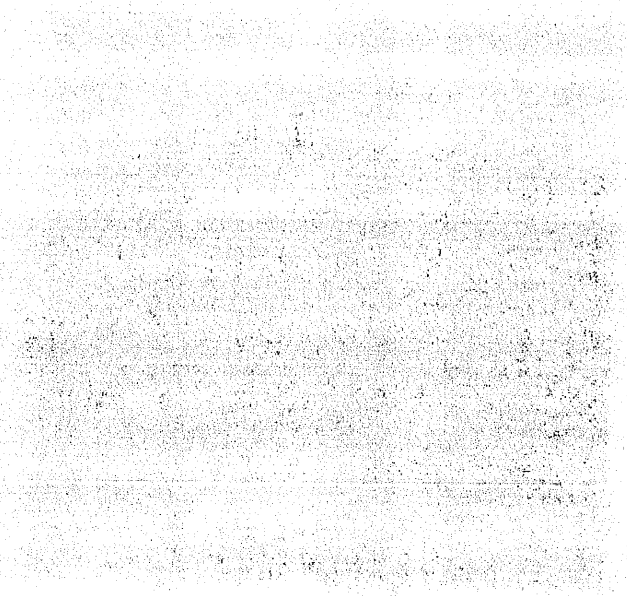
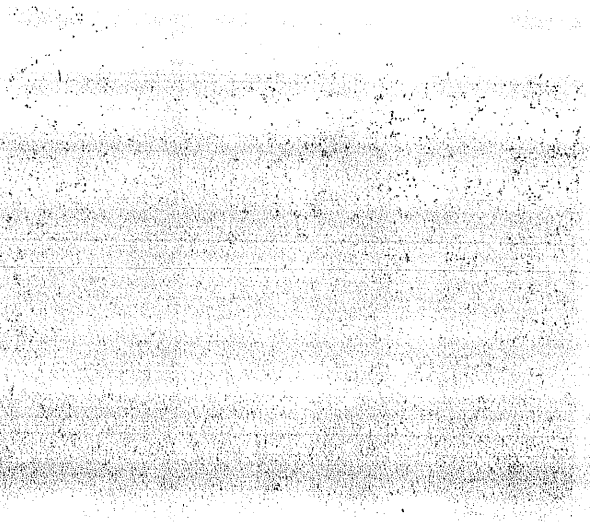
# ADMINISTRATION





# IMPLEMENTATION AND ADMINISTRATION OF THE PLAN

## CONTINUING THE PLANNING PROCESS

### Introduction

The Comprehensive Plan contains the current plans and recommendations of the Planning and Zoning Commission and is the beginning of a continuous process in the growth, development and improvement of the community. As the community grows and changes, the Comprehensive Plan must also grow and change. As developments occur and as new information becomes available, it will be necessary to make revisions to the plan and also study certain aspects in greater detail.

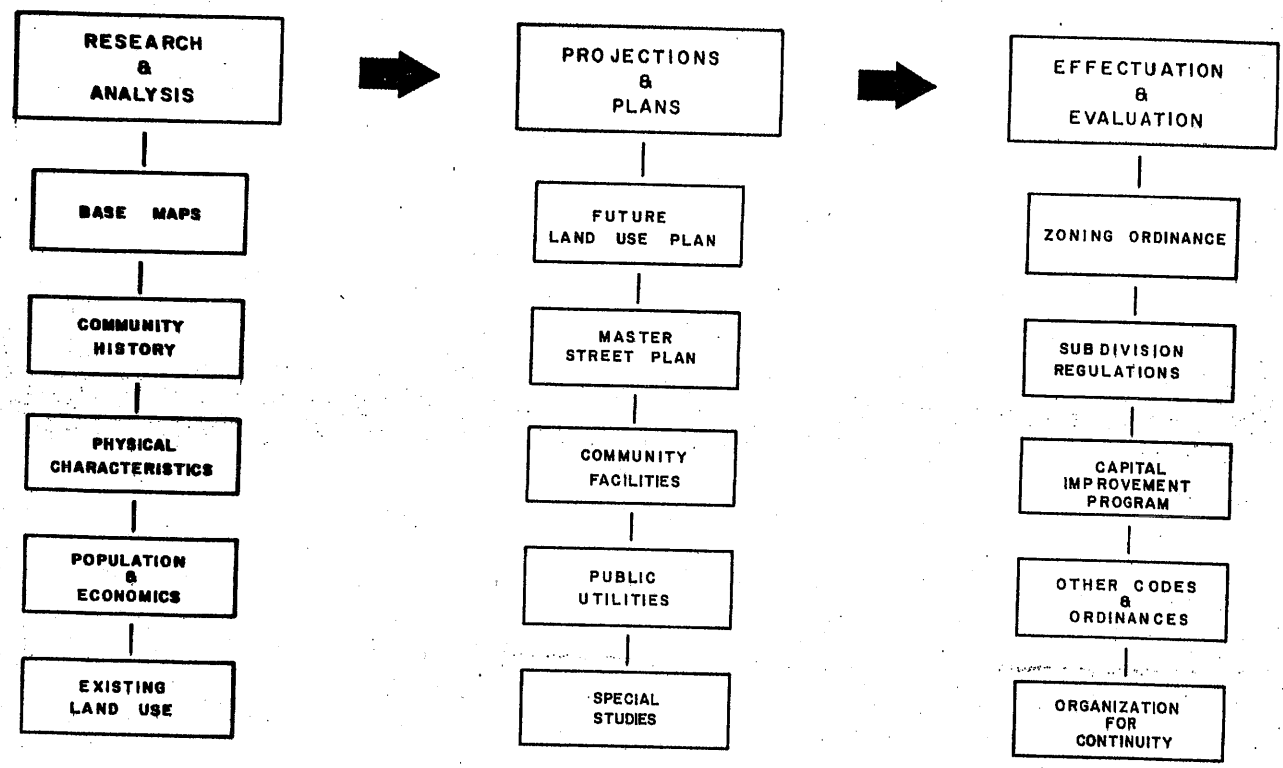
To be effective, the plan must have the support of a vigorous and active organization that will constantly keep the plan in the forefront of municipal activity and make changes and adjustments as they become necessary. That organization is the Planning and Zoning Commission. The Planning and Zoning Commission should continue to meet regularly and hold joint meetings with the Council in order that an exchange of views and a better understanding of problems facing each group might be had. The Council should utilize the Commission as an advisory body on every matter affecting the physical development and improvement of the community in order to assure the greatest long-range benefit to the people of the community from improvements it will be undertaking now and in the future.

