



Planning & Zoning Commission Meeting Agenda

Tuesday, August 6, 2024 - 5:00 PM

Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

View this Meeting: Mediacom Channel 12/85/121.12 or www.newtongov.org/cablecast

- I. Call to Order & Roll Call
- II. Review of Minutes of Previous Meeting:
 1. November 7, 2023
- III. Public Hearing
 1. FP24-1: Arbor Estates, Second Addition final plat - a 28-lot residential subdivision in northeast Newton. City of Newton & NHDC, applicant.
- IV. New Business
 1. Rules of Procedure and Bylaws
- V. Adjourn

ADA Compliance: *The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance in being able to participate in the meeting. Please contact the Community Development Department at least 24 hours in advance of the meeting by calling 641-792-6622 to arrange for accommodations to be provided.*

Chair: Dana Woody; **Vice Chair:** Jane Johnson; **Members:** Joshua Cantu, Andrew Elbert, Jeff Holschuh, Don Poynter, Dana VanGilder

**Minutes of Meeting
Newton Planning and Zoning Commission
Regular Meeting
November 7, 2023**

ROLL CALL: Board members present: Cantu, Elbert, Holschuh, Johnson, Poynter, VanGilder, Woody
Board members absent: Holschuh

STAFF PRESENT: Brian Dunkelberger, City Planner
Craig Armstrong, Development Specialist

A quorum being present, Chair Woody called the meeting to order at 5:01 PM.

Minutes. Minutes of the previous meeting from August 15, 2023 were reviewed. **Motion** by Poynter, **seconded** by Johnson to approve the minutes as written. **Voice vote**, approved 5-0. Cantu abstained.

Public Hearing.

1. MP23-1: Cramer Estates – a 2-lot minor subdivision located at 505 S. 20th Ave. W. Jeffrey Gaddis, applicant.

Dunkelberger reviewed the prepared staff report and shared aerial images of the subject property. He also presented clippings from the Newton Zoning Map and Future Land Use Map from the comprehensive plan. Johnson expressed support for the new housing and asked about the proximity of the subject property to the Newton city limits. Brief discussion about the request and two homes.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter to close the public hearing, **seconded** by Cantu. Voice Vote: approved 5-0. VanGilder absent.

Chair Woody opened up the floor to Commissioners for discussion. No comments.

Motion by Elbert to recommend approval of MP23-1 as presented, **seconded** by Cantu. Roll Call Vote: approved 6-0.

2. RZ23-2: A rezoning of the west half of the 1000 block of E. 9th St. N. from R-2 to I-L City of Newton, applicant.

Dunkelberger reviewed the prepared staff report and shared that two neighbors called to inquire about the proposal. Commissioners asked about the truck route and staff's contact with neighbors.

Oran Hackworth, 1024 E. 8th St. N., asked if a site plan had been prepared and if he could receive a copy. Dunkelberger answered that no site plan had been prepared because the rezoning is the first step in the process. Hackworth asked if the proposed parking lot would be gravel or cement. Dunkelberger confirmed that the Newton Site Plan Code requires hard surface for off-street parking such as cement or asphalt. Hackworth shared that he wished he had been notified directly about the city sale of the two parcels.

Randy Ray, 1029 E. 10th St. N., expressed concerns with trucks sitting outside and being an attractive nuisance to rodents due to the grease and possible odors.

Angela Oswalt, 925 E. 9th St. N., shared a list of concerns relating to the new business and potential impacts to the neighborhood. That list included concerns about hours of operation, smells, aesthetics, and changes to the neighborhood.

Ken Smith, 1013 S. 6th Ave. W., inquired about the properties located directly adjacent and west of the subject parcels. Smith shared his opinions about the proposal, his dissatisfaction with the City and its processes, and described past experiences of working in this neighborhood.

Melissa Dalton, 2506 N. 6th Ave. E., clarified that the property at 1004 E. 8th St. N. had been sold. She described how the city-owned parcels proposed for this rezoning had been vacant since 2017 and 2021 after homes were demolished through the city's D&D Program. Dalton shared that the business owner was well aware of the fact they are moving into a property that is adjacent to residential homes, so they intend to pursue all reasonable efforts to prevent negative impacts to those neighbors. She also clarified that the business plans to utilize the property as a headquarters for their expansion into Iowa. They plan to construct a parking lot on the two parcels if the rezoning is approved, and then possible an extra building if all goes well.

Ken Smith described a past alley vacation in this block and his perspective on the matter. Smith exclaimed that the city prevented development of his lots due to the hard surfacing requirement for off-street parking.

Angela Oswalt asked for clarification about exact details regarding this proposal and how the rezoning won't necessarily change whether the business moves in or not. Cantu offered this answer and Dunkelberger confirmed.

Oran Hackworth shared his displeasure with the city and its requirements for development. He described past communications with the Daltons who opposed development in the neighborhood due to gravel dust.

Jason Dalton, 2506 N. 6th Ave. E., shared that he was a part of the conversations 5 years prior when the alley was vacated. He described how Smith and Hackworth had a development agreement with the city yet no progress had been achieved in that 5-year timeframe.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing.

Motion by Elbert to close the public hearing, **seconded** by Poynter. Voice Vote: approved 6-0.

Johnson shared that she was conflicted, but also pointed out how this particular block has transitioned over the years from residential to industrial and will most likely continue to do so in the future. Discussion ensued about the proposed rezoning.

Motion by Cantu to recommend approval of RZ23-2 as presented, **seconded** by Poynter. Roll Call Vote: approved 6-0.

3. MP23-2: Eastgate Plaza Plat 2 – a 1-lot minor subdivision (re-platting of existing lots) in the 300 block of Iowa Speedway Drive. Dan Birkenholz & ISG, applicant.

Dunkelberger reviewed the prepared staff report and shared one neighbor called before the meeting with questions about the proposal. A brief conversation ensued about the impact of a new ALDI grocery store coming to Newton.

Mark Quinn, 407 E. 28th St. S., suggested that the entire agricultural property be rezoned to R-1. Dunkelberger responded to clarify that the rest of the property was privately owned and that suggestion could be explored with that owner directly.

Stacy Simbro, 2912 S. 3rd Ave. E., commented that he feels it would be conducive for the city to work with the landowner and be involved in such a rezoning so as to be more purposeful with potential future developments rather than a haphazard expansion.

Johnson stated that she feels this neighborhood has always missed out on not having a city park, so maybe that could be explored in the future with the land owner. Woody asked if the land owner was in attendance and would like to speak.

