

Date October 6, 2014

**RESOLUTION HOLDING PUBLIC HEARING ON PROPOSED AMENDMENTS TO  
SUBDIVISION ORDINANCE (CHAPTER 106) TO AUTHORIZE COMMUNITY  
DEVELOPMENT TO PROVIDE NOTIFICATION TO ADJOINING OWNERS AND  
COLLECTION OF A NOTIFICATION COST FROM APPLICANTS OF  
PRELIMINARY SUBDIVISION PLATS**

**WHEREAS**, Des Moines Municipal Code Section 106-7 provides that amendments to the Subdivision Ordinance (Chapter 106) shall not become effective until after public hearing before the Plan and Zoning Commission and the City Council; and

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 4, 2014, its members voted 13-0 in support of a motion to recommend **APPROVAL** to amend Sections 106-13 and 106-198 of the Subdivision Ordinance, in the form attached hereto, to authorize the Community Development Department to provide notification to adjoining property owners when determined necessary in relation to Preliminary Subdivision Plat approval, and to provide collection of a notification cost for such notice from applicants of Preliminary Subdivision Plats; and

**WHEREAS**, on September 22, 2014, by Roll Call No. 14-1470, it was duly resolved by the City Council that the proposed amendments to the Subdivision Ordinance be set down for hearing on October 6, 2014 at 5:00 P.M., in the Council Chamber at City Hall; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Subdivision Ordinance; and

**WHEREAS**, in accordance with said notice, those interested in said proposed amendments, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. Upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all objections to the proposed amendments to Sections 106-13 and 106-198 of the Subdivision Ordinance, Chapter 106 of the Des Moines Municipal Code, are hereby overruled, and the hearing is closed.

Date October 6, 2014

- The proposed amendments to Sections 106-13 and 106-198 of the Subdivision Ordinance authorizing the Community Development Department to provide notification to adjoining property owners when determined necessary in relation to Preliminary Subdivision Plat approval, and to provide collection of a notification cost for such notice from applicants of Preliminary Subdivision Plats, are hereby approved, subject to final passage of an ordinance amending said Sections as set forth herein.

FORM APPROVED:

MOVED by \_\_\_\_\_ to adopt.

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**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. In addition to said fee, the applicant shall pay the costs for any required notification to property owners as determined and established by the community development department.
- (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.~~
- (b) The plat of survey shall be drawn to a scale of not less than one inch to 100 feet, shall be certified by a registered land surveyor and, together with any necessary attachments, shall show the following:
- (1) All surveying dimensions and requirements set forth in subsection 106-132(4) of this chapter.
  - (2) All parcel boundary lines, with applicable addresses and all easements, accurately established by sufficient information, including dimensions and angles or bearings.
  - (3) A complete legal description and list of proprietors of the property to be divided, showing the location and extent, points of compass, scale of plat, and certification, and name of the surveyor responsible for staking the parcels. All adjoining properties shall be identified, and where such adjoining

properties are a part of an official plat, the name of that plat shall be shown.

(4) Copies of proposed easements for the extension of water; sanitary and storm sewer; gas, electrical, cable television and telephone service to the parcels.

(5) If any parcel created by the plat of survey is not individually developable under the applicable zoning and land use regulations, such parcel shall be identified as an "outlot." The permit and development coordinator may require the plat to also show the adjoining parcel with which the outlot is to be assembled for development.

(6) The location of each existing structure and the setback of each such structure from the boundary lines.

(c) Upon submission of four copies of such plat and all required attachments, the permit and development center coordinator shall forward copies to city departments as appropriate. The permit and development center coordinator shall instruct the city departments to complete their review of the plat and forward their comments concerning the plat to the city permit and development center within 15 days after the date of submission of such plat to the city permit and development center.

(d) Upon receipt of comments from the appropriate city departments, the permit and development center coordinator shall, with the concurrence of the planning director and city engineer, determine if the proposed plat of survey conforms to the standards and requirements outlined in section 106-132 of this chapter, excluding subsection (7), and in subsection (b) of this section and shall approve, conditionally approve or reject such plat of survey within 30 days after the date of submission thereof to the permit and development center. No plat of survey shall be approved except upon an express finding that each parcel has access to all necessary public utilities and that all necessary public improvements are in place. The permit and development center coordinator shall promptly notify the applicant of the determination.

(e) The permit and development center coordinator, with the concurrence of the planning director and city engineer, may waive the requirement for construction of any improvement or may approve a plat of survey subject to the restriction that no certificate of occupancy will be granted for the property until the improvement is completed, when they determine that such waiver is justified because of incompatible grades, future planning or inadequate or nonexistent connection facilities, and that such waiver will not adversely affect the public health, safety or general welfare.



September 16, 2014

Honorable Mayor and City Council  
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held September 4, 2014, the following action was taken regarding a City Council initiated request to amend the Subdivision Ordinance (Chapter 106) to authorize Community Development to collect a notification cost from applicants for Preliminary Subdivision Plats.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 13-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Dann Flaherty	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier	X			

**APPROVAL** of the proposed text amendments.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Staff recommends approval of the proposed text amendments.

**STAFF REPORT TO THE PLANNING COMMISSION**

**I. GENERAL INFORMATION**

- I. Included in the Commissioners packet are proposed text amendments to Chapter 106 known as the Subdivision Ordinance. The proposed changes would authorize the Community Development Department to charge a fee for costs associated with notifying surrounding property owners of a Preliminary Subdivision Plat proposal. The Community Development Director would establish the notification cost by written letter, from time to time, based on a review of the actual notification expenses.

**SUMMARY OF DISCUSSION**

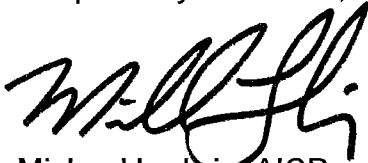
Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

**COMMISSION ACTION:**

Will Page moved staff recommendation to approve the proposed text amendments.

Motion passed 13-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

MGL:clw

Attachment