

CHAPTER 23
SUBDIVISIONS

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DIVISION I GENERAL PROVISIONS

Sec. 23.101. TITLE.

This chapter shall be known and may be cited and referred to as the Subdivision Regulations for the City of Ames, Iowa, and will be referred to herein as the "Regulations" to the same effect as if the full title were stated.

(Ord. No. 3524, 5-25-99)

Sec. 23.102. PURPOSE, APPLICATION, AND WAIVER/MODIFICATION.

(1) Purpose: It is determined to be in the public interest and the purpose of these Regulations:

(a) To provide for accurate, clear and concise legal descriptions of real estate in order to prevent, wherever possible, land boundary disputes or real estate title problems;

(b) To provide for a balance between the use rights of individual landowners and the economic, social, and environmental concerns of the public when the City is developing or enforcing its land use regulations; and

(c) To encourage orderly development of the City and provide for the regulation and control of the extension of public improvements, public services, and utilities, the improvement of land, and the design of subdivisions, that, are consistent with the City's Land Use Policy Plan and other specific community plans.

(2) Application.

(a) The provisions of the Regulations are minimum requirements for promotion of the public health, safety, and general welfare. No zoning permit or building permit shall be issued for construction, enlargement, or expansion of a principal building, within the meaning of the City's zoning regulations, from the effective date of the Regulations with respect to any land that has been divided without compliance with the provisions of the Regulations and all other applicable state laws and city ordinances in force at the time of such division. If the Regulations impose higher standards than are required in any other statute or local ordinance or regulation, the Regulations shall govern. If any other statute or local ordinance or regulation imposes higher standards than are required by the Regulations, the other statute or local ordinance or regulation shall govern.

(Ord. No. 4025, 3-2-10)

(b) These Regulations govern any subdivision plats or plats of survey for divisions or subdivisions inside the City's boundaries or outside the City's boundaries but within two miles of the City's boundaries within Story County or Boone County, Iowa, pursuant to the authority of Code of Iowa Section 354.9(1).

(3) These Regulations apply where any or all of the following circumstances exist or occur:

(a) any area of land which has been divided or shall hereafter be divided into two or more parts;

(b) any area of land that is described by metes and bounds, or an area of land that is not a complete platted lot.

(c) any adjustment, addition, or deletion of lot or parcel lines.

(Ord. No. 4061,4-26-11)

(4) Such area of land shall be platted or reviewed in accordance with these regulations, prior to issuance of zoning and/or building permits for development or change in use of that area of land. A zoning permit and/or building permit shall not be issued with respect to an area of land that is within the scope of 3(a) or 3(b) above until such area of land has been platted in accordance with these Regulations, or otherwise determined to be a legalized lot as defined in this Chapter.

(Ord. No. 4061,4-26-11)

Sec. 23.103. WAIVER/MODIFICATION.

(1) Where, in the case of a particular subdivision, it can be shown that strict compliance with the requirements of the Regulations would result in extraordinary hardship to the Applicant or would prove inconsistent with the purpose of the Regulations because of unusual topography or other conditions, the City Council may modify or waive the requirements of the Regulations so that substantial justice may be done and the public interest

secured provided, however, that such modification or waiver shall not have the effect of nullifying the intent and purpose of the Regulations. In no case shall any modification or waiver be more than necessary to eliminate the hardship or conform to the purpose of the Regulations. In so granting a modification or waiver, the City Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so modified or waived.

(2) The requirements of the Regulations for the platting of a Minor Subdivision may be waived by city staff when it is determined by city staff that:

(a) A clear and accurate description of the area of land will be provided by means of a plat of survey to be procured by the property owner, and in compliance with Section 23.307.

(b) With respect to that area of land, all substantive requirements and standards of the Regulations are already met.

(Ord. No. 3572, 7-11-00; Ord. No. 3524, 5-25-99; Ord. 3545, 1-11-00)

Sec. 23.104. FEES.

The City Council shall from time to time establish by resolution, a schedule of reasonable fees, sufficient to recover incurred costs, to be charged for the review of plats under the Regulations.

(Ord. No. 3524, 5-25-99)

Sec. 23.105. ENFORCEMENT AND PENALTIES

(1) Enforcement: It shall be the duty of the Building Official/Zoning Enforcement Officer to enforce provisions of the Regulations and to bring to the attention of the City Council any violations or lack of compliance.

