

## ORDINANCE NO. 14,169

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by repealing Section 82-1, Section 82-79, Section 106-13 and subsection (a) of Section 106-198 thereof, and enacting a new Section 82-1, Section 82-79, Section 106-13 and subsection (a) of Section 106-198 , to place the plan and zoning commission fees into a Schedule of Fees to be adopted by the City Council by resolution.

BE IT ORDAINED by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by repealing Section 82-1, Section 82-79, Section 106-13 and subsection (a) of Section 106-198 thereof, and enacting a new Section 82-1, Section 82-79, Section 106-13 and subsection (a) of Section 106-198 , to place the plan and zoning commission fees into a Schedule of Fees to be adopted by the City Council by resolution, as follows:

### **Sec. 82-1. Plan and zoning commission fees.**

The required fee for a change in district classification or boundaries or text amendment under section 134-4 of this Code shall be in the amount set in the Schedule of Fees adopted by the city council by resolution. In addition to the fees, the owner shall pay the notification costs for property owners, publication costs and recording costs as established by the community development department.

### **Sec. 82-79. Fees.**

An owner of property may initiate an amendment to the comprehensive plan affecting property owned by him or her by depositing a fee in the amount set in the Schedule of Fees adopted by the city council by resolution, and submitting a written request for amendment of the comprehensive plan to the community development department. Where the city council initiates an amendment at the request of one or more owners of affected property, the required fee shall be paid within a reasonable period of time after council action. No further action shall be taken as to any such proposed amendment for which a fee is required until the fee has been paid. Under no circumstances shall the required fee be refunded upon failure of the proposed amendment to be approved.

### **Sec. 106-13. Fees.**

(a) Before a preliminary plat, a plat of survey or an amendment to an approved plat may be considered by the city, the applicant shall

deposit a fee in the amount set in the Schedule of Fees adopted by the city council by resolution.

(b) Resubmission of a plat due to amendments required or made to the plat as previously submitted may be made once without additional fee. Thereafter, the resubmitted plat shall not be considered by the plan and zoning commission until the applicant has deposited the additional fee in the amount set in the Schedule of Fees adopted by the city council by resolution.

(c) An application made for property wholly owned by the federal government may be made without paying the fee described in this section.

**Sec. 106-198. Approval of plat.**

(a) After completion of the preapplication conference required in section 102-197 of this article and if the applicant wishes to proceed to divide the property that was the subject of such preapplication conference, the applicant shall cause to be prepared a plat of survey of the tract to be divided and shall submit four copies of such plat and such other information as is required in this section to the city permit and development center for its study and determination and shall deposit with the city the plat of survey approval fee in the amount set in the Schedule of Fees adopted by the city council by resolution.

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Sec. 2. This ordinance shall be in full force and effect from and after the later of January 1, 2003, or its passage and publication as provided by law.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 02-2926), passed by the City Council of said City at a meeting held December 16, 2002 signed by the Mayor on December 16, 2002 and published as provided by law in the Polk County Press Citizen on December 27, 2002 Authorized by Publication Order No. 3495.

Donna V. Boetel-Baker, City Clerk