The Planning and Zoning Commission should annually review the Comprehensive Plan and the accomplishments of the community during the year and determine its program of action for the coming year. An annual report should be made to the Council and the citizens of the community detailing the activities, achievements, goals and objectives of the Commission and soliciting support and suggestions for advancing the planning and development of the community. Periodic community development meetings of all agencies and officials concerned with the community's present and future are an effective way of calling attention to the continuing needs for active planning and also serve to keep everyone posted on activities of mutual concern.

# THE COMPREHENSIVE COMMUNITY PLAN

The Comprehensive Community Plan represents the current policies of the Planning Commission and provides the framework for promoting orderly community development.

The plan is based on an analysis of various aspects which have affected community growth and development in the past and will continue to do so in the future. From this analysis, the plans and projections have been formulated reflecting the community's present and future needs. After the plans have been prepared and the community's goals established, they must be put into effect. The zoning ordinance, subdivision regulations and capital improvements program are the primary implementation measures used to effectuate the plan. The relationship of each of the many aspects taken into account in the planning program is shown in the illustration below.




BASIC ELEMENTS OF A COMPREHENSIVE PLAN

It is essential that the Regional Commission be kept advised of the status of any planning projects the community might be considering as well as any changes in local ordinances or procedures in handling planning matters.

The Regional Planning Commission serves as a coordinating agency and is in a position to advise member agencies of current legislative developments, planning techniques and other aspects of area development which may be of concern to individual communities or specific areas within the region.

Furthermore the Regional Commission is in an excellent position to assist individual areas or communities with specific problems - problems which might have occured in other areas of the region or problems which cannot be solved locally, but must be viewed in a broader aspect.

A high level of coordination of planning implementation and administration can be maintained in the administrative process through the joint use of a single administrative agency. Such an officer would be responsible for the administrative functions of all participating members of the regional commission. Not only would this eliminate the need for a number of part time personnel, but would permit participating agencies to jointly employ a highly qualified full time administrator who would be of considerable benefit in helping solve individual community problems.

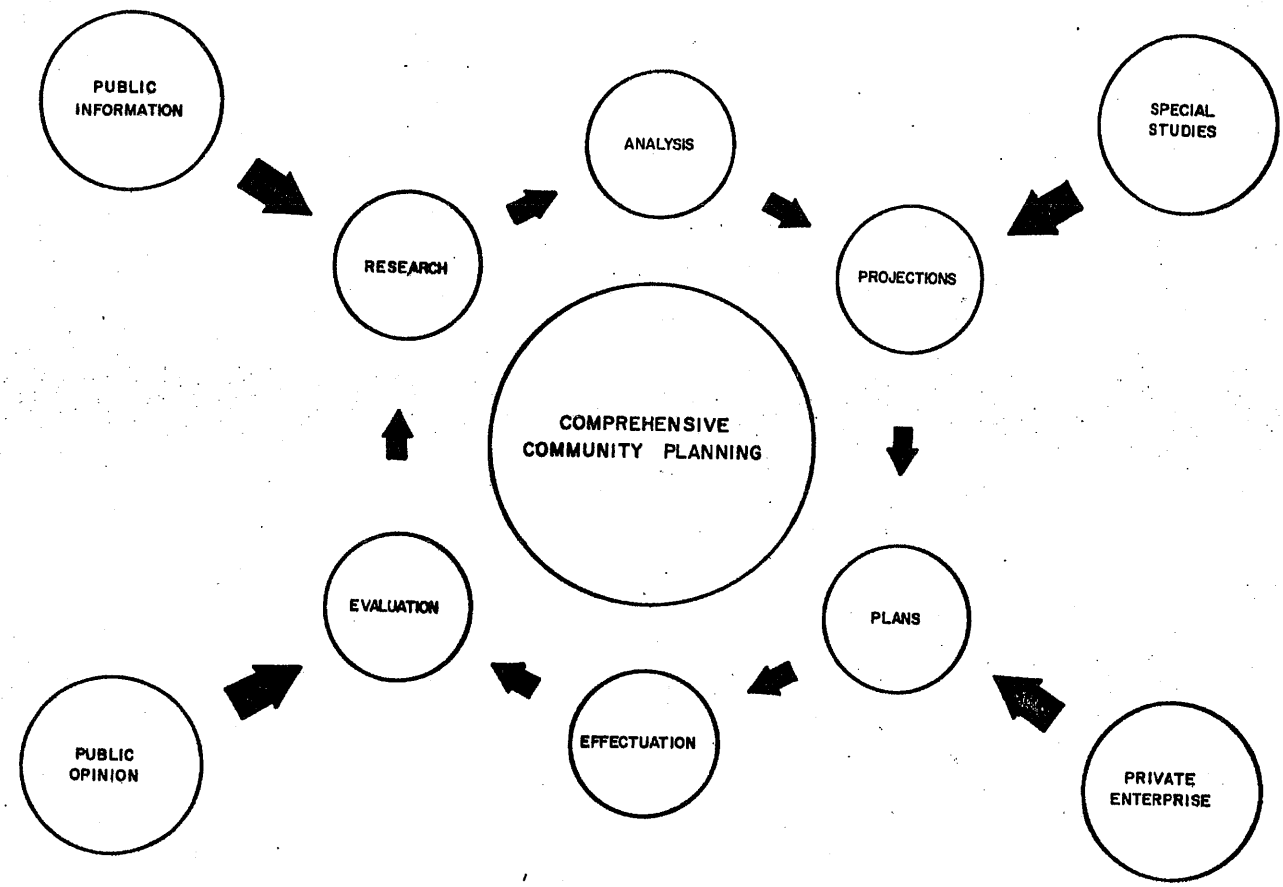
Finally the Planning Commission and Council may find it desirable to arrange for the services of planning consultants on an on-call basis to assist in solving problems and advising communities on various planning matters which cannot be resolved by the Administrative Officer.

Various aspects of the Comprehensive Plan are discussed on the following pages, together with recommendations for implementing and administering the plan. Since the preparation of the comprehensive plan, the Planning Commission has adopted the plan and the zoning and subdivision ordinances and recommended them to the council for its approval and adoption.

## PLANNING A CONTINUOUS PROCESS

The preparation of the Comprehensive Plan does not mark the end of the planning process but is instead the initial step taken to define the goals and objectives of the community and to provide the tools with which to achieve those objectives.

Planning is a continuous process of research, analysis, projection and evaluation and does not end with the preparation of the comprehensive plan but must be continued as a part of the day-to-day activities of the community. The community should seek to continually refine the plan until each general plan and recommendation evolves through preliminary studies, to working drawings and ultimately to reality. The diagram below illustrates the relationship of each of the various aspects of community planning with the continuing planning process.