Dan Birkenholz clarified that he was one of several landowners, and that there were no immediate plans for residential development. He shared that if there was enough interest for a city park, they would be open to such a discussion with the city.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter to close the public hearing, **seconded** by Johnson. Voice Vote: approved 6-0.

Commissioners expressed excitement for the new ALDI and felt the location is appropriate.

Motion by Elbert to recommend approval of MP23-2 with the understanding that revisions would be made and accepted by city staff before being submitted to City Council, **seconded** by Johnson. Roll Call Vote: approved 6-0.

4. RZ23-3: A rezoning of the west 101 feet of Eastgate Plaza Plat 2 (in the 300 block of Iowa Speedway Drive) from R-2 to C-A. Dan Birkenholz & ISG, applicant.

Dunkelberger reviewed the prepared staff report. Johnson asked about site design details, and Dunkelberger described concept plans he had seen in the past. Commissioners expressed support for the development and the idea of a frontage road connection with the strip mall to the north.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Poynter to close the public hearing, **seconded** by Elbert. Voice Vote: approved 6-0.

Chair Woody offered Commissioners the chance to share comments or questions. No response.

Motion by Cantu to recommend approval of RZ23-3 as presented, **seconded** by Johnson. Roll Call Vote: approved 6-0.

Old Business.

None.

New Business.

None.

Motion by Elbert to adjourn the meeting, **seconded** by Poynter. **Voice vote**, approved 6-0. Meeting was adjourned at 6:15 PM.

Planning & Zoning Commission Staff Report: FP24-1

Applicant: City of Newton, NHDC
Proposal: Proposed subdivision of land creating new residential lots
Location: Parcel 0826426008; extensions of E. 23rd St. N. & E. 26th St. N.; N. 10th Ave. E. cul-de-sac
Current Use: Agricultural
Current Zoning: R-1, R-2, and R-3

- Arbor Estates, Second Addition is a 28-lot residential subdivision in northeast Newton adjacent to Agnes Patterson Park and it includes extensions of E. 23rd St. N. (connecting to N. 11th Ave. E.), E. 26th St. N. (cul-de-sac east of Cardinal Pond), and N. 10th Ave. E. (cul-de-sac NW of Cardinal Pond).
- The preliminary plat was approved by City Council on July 24, 2023, and the contract for the construction of public improvements was approved and awarded on September 18, 2023. Said public improvements have since been installed and the City is ready to accept.
- The minimum zoning requirements of the R-1, R-2, and R-3 zoning districts for single-family homes are as follows:
 - Building Setbacks:
 - R-1: Front - 30 feet, Side - 8 feet, Rear – 30 feet
 - R-2 and R-3: Front - 25 feet, Side - 8 feet, Rear – 25 feet
 - Minimum Lot Size:
 - R-1: 9,000 sq. ft.; R-2: 8,000 sq. ft.; R-3: 7,000 sq. ft. (8,400 sq. ft. for duplexes)
 - Minimum Lot Dimensions:
 - Lot Width: R-1: 70 feet; R-2: 65 feet; R-3: 60 feet (70 ft. for duplexes)
 - Lot Depth (all): 120 ft.
 - Lot coverage (all): 40%

- Each lot exceeds the minimum bulk zoning requirements of the zoning classifications.
- The project area drains (generally) outward and away from the proposed rights-of-way locations towards rear yards. This provides developers and builders the opportunity to



incorporate “walk-out” basements – especially for lots backing up against Cardinal Pond. The final plat includes dedicated areas to be reserved for storm water flowage easements in addition to the grading work already completed.

- Notice of the meeting was sent to all neighbors within 200 feet of the subject property. Notice of the meeting was also published in the *Newton Daily News*.
- *Envision Newton 2042*, the comprehensive plan, recognizes the benefit of residential land uses in this area of the community, as the future land use map indicates it should mostly be low-density residential with multi-family residential to the west.
- Housing is an integral component of community development and growth, and it was considered a top priority by respondents throughout the planning process, thus being established as a foundation for the new comprehensive plan and Newton’s future. In fact, an entire study and housing assessment was created as part of the comprehensive plan, and various goals are tied directly to housing.
- All local utilities and city departments have received a copy of the final plat and were able to provide comments. That feedback has been addressed by the applicant and the revised, finalized version is included for review.
- Review of the Platting Process: (step by step)
 - 1.) Pre-application Conference with Staff.
 - 2.) Submittal of Application.
 - 3.) Notice to property owners within 200’ for subject area and to *Newton Daily News*.
 - 4.) Planning and Zoning Review.
 - a. Consider conformity with the Adopted Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance (and preliminary plat, if a final plat).
 - b. Consider recommendations of the Zoning Administrator or other reviewing agencies.
 - 5.) Planning and Zoning Action.
 - a. Expressed recommendation of approval or disapproval to the City Council. Any recommendation of approval shall include conditions of such approval.
 - 6.) City Council Action.
 - 7.) Begin construction of the subdivision public improvements (if preliminary).
 - 8.) Final Plat process after the completion of the public improvements.
 - 9.) Submittal of necessary documents to Jasper County for recording.

Recommendation: Staff finds that the proposed final plat is supported by the comprehensive plan and would appropriately accommodate development of 28 new residential lots and associated street connections that will serve the entire neighborhood to the south. This addition also encourages future phases that would accommodate development of more residential lots along a future N. 9th Ave. E. connection and to the west. Staff recommends approval of the final plat with the understanding that all neighborhood comments and questions are addressed during the public hearing or prior to City Council review.

INDEX LEGEND	
LOCATION	OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA
REQUESTOR:	NEWTON HOUSING DEVELOPMENT CORPORATION
PROPRIETOR:	NEWTON HOUSING DEVELOPMENT CORPORATION
SURVEYOR:	EUGENE R. DREYER, P.L.S. #17535
SURVEYOR COMPANY:	BOLTON & MENK, INC.
RETURN TO:	EUGENE R. DREYER, BOLTON & MENK, INC. 1519 BALTIMORE DR., AMES, IA 50010 (515)-233-6100

FINAL PLAT

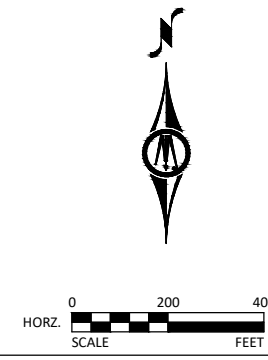
ARBOR ESTATES, SECOND ADDITION

AN OFFICIAL REPLAT OF OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA
JULY 2024