(2) Penalties: A violation of any provisions of Chapter 23, Subdivisions, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation, thereof, and a penalty of \$750 for each repeat violation.

(Ord. No. 3524, 5-25-99)

Sec. 23.106. VALIDITY, SEVERABILITY AND EFFECTIVE DATE.

Validity and Severability: If any division, section, subsection, paragraph, sentence, clause, phrase, or provision of the Regulations is adjudged invalid or held unconstitutional, the same shall not affect the validity of the Regulations as a whole or any division, section, subsection, paragraph, sentence, clause, phrase, or provision thereof, other than the division, section, subsection, paragraph, sentence, clause, phrase, or provision so adjudged to be invalid or unconstitutional. All regulations or parts of regulations in conflict with the Regulations are hereby repealed to the extent of such conflict.

(Ord. No. 3524, 5-25-99)

Sec. 23.107. RELATIONSHIP TO OTHER LAWS AND PLANS.

In addition to the requirements of the Regulations, all plats of land must comply with all other applicable City, county, state and federal statutes or regulations. All references in the Regulations to other City, county, state or federal statutes or regulations are for informational purposes only, and do not constitute a complete list of such statutes or regulations. The Regulations are expressly designed to supplement and be compatible with, without limitation, the following City plans, regulations or ordinances:

- (1) Land Use Policy Plan
- (2) Zoning Ordinance
- (3) Historic Preservation Ordinance
- (4) Flood Plain Ordinance
- (5) Building, Sign and House Moving Code
- (6) Rental Housing Code
- (7) Transportation Plan
- (8) Parks Master Plan
- (9) Bicycle Route Master Plan

Plats may be disapproved on the basis of the above, and other City Council approved plans and policies that may be adopted from time to time.

(Ord. No. 3524, 5-25-99)

DIVISION II

DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 23.201. DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purposes of the Regulations, have the meaning herein indicated.

(1) **Adequate Public Facilities:** Facilities determined by the City Council to be capable of supporting and servicing specified levels of service for anticipated infrastructure needs in the physical area and with the designated intensity of a proposed subdivision.

(2) **Alley:** A public way designed to be used as a secondary means of access to the side or rear of abutting property whose principal frontage is on some other public way.

(3) **Applicant:** The owner of land proposed for subdivision or the developer thereof who has written authority to act on behalf of the owner.

(4) **Bikeway:** A public way designed to be used for bicycling. "Bikeway" shall include: any Bicycle Facility, including a path or shared use path, which is a public way separated from any highway, street or alley and designed for the use of bicycles; and any Bike Lane, which is a portion of a highway, street, alley or other public way reserved and marked for the exclusive use of bicycles.

(Ord 4237, 12-22-15)

(5) **Block:** An area of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, exterior boundaries of the subdivision, shorelines of waterways, or corporate boundaries.

(6) **BMPs:** Best Management Practices. Those practices most appropriate for land management.

(7) **Bond:** Any form of security including a letter of credit, a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Council.

(8) **Boundary line Adjustment:** An adjustment of lot or parcel lines between owners of contiguous officially platted lots or parcels where no more than the same number of lots or parcels, or fewer numbers of lots or parcels, exist after the adjustment.

(9) **Buffer:** Buffers are areas vegetated with native prairie and or woodland plants located next to rivers, streams, creeks, wetlands, lakes and reservoirs. They protect these water resources from nonpoint source pollution and provide bank stabilization and aquatic and wildlife habitat. Buffers also minimize development in floodplains and flood fringes.

(10) **Building:** Any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels. Each area of such structure separated by division walls from the ground up without openings shall be deemed a separate building.

(11) **Building Line:** A line fixed parallel to the front lot line in front of which lies the front yard and behind which all buildings or structures must be setback under the terms of the Zoning Ordinance.

(12) **Building Official/Zoning Enforcement Officer:** The individual appointed by the City Manager who is responsible for the administration and enforcement of the Zoning Ordinance and Subdivision Regulations of the City.

(13) **Central Sewerage System:** A private sewer system including collection and treatment facilities established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(14) **Central Water System:** A private water system, including water treatment and distribution facilities, established to serve a new subdivision or re-subdivision that is located outside the corporate boundaries serving the number of people as specified by the Department of Natural Resources or other appropriate State Agency.

(15) **City:** The City of Ames, Iowa.

