



Roll Call Number

14-1588

Agenda Item Number

34

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.

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- 2. 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 Gatto 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	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie Mayor

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.

Diane Rauh City Clerk