- LEGEND:**
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP #17535
 - SET 1/2" x 24" REBAR WITH YELLOW PLASTIC CAP #17535 (UNLESS OTHERWISE NOTED)
 - (R) RECORDED DIMENSION
 - P.U.E. PUBLIC UTILITY EASEMENT

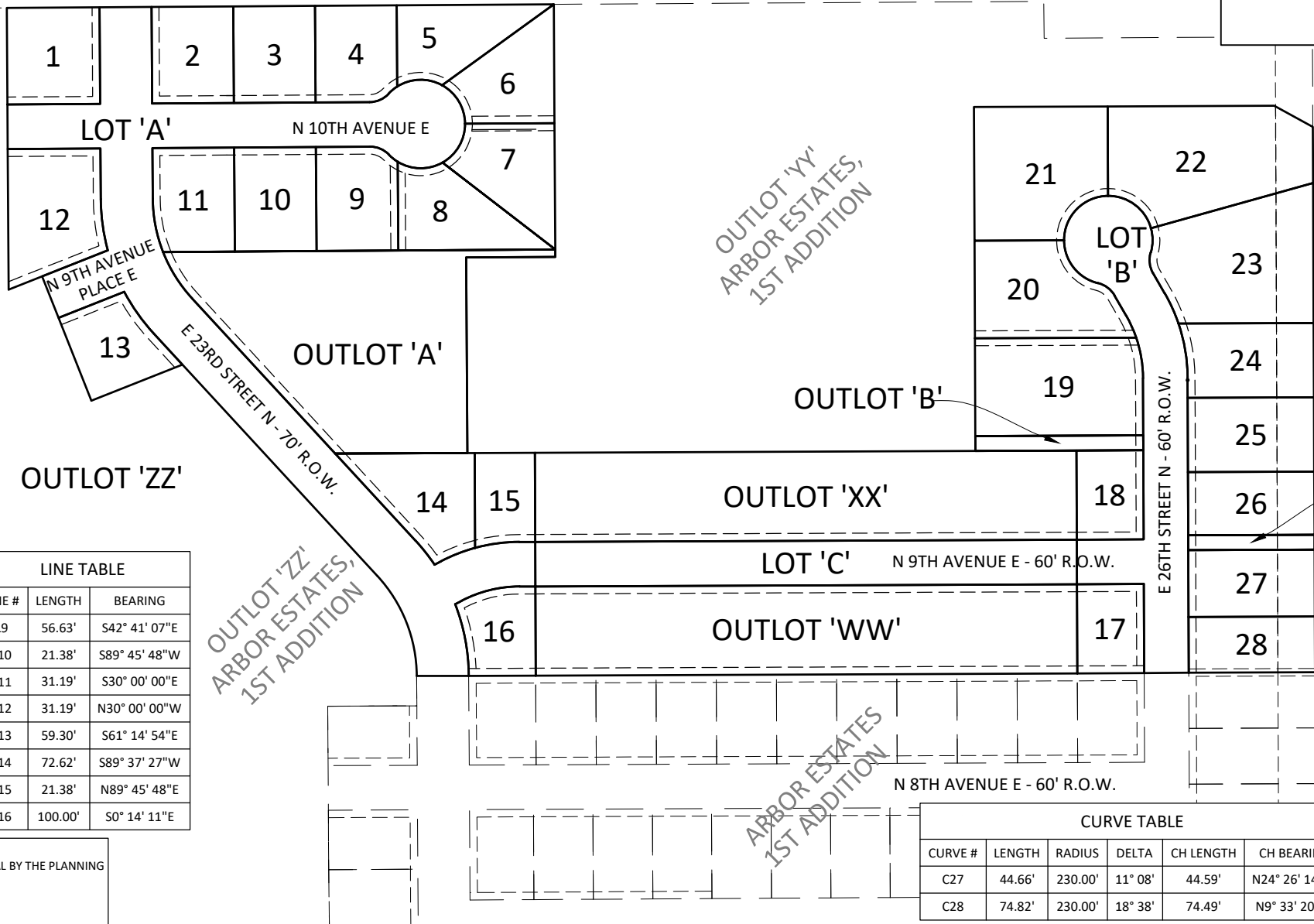
LEGAL DESCRIPTION:
OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA

- NOTES:**
- THIS SURVEY MEETS OR EXCEEDS IOWA CODE 355.
 - THIS SURVEY IS SUBJECT TO EASEMENTS APPARENT OR OF RECORD.
 - BEARINGS SHOWN ARE IOWA STATE PLANE SOUTH, US SURVEY FOOT.
 - *LOTS 'A' AND 'B' TO BE DEDICATED TO THE CITY OF NEWTON FOR STREET RIGHTS-OF-WAY. OUTLOTS 'A', 'B', & 'C' TO BE DEDICATED TO THE CITY OF NEWTON FOR PUBLIC TRAIL CONNECTIONS AND/OR GREENSPACE. OUTLOTS 'XX' AND 'WW' TO BE RESERVED FOR A FUTURE RESIDENTIAL SUBDIVISION ADDITION AND LOT 'C' TO BE RESERVED FOR AN EXTENSION OF N. 9TH AVENUE E.*
 - SIDEWALKS ARE REQUIRED FOR ALL LOTS AND MUST BE INSTALLED AT THE TIME THE LOTS ARE DEVELOPED OR AS OTHERWISE DIRECTED BY CITY COUNCIL.
 - LOTS 1-16 WILL HAVE THE FOLLOWING FRONT BUILDING SETBACK:
 - 25 FEET
 - LOTS 17-28 WILL HAVE THE FOLLOWING FRONT BUILDING SETBACK:
 - 30 FEET
 - TOTAL AREA OF ADDITION = 103.3 ACRES.



LINE #	LENGTH	BEARING
L1	60.00'	S21° 35' 34"E
L2	70.00'	N89° 37' 27"E
L3	72.62'	N89° 37' 27"E
L4	9.85'	N89° 45' 48"E
L5	20.00'	S0° 14' 11"E
L6	20.00'	N0° 14' 12"W
L7	20.00'	N0° 14' 12"W
L8	20.00'	N0° 14' 12"W

LINE #	LENGTH	BEARING
L9	56.63'	S42° 41' 07"E
L10	21.38'	S89° 45' 48"W
L11	31.19'	S30° 00' 00"E
L12	31.19'	N30° 00' 00"W
L13	59.30'	S61° 14' 54"E
L14	72.62'	S89° 37' 27"W
L15	21.38'	N89° 45' 48"E
L16	100.00'	S0° 14' 11"E



FOR RECORDER USE ONLY

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH LENGTH	CH BEARING
C1	28.76'	35.50'	46° 25'	27.98'	S66° 25' 07"W
C2	15.09'	59.50'	14° 32'	15.05'	S50° 28' 37"W
C3	63.29'	59.50'	60° 56'	60.34'	S88° 12' 44"W
C4	63.29'	59.50'	60° 56'	60.34'	N30° 50' 47"W
C5	63.29'	59.50'	60° 56'	60.34'	N30° 05' 42"E
C6	63.29'	59.50'	60° 56'	60.34'	S88° 57' 49"E
C7	15.09'	59.50'	14° 32'	15.05'	S51° 13' 43"E
C8	28.76'	35.50'	46° 25'	27.98'	S67° 10' 12"E
C9	69.92'	270.00'	14° 50'	69.73'	S7° 47' 41"E
C10	73.52'	200.00'	21° 04'	73.10'	N10° 54' 22"W
C11	74.17'	200.00'	21° 15'	73.75'	N32° 03' 39"W
C12	69.33'	270.00'	14° 43'	69.14'	S35° 19' 43"E
C13	147.79'	200.00'	42° 20'	144.45'	N21° 30' 58"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH LENGTH	CH BEARING
C14	98.20'	270.00'	20° 50'	97.66'	N10° 45' 58"W
C15	41.19'	270.00'	8° 44'	41.15'	N38° 18' 52"W
C16	49.39'	230.00'	12° 18'	49.30'	S68° 35' 15"W
C17	81.08'	170.00'	27° 20'	80.32'	N76° 05' 58"E
C18	60.31'	230.00'	15° 01'	60.14'	S82° 15' 05"W
C19	55.74'	170.00'	18° 47'	55.49'	S9° 37' 48"E
C20	32.57'	170.00'	10° 59'	32.52'	S24° 30' 42"E
C21	28.76'	35.50'	46° 25'	27.98'	S53° 12' 21"E
C22	79.11'	59.50'	76° 10'	73.41'	S38° 19' 27"E
C23	93.46'	59.50'	90° 00'	84.15'	S44° 45' 48"W
C24	77.53'	59.50'	74° 39'	72.16'	N52° 54' 35"W
C25	33.23'	59.50'	32° 00'	32.80'	N0° 24' 51"E
C26	28.76'	35.50'	46° 25'	27.98'	N6° 47' 39"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH LENGTH	CH BEARING
C27	44.66'	230.00'	11° 08'	44.59'	N24° 26' 14"W
C28	74.82'	230.00'	18° 38'	74.49'	N9° 33' 20"W

CERTIFICATE OF PLANNING AND ZONING COMMISSION
THIS FINAL PLAT OF ARBOR ESTATES, SECOND ADDITION WAS RECOMMENDED FOR ACCEPTANCE AND APPROVAL BY THE PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____, 2024.

DANA WOODY, CHAIR

DANA VANGILDER, SECRETARY

CERTIFICATE OF CITY COUNCIL
THIS FINAL PLAT OF ARBOR ESTATES, SECOND ADDITION WAS ACCEPTED AND APPROVED BY THE CITY OF NEWTON CITY COUNCIL IN RESOLUTION FORM, SAID RESOLUTION BEING _____. THE CITY CLERK FURTHER CERTIFIES THAT THE SAME FINAL PLAT HERETO ATTACHED HAS BEEN ACCEPTED, APPROVED, AND FILED IN ACCORDANCE WITH THE CITY ORDINANCE OF NEWTON, IOWA AND THE CODE OF IOWA.

PASSED: _____ APPROVED: _____
(DATE) (DATE)

ATTEST: _____
EVELYN GEORGE, MAYOR KATRINA DAVIS, CITY CLERK

I hereby certify that this land surveying document was prepared by me and the related field work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa

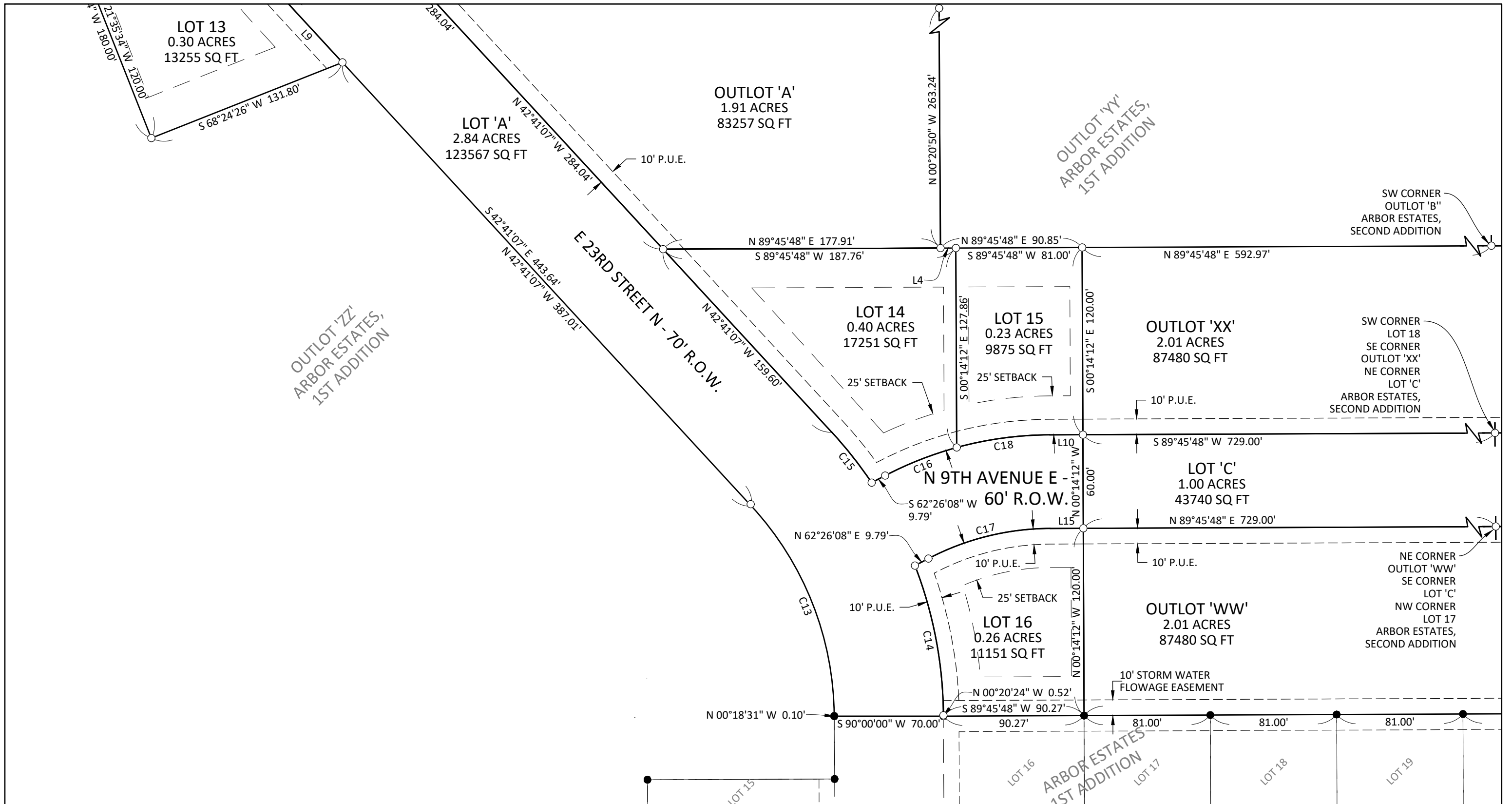
EUGENE R. DREYER L.S.
REG. NO. 17535 DATE: _____
MY LICENSE RENEWAL DATE IS 12/31/2024
PAGES OR SHEETS COVERED BY THIS SEAL:
PAGES 1 THROUGH 5