(16) **Cluster Groups:** Grouping homes in a development utilizing existing land features to maximize open space, minimize mass grading and prevent development in environmentally sensitive areas.

(17) **Conservation Area:** Land within a conservation subdivision that has been dedicated through conservation easement, reserved, and restricted in perpetuity from further development and is set aside for protecting environmentally sensitive areas and/or for providing a means for managing stormwater. It shall be substantially free of structures, but may contain historic structures and archaeological sites as indicated on the approved development plan. They may include recreational areas such as shared use paths, play fields or community gardens.

(18) **Conservation Easement:** The grant of a property right or interest from the property owner to a

unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, restored, scenic, open or wooded state, precluding future or additional development.

(19) Conservation Subdivision: A housing development which is characterized by compact and cluster lots, and dedicated conservation areas where the natural and/or restored features of the land are maintained.

(20) Conveyance Parcel: Any parcel created by the division of land through a deed or contract conveyance, or any boundary line adjustment of land established through a deed or contract conveyance, initially created or established without the benefit of City review and approval, which has been assigned a tax parcel number prior to August 4, 2009, and which is not a legalized lot as defined in this Chapter.

(21) Dedication: A grant to the City of title to land, without compensation.

(22) Development Envelopes: Areas within which grading, lawns, pavement, buildings and structures will be located.

(23) Division: An apportionment of an area of land into two or more parts, any of which is less than 40 acres, except apportionments of an area of land that are made for purposes of lease or rental.

(24) Driveway Approach: A vehicle access from private property to a public street or alley.

(25) Easement: The perpetual right to use the land of another for a specified purpose.

(26) Environmentally Sensitive Areas: Areas of land containing prairie, wetlands and/or riparian corridors and associated protective buffers, floodways, unstable soils, habitat for threatened or endangered species, aquifer recharge areas, or identified watershed protection areas.

(27) For-Profit Organization: Any corporation or association the purposes or powers of which include retaining or protecting the natural, scenic or conservation area values of real property, assuring the availability of real property for prairie, woodland, recreational or conservation areas use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

(28) Gross Acreage: The total area of a lot, tract, parcel, or other defined area of land, including the area of perimeter street rights-of-way to the center line of the street.

(29) Highway: A public way designated as a highway by an appropriate, state or federal agency.

(30) Homeowners Association: A community association incorporated or not incorporated, combining individual homeownership with shared use or ownership of common property or facilities.

(31) Improvement Agreement: A written agreement signed by an Applicant and authorized agents of the City whereby the Applicant agrees to undertake performance of those obligations imposed by the Regulations, or agrees to undertake additional public facility improvements in exchange for such consideration of development rights as may be contained in the agreement and as authorized by the City, and containing such other terms and provisions and in such form as shall be acceptable to the City. Specifically, an Improvement Agreement is to be entered into after approval of the Preliminary Plat in the event that improvements set forth therein will not be completed before submission of the Final Plat.

(32) Improvement Guarantee: Any surety provided in accordance with Section 23.409 of the Regulations.

(33) Land Use Policy Plan: The comprehensive plan for the City of Ames, Iowa, as adopted August 26, 1997, and as subsequently amended.

(34) Legalized Lot: Any lot or parcel approved pursuant to the provisions of this Chapter, or as otherwise legalized under the provisions of Code of Iowa Sections 592.2, 592.3 and/or 592.4.

(35) Lot: An area of land designated by number or letter in a plat of subdivision recorded pursuant to the Regulations, or otherwise recorded with the office of the County Recorder.

(36) Major Subdivision: Any division that is not classified as a Minor Subdivision, Boundary line Adjustment or conveyance division.

(37) Minor Subdivision: Any subdivision that plats no more than three lots fronting on an existing public way and does not require construction or extension of any public ways, utilities or other improvements, as set out in Section 23.301 of the Regulations.

(38) Net Acreage: Gross acreage less all land areas comprising any of the following: public or private right-of-way; common open space owned by the City of Ames or by a homeowners' association or similar private entity; severe slopes where the topography exceeds 10% as determined by the Story County Soil Survey; areas containing natural resources as identified in the Natural Areas Inventory of the City of Ames dated 1994; areas reserved as outlots or easements to the City as woodlands, prairies, wetlands, or other native plant communities; stormwater detention areas and stormwater retention ponds; and areas reserved as outlots or easements to the City to protect natural archaeological or historic features.

(39) Net Density: Total number of dwelling units divided by net acreage.

(40) Non-profit Conservation Organization: Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or conservation area values of real property, assuring the availability of real property for prairie, woodland, recreational or conservation areas use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

(41) Outlot: an unbuildable area of land, due to its, size, shape, topography or general location within the phasing of a subdivision.

(42) Parcel: A part of, an aliquot part of a section, a lot within an official plat, or a government lot. In this context, the term "parcel" does not mean, and should not be confused with, tax parcels.

(43) Plat of Survey, Official: 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 and signed by a registered land surveyor in compliance with Code of Iowa Section 355.7.

(44) Plat of Survey, Proposed: A graphical representation of an existing parcel or tract of land, or of a proposed division or reconfiguration of an existing lot, parcel or tract of land, prepared in the same format as an Official Plat of Survey but without the signature of the registered land surveyor.

(45) Preliminary Plat: A plat for a proposed major subdivision prepared and submitted in accordance with Section 23.13 of the Regulations.

(46) Public Way: A right-of-way used for passage by the public. "Public Way" shall include, but not be limited to, any highways, streets or alleys.

(47) Retracement Survey: The process of field locating and marking record title boundaries as described in Code of Iowa Section 355.4.

(48) Right-of-way: A strip of land acquired by reservation, dedication, prescription, or condemnation and used or intended to be used by specific persons or the public for a specific purpose or purposes. "Right-of-Way" shall include but not be limited to, any public ways.

(49) Shade Tree: An overstory tree of approved species and size.

(50) Sidewalk: A public way designed and used for walking and located in public right-of-way or public easements.

(51) Sketch Plan: A plan of land, preparatory to the plat, showing the location of a proposed division of land, including the general location and dimensions of any proposed streets and other improvements and the general layout and arrangement of intended land uses, in relation to the surrounding area.

(52) Stormwater Treatment Train: A combination of stormwater management practices that are constructed or planted to convey, cleanse, and enhance stormwater quality and address quantity before the remaining water is discharged to receiving waters.

(53) Stream Order: A classification rank, used by the United States Geological Survey and other hydrological entities, of the relative sizes of streams draining a watershed based on the nature of their tributaries. The smallest unbranched tributary is first order, the stream receiving the tributary is second order etc.

(54) Street: A public way designed and used for passage of vehicles. "Street" shall not include any alleys or highways.

(55) Street Classification: All streets shall be classified as one or more of the following, in accordance with the adopted street classification map:

(a) Street, Arterial: Those streets, which provide for a rapid movement of concentrated volumes of traffic over relatively long distances, including:

(i) Freeways and Expressways: Streets or highways which include the major interstate and interregional traffic corridors and provide the highest mobility level and a high degree of access control.

(ii) Principal Arterial: A street intended for the movement of traffic to and from major traffic generators such as the Downtown or Highway Business areas, the University area, major industrial areas, or as a route for traffic between communities and that accommodates a high degree of mobility with a high degree of access control.

(iii) Minor Arterials: Streets intended to collect and distribute traffic in a manner that is designed to serve low intensity traffic generating areas such as neighborhood commercial areas, education facilities, churches or designed to carry traffic from collector streets to principal arterials with a high degree of access control.

(b) Street, Collector: A street intended to move traffic from local streets to arterial streets. These streets provide for movement at moderate speeds and provide a direct route between activity centers with a lesser degree of access control than arterial streets.

(c) Street, Local: A street designed for low speeds and low intensity traffic volumes intended to provide access to private property, and also to move traffic to and from low generating areas to collector and arterial streets.

(i) Cul-de-Sac: A local street closed at one end with a turn-around.

(ii) Dead-end: A local street with only one vehicular traffic outlet.

(iii) Frontage Road: A local street that parallels and is adjacent to an arterial street, that is separated from the through traffic on the arterial street.

(56) Structure: Anything designed and constructed for use on, above or below the surface of land or water and located on land or attached to something located on land. "Structure" includes, but is not limited to, any buildings.

(57) Subdivider: Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide, land.

(58) Subdivision: Any area of land divided or proposed to be divided into two or more lots any of which are less than 40 acres.

(59) Walkway: A public way designed to be used for walking.