PLANNING IS A CONTINUOUS PROCESS

## ADOPTION OF THE PLAN

After all preliminary reports have been prepared and reviewed by the Planning Commission, the first step toward the adoption of the plan is to hold the public hearings as required by state statute. The procedure for adoption the Comprehensive Plan, the Zoning Ordinance and Subdivision Ordinance is outlined on the following pages.

1. The Commission must schedule hearings on (1) the Comprehensive Plan, and (2) the Zoning Ordinance and map and (3) should hold a hearing on the Subdivision Regulation Ordinance. (See Sections 373.18-19 and 414.6 of the Code of Iowa.) Although a hearing is not required on the subdivision regulation ordinance, it is generally advisable to do so. A hearing notice of at least 15 days must be given in a newspaper of general circulation in the community (618.3 Code of Iowa).

2. Copies of the Comprehensive Plan, the Zoning Ordinance and map, and the Subdivision Regulation Ordinance must be placed on file with the Clerk where they will be available for inspection by the public. Although not required, it is advisable to place additional copies at other locations where they will be accessible to the public.

3. The three hearings are usually scheduled for the same evening and held successively. An accurate account of the proceedings of the hearings including comments in support of or opposed to any part of the planning program or proposed ordinances should be recorded.

4. Following the hearings, and usually at a subsequent meeting, the Planning Commission determines if further changes should be made to the Comprehensive Plan and proposed ordinances before recommending them to the Council for approval.

5. The Planning Commission then passes three resolutions, one each for the Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulation Ordinance, 1) adopting them and 2) recommending same to the Council for its approval and adoption. (This has been done. Therefore the hearing notice forms and resolution of adoption used have been omitted from this section.) Adoption of the Comprehensive Plan by the Commission requires approval of two-thirds of the Commission members.

6. The Council, although not compelled to adopt either of the ordinances, or plans should schedule and hold public hearings on them.

7. Prior to adoption, the Council is required to hold a public hearing on only the proposed Zoning Ordinance; however, it is desirable to hold hearings on the proposed Subdivision Ordinance and Comprehensive Plan as well. A hearing notice of at least 15 days must be given (Section 414.4).

8. Following the hearings the Council should:

   a. Adopt the Comprehensive Plan (by resolution), recognizing it as the Official Community Plan and placing it on file as such.

   b. Adopt the Zoning Ordinance and Subdivision Regulations by ordinance. In the process of adopting the ordinances, the Council is required to read each ordinance in full on three different days (366.3 Code of Iowa). This requirement may be dispensed with by three fourths of the Council (366.4 Code of Iowa).

   c. The ordinances require a majority vote to pass and must be signed by the Mayor (366.4-6 Code of Iowa).

   d. After the required readings and passage by the Council, the entire Zoning Ordinance (including the map) and the Subdivision Ordinance must be published once in a newspaper published in the city or town before becoming effective. In a city or town in which no newspaper is published, this publication can be made by posting the ordinances in three public places within the town (366.7, 618.14 Code of Iowa).

9. Upon adoption of the Zoning Ordinance, the Mayor and Council must designate a Zoning Administrative Officer and a five-member Zoning Board of Adjustment. They should not be members of any other committee or the Council.

10. After their adoption, copies of the Comprehensive Plan and the Zoning and Subdivision Ordinances should be sent to the Regional Planning and Zoning Commission along with the names of persons to contact regarding them. The Clerk should also certify a copy of the ordinances to the County Recorder.

# IMPLEMENTATION

There are three basic implementation measures provided in the Comprehensive Plan. They are (1) the capital improvements program, (2) the subdivision regulations and (3) the zoning ordinance. A fourth, although not included as a part of this planning program deals with building, electrical, plumbing, housing and related codes and should each be carefully considered by the community. Various matters regarding the implementation of the plan are discussed below.

## Capital Improvements Program

The capital improvements program is the primary means of implementing the community facilities plan. The program is intended to serve as a guide for the Council, the School Board, Planning Commission and private enterprise in making decisions regarding capital expenditures. In order for the capital improvements program to be of use from year to year it must be kept current. Therefore, each year the program should be reviewed and updated. This task is generally assigned to the Planning Commission since it is the agency responsible for planning the future growth and development of the community and is well aware of the physical improvements needed.

The annual review of the capital improvements program should ideally take place in May or June so the Council will have sufficient time to study the recommended program before preparing the annual budget which is generally done during the months of June and July.

By keeping the capital improvements program up-to-date, the community will have an ever-current list of planned improvements and will be in the best possible position to make wise decisions regarding capital outlays. Joint review by the Regional Planning Commission can also be of benefit particularly where improvements are proposed by other agencies which will affect the area.

## Subdivision Regulations

The subdivision regulations are a valuable means of encouraging orderly development since they deal primarily with undeveloped land. The subdivision ordinance, however, must be adopted and enforced before it will be of benefit to the community. After its adoption, the Planning Commission and Council will continue their roles in the administration of the subdivision ordinance, in the review and approval of subdivision plats and helping to coordinate new development with the master street plan and future land use plan. The Regional Planning Commission should also review proposed plats of rural subdivisions to insure continuity of design, regional transportation routes and the overall land use plan.

## Codes and Ordinances

Additional means of carrying out the objectives of the comprehensive plan are made available through the adoption and enforcement of housing, building, plumbing, electrical and other related codes. The zoning and subdivision ordinances do not take the place of the building and related codes; but all share a common goal of maintaining property values and creating a better environment in which to live. One of the easiest and most economical ways of maintaining property values and extending the useful life of structures is to insure they are constructed to certain minimum basic standards.

Although some of the benefits are of an immediate nature, many will not be realized for a number of years. The adoption and enforcement of such codes 25 years ago or earlier would have done much to relieve many of the problems confronting the community today.

The administration and enforcement of building codes in smaller communities are difficult because of the lack of personnel experienced in the various building trades that are available to serve as the Administrative Officer.

## Zoning Ordinance

The zoning ordinance is the principal means of implementing the future land use plan and is the most beneficial of all planning implementation measures the community can adopt. The responsibility of administering the zoning ordinance will involve a number of persons both elected and appointed. The Council, Planning and Zoning Commission, the Administrative Officer, the City Attorney, and the Board of Adjustment are all concerned with the administration of the zoning ordinance.

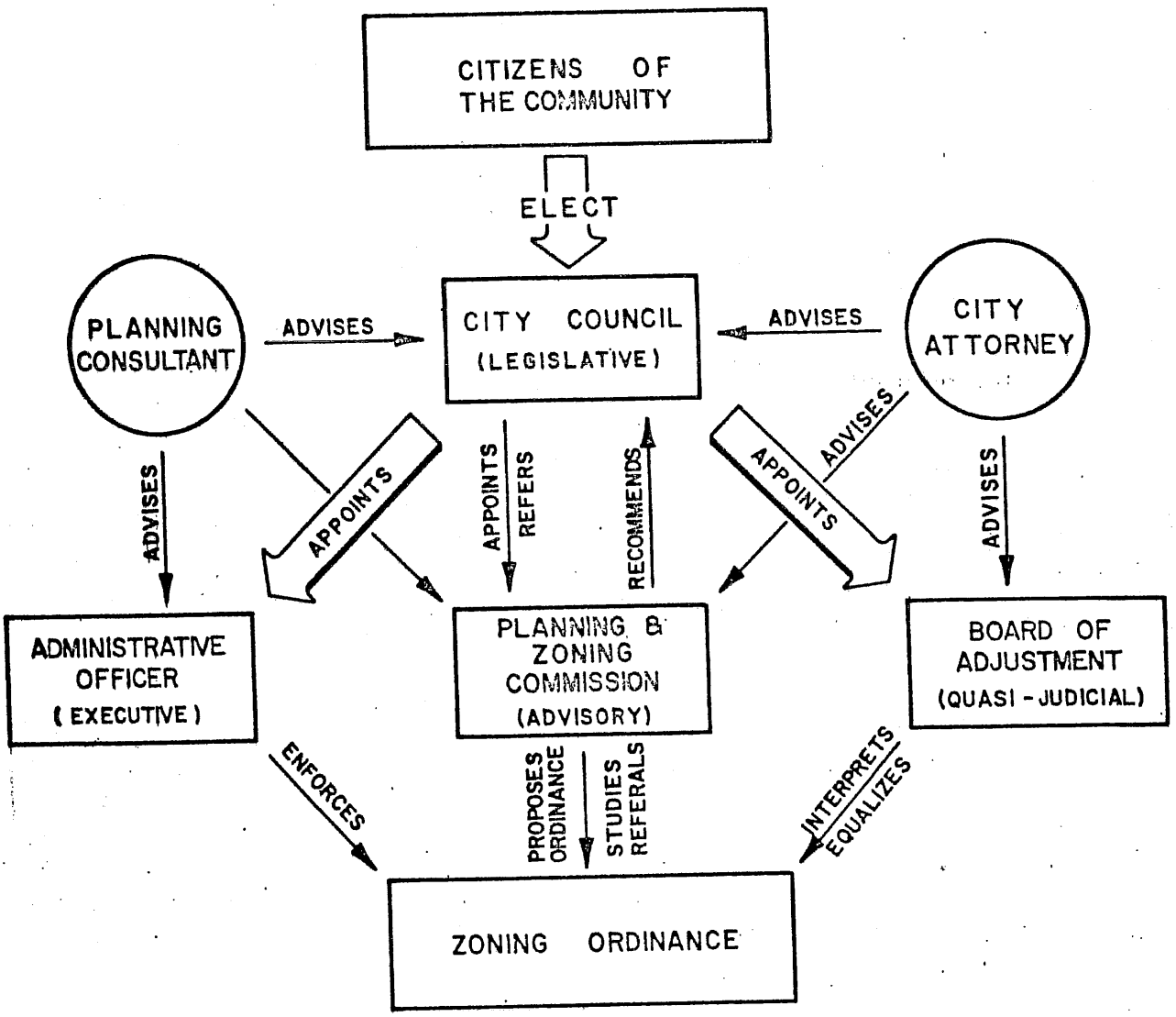
The entire administrative function is actually a model of the democratic process utilizing legislative, administrative, judicial and advisory groups.

After the adoption of the ordinance, it should be periodically reviewed in order that it be kept in harmony with the future land use plan. A major change in the land use plan or a large number of requests for zoning changes would warrant a review of the ordinance and the development that has taken place.

The specific powers and duties of the various agencies and individuals connected with the administration of the zoning ordinance are listed on the following pages.

# ADMINISTRATION

Administration of the Comprehensive Plan, the Subdivision Regulations and the Zoning Ordinance rests with a number of individuals and agencies. A clear understanding of the proper relationship of each area of responsibility is essential if the plan and ordinances are to be effective tools for orderly growth and development. The diagram below illustrates the relationship of the various agencies responsible for administering the Zoning Ordinance. Their specific powers and duties are discussed on the following pages.



THE MAYOR AND COUNCIL as the legislative body appoint the Planning and Zoning Commission, Administrative Officer and Board of Adjustment, but have interaction only with the Planning and Zoning Commission.

The Council must obtain a recommendation from the Planning and Zoning Commission on all legislative matters relative to the ordinance before it takes action. Once it has received a recommendation from the Planning and Zoning Commission, the Council may accept or reject it.

The only appeal from a legislative act of the Council is to the courts. The Council has no authority to pass on any decision or act of the Administrative Officer or the Board of Adjustment.

Here is a list of specific powers and duties of the Council relative to the zoning ordinance:

1. Appoints the Planning and Zoning Commission. (414.6, Code of Iowa.)

2. Adopts the ordinance. (414.6, Code of Iowa)

3. Appoints the Administrative Officer. (Section 2.1, of the zoning ordinance)

4. Appoints Board of Adjustment. (414.7, Code of Iowa and Section 2.11 of the zoning ordinance)

5. Institutes action to prevent, correct or abate violations. (Section 2.6 of the zoning ordinance)

6. Amends the text, district regulations, or official zoning map (Section 3.2 of the zoning ordinance) after referral to and recommendation from the Planning and Zoning Commission.

THE PLANNING AND ZONING COMMISSION is the advisory body to the Council and is responsible for the initial preparation of the proposed ordinance. Thereafter, it makes recommendations on all matters relative to the ordinance on which the Council must act. In arriving at its recommendations, the commission may seek advice and information from the Administrative Officer, legal counsel, professional zoning consultants or other sources which may be available.

The commission has no authority to act on any decision of the Administrative Officer or Board of Adjustment, though it may exercise the same right of appeal (414.10 and 414.15, Code of Iowa) to the Board of Adjustment or the courts as any other person.

The duties of the Planning and Zoning Commission may be enumerated as follows:

1. Prepare the zoning ordinance. (414.6, Code of Iowa)

2. Hold hearings on the proposed ordinance. (414.6, Code of Iowa)

3. Recommend ordinance to Council. (414.6, Code of Iowa)

4. Keep records of all proceedings of the Commission.

5. Recommend the proper district for proposed uses not covered in the ordinance. (Section 1.7(6) of the zoning ordinance)

6. Recommend district classification for new annexations. (Section 1.8(6) of the zoning ordinance)

7. Make recommendations on amendments to the text, district regulations, and Official Zoning Map. (Section 3.2 of the zoning ordinance)

THE REGIONAL PLANNING COMMISSION serves as a coordinating agency for planning matters affecting each individual community as well as the entire region. Its purpose is to make studies and plans for the area it serves in order to guide the unified development of the area and to eliminate planning duplication as well as promote economy and efficiency in the coordinated development of the area.

Specifically, the duties of the Regional Planning Commission are:

1. To prepare comprehensive studies and plans including subdivision and zoning ordinances for the area it serves. (110.4 Code of Iowa)

2. To assist governing bodies and other public authorities and agencies in carrying out the regional plan and in the preparation or effectuation of local plans. (110.4 - 110.6 Code of Iowa)

3. A governing body may authorize the Regional Commission to assume the duties and function of local planning agencies in whole or in part. In Clayton County those communities which are preparing comprehensive plans as a part of the regional plan have delegated these duties and functions to the Regional agency. In this case the Regional Commission makes its recommendations directly to the individual town councils. (110.7 Code of Iowa)

4. To be responsible for maintaining continuity in the planning program and keeping member agencies informed of legislative matters and current planning proposals.

5. Serves as the coordinating agency (and clearing house) for state and federal programs and reviews various plans and proposals in order to insure their consistency with the regional plan.

THE ADMINISTRATIVE OFFICER is the executive branch of the zoning process. He enforces the ordinance by checking proposed construction or uses for compliance and by taking appropriate action against those who violate the ordinance. Any person proposing construction, reconstruction, alteration, use or any change of use should first contact the Administrative Officer to determine the application of the ordinance to his proposal.

The Administrative Officer must enforce the ordinance as written. He cannot make any changes or adjustments. These are the duties and authority of the Council or Board of Adjustment. If a decision of his is reversed by the Board, his recourse is to the courts.

The duties and responsibilities given to the Administrative Officer under the zoning ordinance may be enumerated as follows:

1. Determine if proposed construction or change of occupancy complies with the ordinance and enforce the ordinance. (Section 2.1 of the zoning ordinance)

2. Issue construction compliance certificates, occupancy compliance certificates and collect fees. (Sections 2.7, 2.8, 2.9 and 2.10 of the zoning ordinance)

3. Provide the Planning and Zoning Commission and Board of Adjustment with information necessary to decide questions before them. (Section 2.13 of the zoning ordinance)

4. Keep records of all requests submitted and certificates issued.

5. Make periodic field reviews of community to check for violations.

6. Provide the public with information on zoning provisions upon request.

THE BOARD OF ADJUSTMENT is a quasi-judicial body included in the zoning framework to assure individuals of equal and reasonable treatment under the zoning ordinance. Its powers and limitations are specifically set out (414.7-414.19, Code of Iowa, and Section 2.15 of the zoning ordinance). In making its decisions, the Board must guard against granting special privileges that will destroy the effectiveness of the ordinance. It should seek out all pertinent facts before arriving at a decision.

The proper exercise of the powers of the Board of Adjustment might well be said to be the key to a sound zoning program. The only appeal from the decision of the Board is to the courts. (414.15-414.19, Code of Iowa, and Section 2.17 of the zoning ordinance.)

The specific powers and duties of the Board of Adjustment under the zoning ordinance are as follows:

1. Interpret the district boundaries. (Section 1.5(7) of the zoning ordinance)

2. Adopt rules of procedure. (Section 2.12 of the zoning ordinance)

3. Maintain complete and acccurate records of all proceedings. (Section 2.12 of the zoning ordinance)

4. Publish notice of all hearings on appeals. (Section 2.13 of the zoning ordinance)

5. To hear and decide appeals where there is alleged to be an error in any action or decision of the Administrative Officer. (Section 2.15(1) of the zoning ordinance)

6. To grant special exceptions specifically enumerated under Section 2.15(2) and in the schedules of district regulations.

7. To grant variances from the strict application of the ordinance. (Section 2.15(3) of the zoning ordinance)

THE CITY ATTORNEY serves as an advisor to the Council, the Planning and Zoning Commission, the Board of Adjustment and the Administrative Officer by providing legal counsel. Specific duties of the attorney are as follows:

1. Advise the Council on actions that can be taken to correct violations of the zoning ordinance.

2. Prepare amendments to the ordinance in proper legal form for hearings, adoption, and publication.

3. Prepare notices for the various hearings that may be required.

4. Provide legal interpretations of state laws and the zoning ordinance for the officials concerned with the administration of the ordinance.

5. Represent the community in court appeals involving zoning cases.

THE PLANNING CONSULTANT serves as an advisor to the Planning Commission and Council and provides assistance in all matters regarding community planning. Specific duties are:

1. Provide technical assistance to the Planning Commission in preparing the Comprehensive Community Plan.

2. Assist the Planning Commission with a public information program and adoption of the comprehensive plan.

3. Advise the Planning Commission and Council on zoning changes.

4. Assist the Planning Commission in updating various parts of the plan and conducting special studies.

# TYPICAL PROCEDURES OF ZONING AND SUBDIVISION ADMINISTRATION

## Introduction

As a further aid in the administration of the zoning program, a brief step-by-step outline of several of the procedures that will be required from time to time are presented on the following pages.

## Request for Construction Compliance Certificate - New Building

1. Applicant presents request for construction compliance certificate.

2. Administrative Officer examines information to determine that proposed use is permitted in district in which the property on which it is proposed is located.

3. Administrative Officer examines proposal to determine that height, area, yard, parking and loading requirements will be met.

4. The fee is determined as established in the ordinance.

5. A construction compliance certificate is issued.

6. The building is constructed. (During construction, the Administrative Officer may find it desirable to check progress to be sure construction is proceeding according to plans for which the certificate was issued.)

7. When the building is completed, the owner should apply for an occupancy compliance certificate.

8. If the proposed occupancy complies with all provisions of the ordinance, an occupancy compliance certificate is issued and the building may be occupied.

Request for Rezoning-Amendment
of Official Zoning Map

1. The applicant proposes a commercial building but his property is classified "A" Agricultural and his request for a construction permit is denied by the Administrative Officer.

2. The applicant submits a request to the Council that his property be rezoned from "A" to "C" Commercial and pays the filing fee to the Administrative Officer.

3. If the Council feels that a request is a reasonable and valid request, Council refers request to Planning and Zoning Commission for study and recommendation. Commission should report within thirty (30) days.

4. The Commission examines the application for the information specified in the ordinance and requests information necessary from the applicant to determine the following:

   a. Whether or not the existing zoning is still valid.

   b. Whether or not the rezoning would grant the applicant a special privilege not available to other similarly located properties.

   c. Whether or not any or all of the permitted uses under the district classification requested are appropriate used of the property concerned.

   d. Whether or not the requested district is a logical extension of any existing district or a proper location of a new district, in accordance with overall plan of development of the community.

   e. Whether or not the requested zoning would adversely affect adjacent properties and the area as a whole due to traffic, noise, odor, utility problems, or other matters relative to health, safety, morals, and general welfare.

5. The Planning and Zoning Commission recommends to the Council that the request be granted or denied.

6. The Council accepts or rejects the Commission's recommendation. This may result in one of the following:

   a. If the recommendation is to deny and is accepted or if the recommendation is to grant and is rejected, that ends consideration of the request. The applicant's only recourse for further consideration is the courts.

   b. If the recommendation is to deny and is rejected or if it is to grant and is accepted, the Council must set a date for a public hearing and give at least fifteen (15) days notice of the time and place.

7. At the public hearing, any person may appear to oppose or support the applicant's request, with written or oral statements.

8. Following the hearing, the Council must determine whether or not to grant the request and amend the ordinance as requested. This must be done by ordinance.

9. If the ordinance is passed, the Official Zoning Map is changed and the applicant can then apply for a construction compliance certificate.

Request for Variance--
Reduction of Front Yard

1. The applicant proposes to build a residential structure with a 20-foot front yard and the Administrative Officer denies a construction compliance certificate.

2. The applicant then files a notice of appeal with the Board of Adjustment and the Administrative Officer, stating the basis of the appeal and pays the filing fee as established in the ordinance.

3. The Administrative Officer transmits to the Board the records of the action from which the appeal is being made.

4. The Board sets a time and place for a hearing and notifies all interested parties. (This is usually done by a brief notice in the newspaper.)

5. At the hearing, the Board hears testimony from any interested party or his representatives and seeks to determine:

   a. If there are special conditions and circumstances which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.

   b. If the literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the ordinance.

   c. That the special conditions and circumstances do not result from the actions of the applicant.

   d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to the owners of other lands, structures or buildings in the same district.

   e. That variance requested is within the limits of the Board's jurisdiction as set out in the ordinance.

6. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted uses of lands, structures or buildings in other districts may be considered as grounds for granting the variance.

7. Following the hearing, the Board makes its decision. If it grants the variance, the Administrative Officer must issue a construction compliance certificate. If it denies the variance, the applicant must comply with the Ordinance.

8. The decision of the Board may be appealed to the courts by the Administrative Officer, the applicant, or any person aggrieved by the decision. (414. 15 - 414. 19, Code of Iowa)

Subdivision Platting Procedure.

1. The owner or developer files copies of the preliminary plat with the Clerk. The preliminary plat is accompanied by a statement regarding the type and extent of improvements and how they are to be installed.

2. The Clerk transmits two copies of the preliminary plat to the Planning Commission for study and recommendation.

3. The Planning Commission has 30 days in which to review the plat and submit its recommendations to the Council. The Planning Commission may approve the plat subject to certain conditions as deemed necessary to meet the requirements of the subdivision regulation ordinance and the comprehensive plan.

   A copy of the recommendations shall be forwarded to the owner or developer together with a notice of the action taken by the Planning Commission.

4. Upon receipt of the Commission's recommendation or after 30 days have passed, the Council shall, by resolution, grant approval or reject the preliminary plat. In the case of disapproval, the Council shall advise the owner or developer of any changes which are desired or should have consideration before approval will be given.

   Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat.

5. The owner or developer prepares the final plat and files copies with the Clerk, together with the information and documents required by the subdivision regulation ordinance.

6. The Clerk transmits two copies of the final plat to the Planning Commission.

7. The Planning Commission has 30 days in which to review the final plat regarding compliance with the subdivision regulation ordinance and the preliminary plat as approved and submit its recommendations to the Council.

8. The Council passes upon the plat. Upon passage of the resolution approving the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be fixed to the original tracing of the final plat, and copies of the same shall be filed with the Clerk, County Auditor and County Recorder, along with other certifications and instruments as may be required by law.

9. The procedure for approval of plats outside the corporate limits but within one mile thereof shall be the same as the above except that the Clerk shall refer one copy to the County Engineer and one copy to the Regional Planning Commission and request their recommendations to be submitted to the City Planning Commission.

Subdivision Ordinance Amendment Procedure. From time to time, it may become necessary to amend the subdivision ordinance to keep it up-to-date and abreast of current development standards. The following steps outline the procedure for amending the subdivision ordinance.

1. The proposed change may be initiated by the Planning Commission, the Council or an interested party.

2. The proposed change should be referred to the Planning Commission for study and recommendation. A public hearing by the Commission is not required as is the case with amendments to the zoning ordinance; however, depending upon the nature of the change, a hearing may be desirable.

3. Upon receiving the Planning Commission's recommendations, the Council must hold a hearing on the proposed amendment.

4. The Council adopts the amendment (by ordinance), although, it does not become effective until after publication as required by law.

## SUGGESTED FORMS

The following pages contain suggested application forms, hearing notices and other documents which may be helpful in administering the zoning ordinance and subdivision regulations.

PLAT CHECKLIST
for

Subdivision or Owner _____

Date: _____

| | | Preliminary Plat | Final Plat |
|---|---|---|---|
| 1. | Location map | ☐ | |
| 2. | Names of adjacent property owners | ☐ | |
| 3. | Location and widths, other dimensions and names of proposed streets, easements or reserved areas. | ☐ | |
| 4. | Location of existing lot lines, streets, utilities, water courses and other features | ☐ | |
| 5. | Contour lines | ☐ | |
| 6. | Grades of proposed streets | ☐ | |
| 7. | Name of person who prepared the plat | ☐ | |
| 8. | A statement regarding the location, type, size or capacity of proposed utilities, bridges, ditches and other structures | ☐ | |
| 9. | A cross-section of proposed streets showing the location, type of surfacing, type of drainage and other improvements to be installed | ☐ | |
| 10. | Name and address of owner and/or subdivider | ☐ | ☐ |
| 11. | Name of the subdivision | ☐ | ☐ |
| 12. | Legal description and acreage | ☐ | ☐ |
| 13. | North point, scale and date | ☐ | ☐ |
| 14. | Tract boundaries showing dimensions, bearings, angles and references to known lines or bench marks | ☐ | ☐ |
| 15. | Block and lot numbers and lot dimensions | ☐ | ☐ |
| 16. | Building lines and dimensions | ☐ | ☐ |
| 17. | Location and widths, other dimensions and names of proposed streets, utility easements and areas reserved for public or semi-public use | ☐ | ☐ |
| 18. | References to known or permanent monuments giving bearings and distances | | ☐ |
| 19. | Complete curve notes for all curves in the plat | | ☐ |
| 20. | Restrictive covenants (if any) | | ☐ |
| 21. | Certification by a registered land surveyor of the State of Iowa | | ☐ |
| 22. | Certification of dedication of streets and other public property | | ☐ |
| 23. | Certification of approval by affected town | | ☐ |
| 24. | Resolution and certificate for approval by the Board of Supervisors | | ☐ |

CONSTRUCTION COMPLIANCE CERTIFICATE
CITY OF GUTTENBERG, IOWA

Certificate No. _____ Date _____

This certifies that the construction plans and proposed use of the following described building or structure comply with all applicable provisions of the zoning ordinance:

Issued to: _____

Issued for: _____

_____

This certificate must be posted in a conspicuous place on the site before any work is started.