FINAL PLAT - ARBOR ESTATES, SECOND ADDITION

AN OFFICIAL REPLAT OF OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA

1519 BALTIMORE DRIVE
AMES, IOWA 50010
(515) 233-6100

SHEET
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OF
5



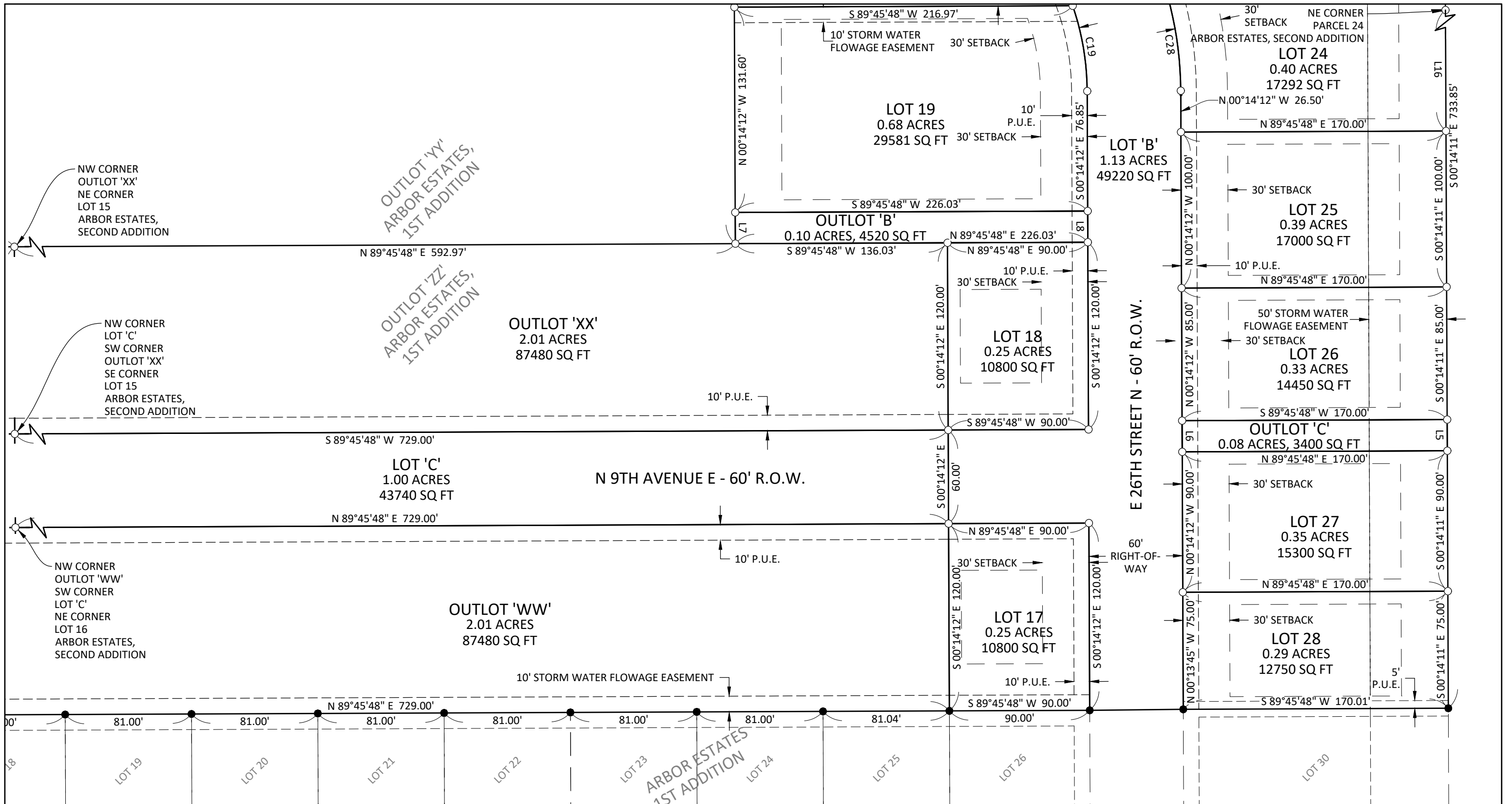
FINAL PLAT - ARBOR ESTATES, SECOND ADDITION
 AN OFFICIAL REPLAT OF OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA




1519 BALTIMORE DRIVE
 AMES, IOWA 50010
 (515) 233-6100

SHEET
 3
 OF
 5

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FINAL PLAT - ARBOR ESTATES, SECOND ADDITION
 AN OFFICIAL REPLAT OF OUTLOT 'ZZ', ARBOR ESTATES, FIRST ADDITION, JASPER COUNTY, IOWA



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1519 BALTIMORE DRIVE
 AMES, IOWA 50010
 (515) 233-6100

SHEET
 4
 OF
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RULES OF PROCEDURE AND BYLAWS OF THE NEWTON PLANNING & ZONING COMMISSION

Section I: Membership, Officers, Elections and Appointments, and Committees

Rule 1: General. There shall be a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of seven members who shall be residents of the city, appointed by the Council. Commission members shall be qualified by knowledge or experience to act in matters pertaining to the development of a city plan and shall not hold any elective office in the city government (Ch. 158.175 (A)). The Commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary, and it shall have and exercise all other powers and duties found within Ch. 158.175 (E).

Rule 2: Term of Office. The term of office of the members of the Commission shall be five years and expire on December 31st. The terms of not more than three of the members will expire in any one year (Ch. 158.175 (B)). If any vacancy shall exist on the Commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee (Ch. 158.175 (C)). All members of the Commission shall serve without compensation, except their actual expenses, which shall be subject to approval of the Council (Ch. 158.175 (D)).

Rule 3: Officers. The Commission shall choose annually at its first regular meeting one of its members to act as Chairperson and another as Vice-Chairperson, who shall perform all the duties of the Chairperson during an absence or disability (Ch. 158.175 (E)(1)). All officers, with the exception of the Zoning Administrator, shall be voting members of the Commission and are eligible for re-election. The Zoning Administrator shall be a non-member officer, or a *de facto* officer.

Chair: The Chair shall serve as the primary presiding officer at all meetings, decide all points of order or procedure, appoint all committees, and shall perform such other duties as are usually exercised by the Chair of a commission or the president or chief officer of a corporation including the right to vote but shall not make any motions.

Vice Chair: The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the event the office of the Chair becomes vacant, the Vice Chair shall act as the Interim Chair until a new Chair is elected, at the next regular meeting upon request from any member of the Board or at the first meeting of the next calendar year if the Vice Chair is willing to serve as Interim Chair until that time.

Zoning Administrator: The role of the Zoning Administrator is defined by the Newton Zoning Ordinance as, "The local official responsible for administration and implementation of the zoning regulations of the city or its authorized representative." The Zoning Administrator shall keep a record of all meetings, shall send all notices of Regular and Special meetings required to be sent, attend meetings of any

Committee when requested, transcribe the minutes of proceedings, and shall have charge of the office of the Commission and all books, papers, and records thereof and shall attend to all correspondence of the Commission, in addition to any other duties required as a City employee. The Zoning Administrator shall also serve as the "Secretary" for the purpose of record keeping and signing documents for the Commission.

Rule 4: Elections, Appointments, and Presiding Officer. The Chair and Vice Chair shall be elected by the Commission, and shall hold office for a term of one (1) year, or until their successors are elected and assume office. The Zoning Administrator shall be appointed by the City Administrator and shall have the powers and duties defined by Ch. 158.177. Any vacancy in the office of the Chair, Vice Chair, or Zoning Administrator may be filled at any Regular or Special meeting after such vacancy. The Chair or in the Chair's absence or incapacity, the Vice Chair, shall be the presiding officer at all Commission meetings. If both the Chair and Vice Chair are absent, the most senior Commission member present shall preside. In the event two or more members equally possess the greatest seniority, then the eldest person among them shall preside.

Rule 5: Committees. Committees may be appointed by the Chair or a majority of the Commission for consideration of special matters. Each Committee shall consist of two (3) or more Commissioners and other citizens with talent, information, or experience with the question(s) or issue(s) being scrutinized. One (1) Commissioner shall be appointed as the Committee Chair, and the Committee shall meet at such times and places as directed by said Committee Chair. The members of the Committee shall serve until the specific matter for which the Committee was established is resolved or as otherwise terminated by the Commission. All reports of Committees upon which action is being contemplated shall be submitted in writing to the Commission and signed by the Chair of the Committee.

Section II. General Provisions

Rule 6: Scope of Rules. The Commission shall determine the rules of its own proceedings by a majority vote, and the Zoning Administrator shall keep such rules on file for public inspection. These rules shall govern the filing of zoning ordinance or map amendments; subdivisions; comprehensive plan preparation, studies, or amendments; urban renewal plans; public rights-of-way or easement vacations; and any other matter deemed appropriate. In addition to the Newton City Code, these rules shall also govern the process for publication of required notices, the conduct of the Commission, and they shall be interpreted to ensure fair and open deliberations and decision making (Ch. 158.175 (E)).

Rule 7: Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Commission shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 8: Quorum, Votes Necessary for Official Action. A majority of members, or four or more out of seven, of the Commission shall constitute a quorum. Each member is entitled to one (1) vote, and no action is official unless authorized by a majority of the Commission. The concurring vote of at least a majority of the Commission shall be necessary to reverse any decision or determination or to exercise any powers or functions conferred or imposed upon the Commission such as recommending approval or disapproval of any application regarding any matter upon which the Commission is authorized to review. The Planning and Zoning Commission is a recommending body to City Council, so all decisions and findings are subject to a final determination by the Council.

Rule 9: Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the Zoning Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a majority vote from the Commission.

Rule 10: Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of Newton.

Rule 11: Review. The Commission shall conduct a thorough review of these bylaws and rules of procedure once every three years or as deemed necessary. Current and subsequent revised bylaws shall be maintained by the Zoning Administrator and can be provided upon request.

Section III. Commission Meetings

Rule 12: Regular meetings. All Regular meetings of the Commission shall be held on the first and third Tuesdays of each month beginning at 5:00 PM in the Council Chamber of City Hall, or at a different time or location if specified by the Commission. If such a day falls on a legal holiday, if the City Hall Council Chamber is reserved, or a quorum cannot be achieved, the meeting shall be held the following Tuesday at the same time unless a different day or time is determined by the Commission. The same rule shall apply to any Recessed meetings, unless otherwise specified by the motion to recess.

Rule 13: Special Meetings. Special meetings shall be held upon a call of the Chair or upon the written request of a majority of the members of the Commission submitted to the Zoning Administrator. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or sent to the usual place of residence of each member of the Commission. A record of the service of notice shall be maintained by the Zoning Administrator.

Rule 14: Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a public hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Commission. At the time of the hearing, the applicant may appear on his/her own behalf or be represented by agent or counsel. If absent, the Commission will proceed to dispose of the matter on the forms and information provided.

Rule 15: Attendance Requirements. If the number of absences by any Commissioner exceeds 50% of the number of completed meetings in a calendar year, then any three members of the Commission can compel the attendance of said absent member at any regular, adjourned, or duly called meeting. The Zoning Administrator shall subsequently attempt to contact said absent member to create a plan for minimizing absences or inquire about their willingness to continue serving on the Commission. If said absent member fails to respond to the Zoning Administrator and/or attend the next consecutive meeting, then a vote can be scheduled and placed on the agenda of the third consecutive meeting to recommend removal of the member to the Mayor.

