

To: Planning and Zoning Commissioners
From: Andy Kass, AICP – Community Development Director
Date: December 9, 2022
Re: Proposed Amendment to Chapter 166 – Zoning Ordinance
Attach: Proposed Ordinance

BACKGROUND

Chapter 166 of the Waukeee Municipal Code governs the administration and enforcement of the Zoning Ordinance. Within Chapter 166, subsection 166.20 contains the provisions for the initiation of a rezoning amendment to the Official Zoning Map of the City of Waukeee. The current ordinance requires that a rezoning petition be accompanied by 50% consent from property owners within 310-feet of the exterior boundaries of the property proposed to be rezoned. The purpose of the consent is to initiate the amendment process. Consent from adjoining landowners is not required by Iowa state law.

PROPOSED ORDINANCE

The proposed Ordinance would remove the requirement for 50% consent from property owners within 310-feet of the exterior boundaries of the property proposed to be rezoned.

The consent process can be challenging for applicants because they are unable to secure the required consent for reasons such as, owners choose to remain neutral, choose not to consent, or adjoining owners do not respond to the request for consent. The requirement for consent to the rezoning can also be confusing to adjoining property owners as well. If an adjoining owner consents or does not consent, they may believe that the petition has been approved or denied simply by them consenting or not consenting. Another challenge of the consent requirement is if the property proposed to be rezoned adjoins property that is owned by a governmental entity (city, school district, county, etc.) or property not located within the corporate limits of the City of Waukeee, those property owners are not eligible to consent to the request.

When situations like the above described occur, the applicant must request the City Council to set the hearing date to initiate the rezoning process.

Staff surveyed seven (7) communities within the central Iowa region and received mixed responses on the consent requirement. Currently, five (5) of the communities that responded require consent from adjoining landowners, but two (2) of those communities are considering removing that requirement. Two (2) communities do not require consent at all.

Removal of the consent requirement will not change the notification process (mailings, signs, newspaper) to adjoining landowners. Adjoining landowners will still be afforded the opportunity to submit comments, attend hearings, and submit petitions regarding rezoning requests.

There are two (2) other minor modifications proposed to subsection 166.20 that are for clarification and correction to be consistent with notification limits.

STAFF RECOMMENDATION

Staff would request your consideration for the proposed ordinance.