Signed _____
Administrative Officer

OCCUPANCY COMPLIANCE CERTIFICATE
CITY OF _____ IOWA

Certificate No. _____ Date _____

This certifies that the use and/or occupancy of the following described building or land complies with all applicable provisions of the zoning ordinance.

Owner: _____

Use: _____

Location: _____

_____

Signed _____
Administrative Officer

CITY OF GUTTENBERG, IOWA
APPLICATION FOR CONSTRUCTION AND/OR
OCCUPANCY COMPLIANCE CERTIFICATE

Applicant _____ Date _____

Address _____ Application No. _____

_____ Phone _____

* * * * * * * * * * * * * * * *

I hereby request ☐ a Construction Compliance Certificate,
☐ an Occupancy Compliance Certificate,

to ☐ build, ☐ alter buildings or structures on the following described premises: _____

_____

Improvements Proposed: _____

Lot of Tract Area: _____ Estimated Cost: _____

Front Yard: _____ Zoning District: _____

Side Yard: _____ Height: _____

Rear Yard: _____ Off-Street Parking: _____

Signs: _____ Off-Street Loading: _____

Principal Use: _____

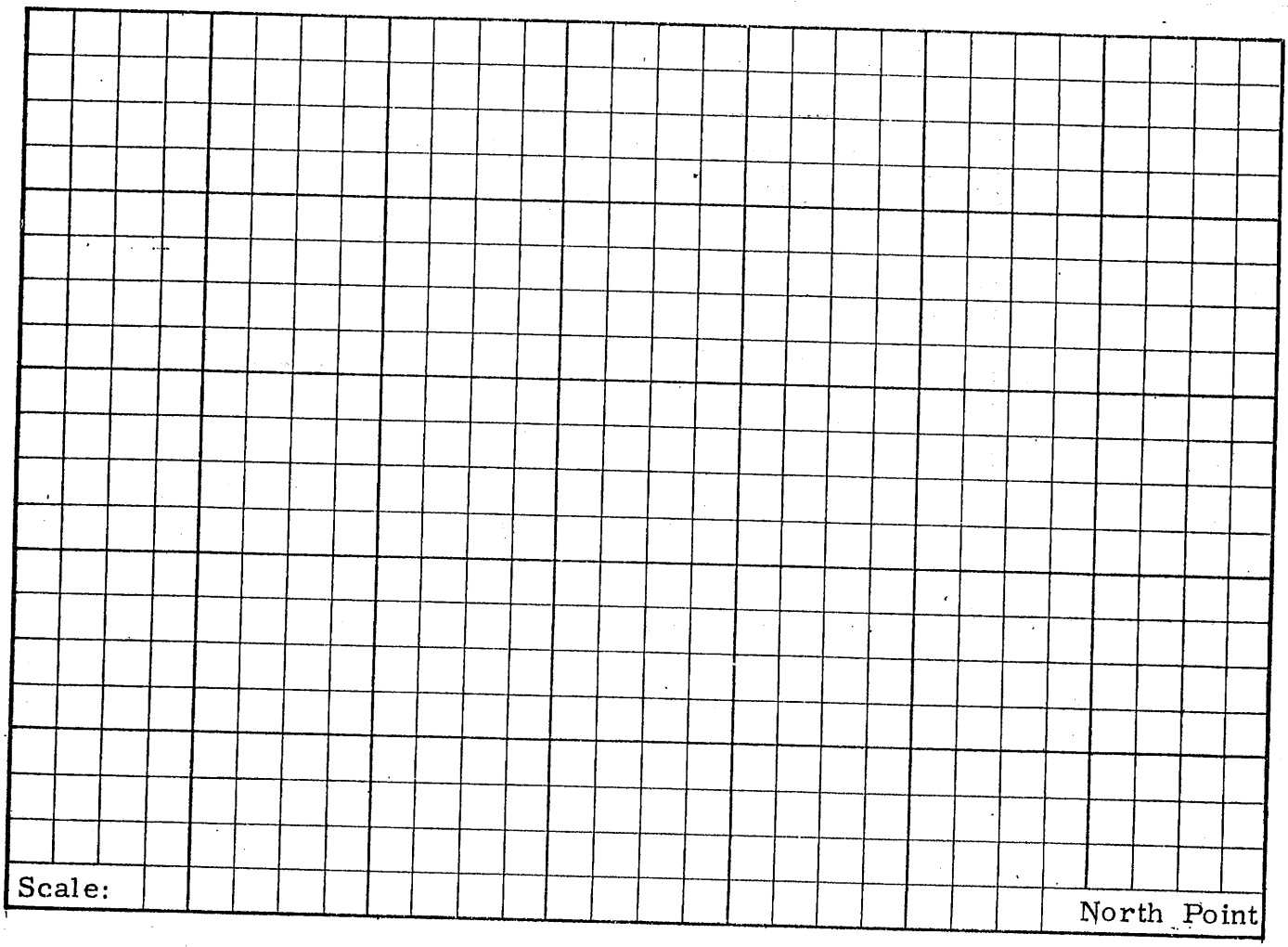
Accessory Use: _____

Other Information: _____

* * * * * * * * * * * * * * * *

I certify that the above information is true and accurate and that the above construction and use will comply with the zoning ordinance in all respects.