Rule 16: Notice of Meetings. The Commission shall give reasonable notice of the time, date, and place of each meeting and its agenda. Such notices shall be published as prescribed in Iowa Code § 362.3 and § 414.4 or any successor provisions thereto. Such notice shall contain a statement of the particular purpose of the meeting and a brief description of the location of the property under consideration at the meeting. Planning & Zoning Commission meetings shall be open to the public.

Rule 17: Open Sessions. All meetings shall be held in open session.

Rule 18: Minutes. Minutes shall be kept of all meetings showing the date, time and place, Commissioners present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each Commissioner present shall be made public. Any time these rules require an action to be sponsored by a Commissioner, the Zoning Administrator shall note the name of the sponsoring Commissioner on the face of the roll call for said item.

Rule 19: Cameras and Recorders. The public may use cameras or recording devices at any open session.

Rule 20: Electronic Meetings. A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if compliance with the provisions of Iowa Code Ch. 21 can be achieved.

Section IV. Agenda

Rule 21: Preparation of Agenda. Prior to each Regular meeting, the Zoning Administrator shall publish an agenda which contains all items the Commission anticipates acting upon at the meeting. The Commission may proceed with the meeting and follow the agenda as presented, or the Commission may amend the agenda as provided by these rules and vote to adopt it as amended.

Rule 22: Agenda Requests. Any Commissioner may request an item be added to the agenda by submitting a written request to the Zoning Administrator no later than two weeks prior to a meeting date.

Rule 23: Extra Items. Items requested or filed after two weeks prior to a meeting date shall not be included upon the agenda unless the Chair or Zoning Administrator shall deem the item of sufficient urgency to warrant immediate Commission action and if all publication and notice requirements can still be satisfied. These items shall be designated as "extra" items and will be considered at the appropriate place on the regular agenda (prior to or after a related item). If not, the item can be placed on the agenda under "Other Business" as a presentation/discussion item without a public hearing thus not being subject to an immediate vote, or it can be held until a future meeting date.

Rule 24: Withdrawal of Items. Only the applicant or Zoning Administrator may withdraw an item, which may occur at any time prior to a decision by the Commission.

Rule 25. Agenda Order. Except as otherwise provided in these rules, each agenda item shall be considered in the numerical order assigned by the Zoning Administrator. Each agenda item shall be separately announced by the presiding officer for purposes of discussion and consideration. To announce an item, it shall be sufficient to identify the item by the number assigned by the Zoning Administrator, unless greater specificity is requested by some person in attendance or if the presiding officer so chooses. Each agenda item shall be voted upon separately and each separate vote shall be recorded by the Zoning Administrator. This rule may be adjusted in situations deemed appropriate by the Zoning Administrator. The following is the order of business of the Planning & Zoning Commission at its meetings:

- 1) Call to Order & Roll Call
- 2) Review Previous Meeting Minutes
- 3) Public Hearing
 - Unfinished Business
 - If a voting item, public hearing must be re-opened
 - New Business
 - City Staff Report
 - Questions for City Staff
 - Applicant & Citizen Participation
 - Close of Public Hearing (Voice Vote)
- 4) Other Business
 - Board Deliberation
 - Roll Call Vote
 - (Repeat for each agenda item)
 - Introduce future voting items
 - Presentations
 - Voting items that do not require a public hearing
 - Comments or Questions from Commissioners
- 5) Adjournment

Section V. Conduct of Meetings

Rule 26: Control of Discussion. The presiding officer shall control discussion of the Commission on each agenda item to assure full participation in accordance with these rules.

Rule 27: Discussion. A Commissioner shall speak only after being recognized by the presiding officer. A Commissioner recognized for a specific purpose shall limit remarks to that purpose. After being recognized, a Commissioner shall not be interrupted except by the presiding officer to enforce these rules, or by another Commissioner raising a point of order.

Rule 28: Commissioners May Speak – How Often. No member shall speak more than once on the same question until all other members desiring to speak have spoken.

Rule 29: Presiding Officer's Right to Enter into Discussion. The Chair (or designated presiding officer) may enter into any discussion.

Rule 30: Remarks to be Germane. Comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of comments. Commissioners making personal, impertinent, or slanderous remarks may be barred, at the presiding officer's discretion, from further comment on the item under consideration.

Rule 31: No "Side" Conversations Between Commissioners. Commissioners shall not engage in "side" conversations with one another during any Commission meeting. If a Commissioner wishes to share information with others, that Commissioner should seek the recognition of the presiding officer.

Rule 32: Profanity and Motive: No Commissioner shall use profanity while speaking in any Commission meeting, and no Commissioner shall question the motive of another Commissioner.

Section VI. Citizen Participation

Rule 33: Citizen's Right to Address the Commission. The City of Newton is supportive of citizen participation at Planning & Zoning Commission meetings. In order to ensure that citizen participation occurs in an orderly fashion, the guidelines below must be utilized by persons wishing to speak at a Commission meeting. By following these guidelines, all persons can be assured that their viewpoint, concerns and comments are brought to the attention of Commissioners prior to and during their decision-making process.

Rule 34: Manner of Addressing the Commission. Any person desiring to address the Commission must first be recognized by the presiding officer. After being recognized by the presiding officer, speakers shall proceed to the podium, use the microphone, state his or her name, address, and group affiliation (if any), then speak clearly and address his or her comments to the Commission.

Rule 35: Citizen's Remarks and Decorum. Individual and/or total citizen input during a public hearing on any subject under Board consideration can be limited to a fixed period by the presiding officer. Individuals shall be limited to one visit to the podium for each item on a given agenda unless said individual is the applicant or applicant's representative, if any member of the Board makes such a specific request or asks a question directed to an individual, or if the presiding officer allows an individual to speak again. All comments and questions shared by an individual shall be directed only to the Board and not to anyone else in the audience including the Zoning Administrator, other citizens, or the applicant or applicant's representative. Then, the Board may choose to respond or redirect the comment or question to the appropriate party.

Rule 36: Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration and must be related to City policies or the provision of City services. If the presiding officer finds it appropriate, he or she may refer items not on the agenda to further study by City staff or to a city board or commission. Citizens making irrelevant remarks or who use profanity may be barred by the presiding officer from further comment to the Commission during the meeting. The presiding officer shall rule on the germaneness of citizen comments.

