

★ Roll Call Number

Agenda Item Number

42

Date October 20, 2014

An Ordinance entitled, "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 Sections 106-13 and 106-198, to authorize the community development department to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats",

which was considered and voted upon under Roll Call No. 14- 1589 of October 6, 2014; again presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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

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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

14-589  
34A  
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ORDINANCE NO. \_\_\_\_\_

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 Sections 106-13 and 106-198, to authorize the community development department to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats.

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, is hereby amended by amending Sections 106-13 and 106-198, to authorize the community development department to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats, as follows:

**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.

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Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney