

ORDINANCE NO.16,074

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 amending Section 106-2 and repealing Sections 106-136 and 106-201, relating to stormwater management.

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, as heretofore amended, by amending Section 106-2 and repealing Sections 106-136 and 106-201, relating to stormwater management, as follows:

Sec. 106-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant means a proprietor or subdivider of land proposed to be subdivided or his or her representative.

Auditor's plat means a subdivision plat required by either the county auditor or the county assessor and prepared by a registered land surveyor under the direction of the county auditor.

Bond means cash deposits, surety bonds or instruments of credit in an amount and form satisfactory to the city attorney and finance director or their authorized representatives.

Building means any structure, excluding signs and billboards, designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building line means a line on a plat between which line and public right-of-way line no buildings or other structures may be erected.

City engineer means the chief civil engineer of the city or his or her designated representative.

Cluster subdivision means an alternative to conventional subdivision development wherein variable lot sizes are permitted in conjunction with a minimum lot size standard and which retains the same types and density of uses established by the applicable regulations and restrictions of chapter 134 of this Code.

Commission means the city plan and zoning commission.

Comprehensive plan means the current comprehensive plan for the general development of the city adopted by the city council pursuant to section 82-77 of this Code, including any part of such plan and any amendment to such plan separately adopted.

Construction plan means the maps or drawings prepared by a registered professional engineer accompanying a plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the city engineer and the plan and zoning commission.

Design standards means the design standards policy manual for construction of public improvements approved by the commission and adopted by the city council.

Drainageway, improved means an improved ditch with invert protection, graded slopes and controlled velocities.

Drainageway, natural means an existing ditch in as natural a condition as possible and which can be maintained as such in the opinion of the city engineer.

Escrow means a deposit of cash with the city in lieu of an amount required and still in force under the surety bond and placed in an identified separate account by the city treasurer.

Flood fringe means the portion of a floodplain between a floodway and the outer limits of a 100-year flood.

Floodway means the channel of a stream or other watercourse and the adjacent land areas required to carry and discharge a 100-year flood.

Grade means the slope of a road, street or other public way, specified in percent of vertical to horizontal measurements.

Improvement means any drainage ditch, roadway, parkway, storm sewer, sanitary sewer, water main, sidewalk, pedestrian way, or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which city responsibility is established.

Lot means a tract of land in a subdivision intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development and represented and identified by a letter or number designation on a plat.

Model building means a building used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

Official plat means either a subdivision plat or an auditor's plat that meets the requirements of I.C. § 354.1 et seq., and this chapter and that has been filed for record in the offices of the county recorder, auditor and assessor.

Parcel means a part of a tract of land.

Permit and development center coordinator means the individual assigned to manage the city permit and development center.

Planning director means the planning director of the city or his or her designated representative.

Plans of record means plans prepared by a registered professional engineer showing his or her signature and certifying that the public improvements have been constructed as shown.

Plat means a graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot and a succinct name or title that is unique.

Plat, major means any subdivision plat, which incorporates a new street.

Plat, minor means any subdivision plat, which does not include a new street.

Plat of survey means the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

Proprietor means any person who has a recorded interest in land sought to be subdivided under this chapter, including a person selling or buying the land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.

Registered land surveyor means a land surveyor properly licensed and registered in the state who engages in the practice of land surveying pursuant to I.C. ch. 542B.

Registered professional engineer means an engineer properly licensed and registered in the state who engages in the practice of engineering pursuant to I.C. ch. 542B.

Right-of-way means a strip of land to be dedicated as a roadway, walkway, or another special use established and shown on a final plat as separate and distinct from the adjoining lots and not included within the dimensions of such lots.

Standard specifications means the standard specifications for construction of public improvements adopted by the city council.

Street, dead-end means a street permanently or temporarily closed to through traffic.

Street, major means a street that provides for traffic movement between collector or arterial streets and local streets and direct access to abutting property.

Street, minor means a local service street used primarily for access to abutting property.

Street tree means a tree in a public place, street, special easement, or right-of-way adjoining a street.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

Subdivider means any person who:

- (1) Having an interest in the land causes it, directly or indirectly, to be divided into a subdivision or to be included in a proposed subdivision;
- (2) Directly or indirectly, sells, leases, or develops or offers to sell, lease, or develop or advertise for sale, lease, or development any interest, lot, parcel, site, unit, or plat in a proposed subdivision; or
- (3) Engages, directly or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a proposed subdivision.

Subdivision means a tract of land divided or proposed to be divided into three or more parcels, whether by subdivision plat, plat of survey, or otherwise; the act of creating a subdivision.

Tract means an aliquot part of a section within the United States public land survey system, a lot within an official plat, or a government lot.

Urban transportation plan means a part of the comprehensive plan providing for the development of traffic circulation throughout the city in a manner that will safely accommodate increased traffic volume at optimal speeds.

Zoning ordinance means the official zoning ordinance of the city, together with any and all amendments thereto, set forth in article X of chapter 22 and in chapter 134 of this Code.

Sec. 106-136. Repealed by Ord. No. 16,074.

Editor's note—Ord. No. 16,074 repealed Sec. 106-136 which pertained to Stormwater runoff control and is now included in chapter 42, article XI.

Sec. 106-201. Repealed by Ord. No. 16,074.

Editor's note—Ord. No. 16,074 repealed Sec. 106-136 which pertained to Stormwater management facilities enforcement and is now included in chapter 42, article XI.

Section 2. This ordinance shall be in full force and effect on and after its passage and publication on February 1, 2022.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

Linda Westergaard, Mayor Pro Tem

Attest: I, P. Kay Cmelik, 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. 21-1699), passed by the City Council of said City at the meeting held on November 1, 2021 and signed by the Mayor on November 1, 2021 and published and provided by law in the Business Record on November 19, 2021. Authorized by Publication Order No. 11723.

P. Kay Cmelik, City Clerk