Section VII. Planning & Zoning Commission Action

Rule 37: Call to Order. The presiding officer shall call the meeting to order at the appointed hour. In the absence of the Chair and Vice Chair, the Zoning Administrator shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 4. The selected temporary presiding officer shall serve as the Interim Chair for that specific meeting for the purpose of being authorized to sign all measures approved at that meeting.

Rule 38: Roll Call. Before proceeding with the business of the Commission, the Zoning Administrator shall call the roll call of members present, and enter those named in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

Rule 39: Simple Motion. Motions are the most typical action of the Commission. Motions are used for routine actions, such as approval of minutes, and are effective immediately upon the vote of the Commission. All action requiring a vote shall be moved by a Commissioner, and a simple majority of Commissioners present need to vote affirmatively to pass a motion. If a motion fails to receive a second or if a motion and subsequent second fails to receive a majority of affirmative votes, then one final motion may be submitted by a Commissioner. For example, if a motion to recommend approval of an application fails a vote, then a new motion to recommend postponement, approval with conditions or amendments, or disapproval may be presented.

Rule 40: Motions. At any appropriate place on the agenda, any Commissioner may make a motion for the Commission to act if the motion is germane to the matter under consideration. Allowable motions include the following: 1) Motion to recommend approval, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the presiding officer, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to recommend approval: I move to recommend of approval of item 3, as presented.

Motion to amend: I move to amend by adding the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment (i.e., the addition of the words “and grade”). Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 6:00 P.M. Or, I move to recess for 10 minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting. Or, I move to table this review until the regular November meeting so the applicant can provide more information.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the presiding officer: I move to appeal the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and state the question, “Shall the decision of the chair be sustained?”

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the preliminary plat application. I voted for [or against] the application.

Motion for the previous question (i.e., "closing debate"): I move the previous question or I call for the question.

Rule 41: Motions – Requiring a second. No motion shall be debated until another Commissioner has seconded the motion. After a motion has been made, another Commissioner who wishes it to be considered says, "I second the motion," and may do so without obtaining the floor.

Rule 42: Must be read or stated before debate. After a motion is made and seconded, the motion shall be reviewed by the presiding officer before being debated.

Rule 43: Points of Order. Commissioners who notice a breach of these rules may raise a point of order to insist upon their enforcement. If the presiding officer notices a breach, he or she corrects the matter immediately, but if he or she fails to do so, then any Commissioner can make the appropriate point of order. Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule 44: Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, "Shall the chair be sustained?" shall be immediately asked and determined before the Commission proceeds to other business.

Rule 45: Previous Question (i.e., "closing debate"). Any Commissioner may move the previous question. The motion shall be restated by the presiding officer in this form: "Shall the question under immediate consideration be now put?" It shall only prevail when supported by a majority of the Commission, and until decided, shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Commission votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration, but the Commission shall proceed as if the motion had not been made.

Rule 46: Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules, and 4) motion to recess.

Rule 47: Indefinite postponement. When a simple motion or application is postponed indefinitely, that item shall not be acted on again in the same calendar year except if supported by a majority of the Commission.

Rule 48: Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 49: Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Commission. Except as provided by Rule 26, a call for the vote shall not close discussion if any Commissioner still wishes to be heard.

Rule 50: Motion to Reconsider and Sponsor Requirements. No rehearing shall be held on a denied application for a period of 12 months from the date of such City Council denial unless significant revisions are completed. If, after 12 months after the date of such denial, an applicant desires the Commission to reconsider the same application, a request shall be submitted to the Zoning Administrator in writing and the item shall be placed under Old Business on the next meeting agenda. A motion to reconsider

an application after 12 months must be sponsored by a member who voted on the prevailing side of the original action or by a member who was absent at the time of the original action.

A rehearing on any decision of the Commission may be made if the following occur: the motion to reconsider is made by a sponsoring member and approved by a simple majority of the Board; new evidence, supporting documentation, or extenuating circumstances are submitted which could not reasonably have been presented at the original meeting; and the case is placed on a subsequent agenda for a new public hearing with notices.

Rule 51: Call for Vote. At the conclusion of debate, the presiding officer shall call for a vote, provided, however, a majority of the Commission may require a vote at any time.

Rule 52: Final Decisions. A final decision for any application shall be made in the form of a vote by the Commission to be submitted to City Council for a final decision. In the case of an application for zoning ordinance or map amendments; subdivision plans; comprehensive plan preparation, studies, or amendments; urban renewal plans; public rights-of-way or easement vacations; and any other matter deemed appropriate, the vote shall set forth that the Commission recommends approval, approval with conditions (specifically defining what conditions, shall be complied with), or disapproval of the application.

Rule 53: Voting. All members of the Commission, including the Chair, are required to cast a vote for each motion. Minutes will show absent members, and a member may abstain if he/she feels there is a conflict of interest, particularly if the conflict is of a financial nature. If a Commissioner elects to abstain from voting, he/she is required to state the reason for his/her abstention at the time of voting.

Rule 54: Recording Names of Moving Commissioners. The Zoning Administrator shall record the name of the Commissioner making and seconding each motion.

Rule 55: Consideration of Matters Not on Agenda. Except for matters which by law require the publication of notice before consideration by the Commission, any Commissioner may, at the close of the regular agenda, bring a matter not on the agenda to the Commission's attention during "Other Business." The Commission may not act upon such a matter, but rather direct the matter to be included upon a future agenda.

Rule 56: Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a vote of five-sevenths of the Commission, or by all Commissioners present at a given meeting.

Rule 57: Informal Requests. Any Commissioner, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney or any City employee at the meeting.

Section VIII. Commission Signatures

In accordance with Ch. 414 of the Iowa Code and Ch. 158 of the Newton City Code – both of which establish requirements of the Planning & Zoning Commission (the “Commission”) to adopt rules to carry out the provisions of the Newton Zoning Ordinance – the following rules of procedure and bylaws are hereby adopted by the Newton Planning & Zoning Commission.

Andrew Elbert, _____ Date _____

Dana VanGilder, _____ Date _____

Jeff Holschuh, _____ Date _____

Josh Cantu, _____ Date _____

Don Poynter, _____ Date _____

Jane Johnson, Vice Chair _____ Date _____

Dana Woody, Chair _____ Date _____

The rules of procedure and bylaws found herein may be amended whenever necessary or when it is in the best interest of the Commission, provided that such an amendment is proposed in writing and approved by a simple majority of the Commission (at least four members). If approved, the Zoning Administrator shall update the official document and it shall be maintained at the Newton Community Development Department offices.