Signed _____
(Applicant)




* * * * * * * * * * * * * * * * * * * * * * * *

FOR USE BY ADMINISTRATIVE OFFICER

☐ Special Exception ☐ Variance required. Describe _____

_____

☐ Construction Compliance Certificate is hereby ☐ Denied ☐ Granted

No. _____ Date _____ Fee _____

Reason for Denial _____

☐ Occupancy Compliance Certificate is hereby ☐ Denied ☐ Granted

No. _____ Date _____ Fee _____

Reason for Denial _____

Signed _____
Administrative Officer

REQUEST FOR AMENDMENT
TO THE ZONING ORDINANCE OF
THE CITY OF GUTTENBERG, IOWA

Applicant_____ Date_____

Address_____ Application No. _____

_____ Phone_____

* * * * * * * * * * * * * * * *

To ☐ build, ☐ alter buildings or structures, or ☐ to change the use of the land or structures at the following described premises:

_____

_____

The following change in the zoning ordinance is hereby requested:

☐ From present zoning classification of:_____

To the proposed zoning classification:_____

☐ To amend the ☐ text, or ☐ district regulations as follows:

_____

_____

To permit the following improvement or use: _____

_____

_____

(See reverse side for additional requirements)

* * * * * * * * * * * * * * * *

I certify that the above information and that required by Section 3.3 as submitted herewith is, to the best of my knowledge, true and accurate.

Signed_____
(Applicant)

## NOTICE TO APPLICANT

Section 3.3 of the zoning ordinance requires the applicant to submit the following information which must accompany this application before it can be considered by the Planning and Zoning Commission and Council:

1. The legal description and local address of the property.

2. The present zoning classification and the zoning classification requested for the property.

3. The existing use and proposed use of the property.

4. The names and addresses of the owners of all property with two hundred feet of the property for which the change is requested.

5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

6. A plat showing the location, dimensions, and use of the applicant's property and all property within two hundred feet thereof, including streets, alleys, railroads and other physical features.

* * * * * * * * * * * * * * * *

(FOR USE BY ADMINISTRATIVE OFFICER)

Fee received: _____

Request sent to Council: _____

Referred to Planning and Zoning Commission: _____

Planning and Zoning Commission Recommendation to Council: _____

Hearing notice given: _____ Council hearing held: _____

Council action: _____

CITY OF GUTTENBERG, IOWA

File No. _____
Date _____

NOTICE TO ADJOINING PROPERTY OWNERS

A petition for a change in the zoning regulations, as applied to the property described as _____

_____

has been filed by _____

The petition requests a change in zoning from the _____ _____ District to the _____ District.

A public hearing will be held by the City Council on _____ 19__, at _____ at which time you may appear if you so desire, either in person or by agent or attorney, in opposition to or support of the proposed change of zoning

The hearing of this appeal is not limited to those receiving copies of this notice and if you know of any neighbor or affected property owner who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

This notice is sent only as a courtesy. It is not a substitute for the official public hearing notice which has been published in the newspaper.

Respectfully submitted,

_____
Administrative Officer

CITY OF GUTTENBERG, IOWA

ACTION TAKEN ON ZONING REQUESTS

The Planning and Zoning Commission has reviewed the foregoing application and hereby recommends to the City Council that the request be ☐ Approved ☐ Denied.

Reasons for Approval or Denial: (List complete data.) _____

_____

_____

_____

Acted upon this _____ day of _____ 19 ___

Signed: _____
Chairman

Attest: _____
Secretary

* * * * * * * * * * * * * * * *

The City Council has reviewed the foregoing application and recommendations and hereby ☐ Approves ☐ Denies the request.

Dated this _____ day of _____ 19 ____

Signed: _____
Mayor

Attest: _____
City Clerk

## APPEAL TO THE ZONING BOARD OF ADJUSTMENT

Applicant _____ Date _____

Address _____ Appeal No. _____

_____ Fee Receipt No. _____

Application is hereby made to the Board of Adjustment for:

☐ Interpretation of the zoning ordinance or map (Sec. 2.15-1)

☐ Special exception to the ordinance (Sec. 2.15-2)

☐ Variance from the ordinance requirements (Sec. 2.15-3)

The purpose of this appeal is to permit: _____

_____

Legal description of the property affected: _____

_____

Lot of Tract Area: _____ Estimated Cost: _____

Front Yard: _____ Zoning District: _____

Side Yard: _____ Height: _____

Rear Yard: _____ Off-Street Loading: _____

Principal Use: _____

Accessory Use: _____

Other Information: _____

Attach supporting data required by Section 2.15(2) or 2.15(3)

Signed _____
Applicant

## NOTICE TO APPLICANT

Section 2.15 of the zoning ordinance requires the applicant to submit the following information which must accompany this appeal before it can be considered by the Board of Adjustment.

---

For a SPECIAL EXCEPTION to the zoning ordinance:

1. A written application indicating the section of the zoning ordinance under which the special exception is sought and stating the grounds on which it is requested.

---

For a VARIANCE from the zoning ordinance a written application demonstrating that:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.

2. Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

3. Special conditions and circumstances do not result from the actions of the applicant.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

NOTICE OF PUBLIC HEARING
BEFORE THE ZONING BOARD OF ADJUSTMENT
CITY OF GUTTENBERG, IOWA

A petition for a variance and/or special exception to the zoning regulations as applied to the property described as:_____

_____

The petition asks that:_____

_____

The Administrative Officer was required, under the provisions of the zoning ordinance, to deny a Construction Compliance Certificate because:_____

_____

However, the Board of Adjustment under certain conditions and safeguards may have the authority to grant the request.

A public hearing will be held by the Zoning Board of Adjustment on_____19___ at_____(A. M.) (P. M.) in _____

_____

at which time you may appear, if you so desire, either in person or by agent or attorney in opposition to or support of the proposed variance from/or special exception to the zoning regulations. The hearing of this appeal is not limited to those receiving copies of this notice, and if you know of any neighbor or affected property owner, who for any reason has not received a copy, please inform him of this public hearing.

Respectfully,

_____
Secretary
Zoning Board of Adjustment

NOTICE OF HEARING

BEFORE THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF GUTTENBERG, IOWA

To_____ Date_____

_____ Application No. _____

_____

This is to notify you that your petition for _____

_____

of the property located at_____

_____

will come before the Zoning Board of Adjustment for consideration on_____ 19___, _____ (A. M.) (P. M.) in the_____

_____.

Very truly yours,

_____
Secretary
Zoning Board of Adjustment

DECISION OF THE
ZONING BOARD OF ADJUSTMENT

Applicant: _____ Appeal No. _____

Date hearing advertised: _____ Date of hearing: _____

The decision of the Board of Adjustment is to ☐ grant ☐ deny the request. Reasons for denial or conditions of approval are:

1. _____

2. _____

3. _____

4. _____

_____
Secretary
Zoning Board of Adjustment

In the event the appeal is granted, the applicant hereby agrees to all conditions and safeguards set forth above. The applicant further agrees that in the event the specified conditions and safeguards are not complied with, within the time specified, approval of this appeal shall become null and void.

Date _____

_____
Signature of Applicant