outside of the areas below listed. Areas having these characteristics shall be considered subject to development constraints. Figure IV contains explanation of the City's concerns about these areas.
    - (1) Slopes of greater than 25%
    - (2) Areas subject to geologic hazards including unstable slopes or soils, and ground subsidence.
    - (3) Any regulatory floodway or flood fringe areas as depicted on the City's floodplain overlay district maps.
    - (4) Wetlands as defined in Section 165.96.185 of these regulations.
    - (5) Adjacent less intense land uses.
  - B. Treatment of Development Constraints:

- (1) Applicants proposing a rezoning which is subject to this Section shall show the type of terrain and development constraints on the property have been considered in requesting a particular density.
  - (2) The applicant may propose mitigation measures in areas subject to development constraints which would reduce hazards or make development more compatible with physical conditions on the property and adjacent development. Figure IV contains a list of suggested mitigation measures for the different types of development constraints. This list is not all-inclusive. An applicant may propose other methods of mitigation. Proposed mitigation measures shall be included in the applicant's rezoning submittal.
3. **Preservation of Natural Features:** To the maximum extent possible, the arrangement of land uses shall preserve or compliment the natural features of the site. Whenever feasible, development shall be arranged to obtain this result.
4. **Site Considerations:** A rezoning proposal shall allow for the required parking, landscaping, open space and other accessory uses necessary for the proper functioning of the development to be accommodated on the property for which rezoning is requested.
5. **Reasonable Restrictions on Rezonings:** Reasonable restrictions may be placed on the property to be rezoned at the time of rezoning to protect or relieve adjacent property from any additional requirements that might apply as a result of the rezoning. Reasonable restrictions include requiring the owner of any property that is rezoned to be responsible for the establishment and installation of transition yards and/or buffer areas that are required by the zoning regulations as a result of the requested rezoning.