(Ord. No. 4016, 12-8-09; Ord. No. 4042, 8-10-10)

23.202. RULES OF CONSTRUCTION.

Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word "shall" is mandatory and not directory while the word "may" is permissive; words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

(Ord. No. 3524, 5-25-99)

DIVISION III PROCEDURE

23.301. PRE-APPLICATION CONFERENCE.

(1) Purpose: The purpose of the Pre-Application Conference is: to inform City staff of a possible future subdivision; to facilitate City staff review of the effect and feasibility of a proposed subdivision in relation to the City's existing and proposed infrastructure systems; and to inform the Applicant of the requirements of the Regulations.

(2) Procedure:

(a) The Applicant shall request a Pre-Application Conference with appropriate City staff, including staff from the Department of Planning and Housing, the Department of Public Works, and such other departments as determined by the Department of Planning and Housing.

(b) The Applicant shall submit seven copies of a Sketch Plan for the area of land proposed to be subdivided five days prior to the Pre-Application Conference.

(Ord. No. 4095, 01-10-12)

(3) Sketch Plan Contents: A Sketch Plan shall contain, at a minimum, the information set forth in Section 23.501 of the Regulations.

(4) Sketch Plan Review and Comments:

(a) The appropriate City staff shall review and comment upon the Sketch Plan, taking into consideration the requirements of the Regulations and the best use of the tract or parcel proposed to be subdivided and giving particular attention to the following:

(i) the location and layout of any proposed streets or other public ways;

(ii) the arrangement and size of any lots to be platted by the proposed subdivision;

(iii) the layout of any proposed public infrastructure;

(iv) the pattern of surface water drainage on the area of land proposed to be subdivided; and

(v) the potential for any additional development of abutting lots, or areas of land.

(b) Neither the developer nor the City shall be bound by any comments, recommendations, determinations or decisions of City staff offered or made during the Pre-Application Conference.

(5) Classification of Divisions and Subdivisions:

(a) The Department of planning and housing shall issue a written determination as to the classification of a proposed division or subdivision within 20 days of the conclusion of the pre-application Conference process. Divisions and subdivisions will be classified as a Major Subdivision, a Minor Subdivision, Boundary Line Adjustment, or a Conveyance Division.

(Ord. No. 3999; 7-28-09)

(b) A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

(i) the proposed subdivision will plat no more than three lots, including a Consolidation Plat each of which will be legally platted after the recording of the subdivision and each of which will front on an existing public way, not including alleys; and

(ii) the proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Bicycle Route Master Plan, to provide adequate facilities and services to any of the lots to be platted by the proposed subdivision or to maintain existing adequate facilities and services to any other lots, or areas of land.

(c) Any subdivision not meeting both conditions for classifications as a Minor Subdivision, or that does not conform to the definition of a Conveyance Division or Boundary line Adjustment, shall be classified as a Major Subdivision.

(Ord. No. 3998; 7-28-09)

(d) A proposed adjustment of lot or parcel lines between contiguous officially platted lots or parcels shall be classified as a Boundary line Adjustment if no more than the same number of lots, or fewer number of lots, exist after the adjustment.

(Ord. No. 3999; 7-28-09)

Sec. 23.302. MAJOR SUBDIVISIONS.

(1) Major Subdivision Preliminary Plat Procedure: The Applicant shall file a complete Application for Preliminary Plat Approval of a Major Subdivision with the Department of Planning and Housing at least 15 days prior to a regular meeting of the Planning and Zoning Commission and no later than 90 days after issuance of the classification as major subdivision.

(a) An Application for Preliminary Plat Approval of a Major Subdivision shall include:

(i) a completed Application Form (entitled "Application for Preliminary Plat Approval of a Major Subdivision") available from the Department of Planning and Housing;

(ii) sixteen paper copies no larger than 24"X 36"and one black line copy no larger than 11" x 17" of a Preliminary Plat prepared in accordance with subsection 23.501.;

(iii) a computer diskette containing a Computer Aided Design Drawing of the Preliminary Plat which shall be provided in a format meeting the hardware and software specifications of the City of Ames, Iowa; and

(iv) any filing fee established by the City Council.

(b) An application for Preliminary Plat Approval of a Major Subdivision shall be deemed "complete" for the purpose of commencing time periods within which action is required when so certified by the Department of Planning and Housing.

(2) Staff and Agency Review of Preliminary Plat; Concurrent Review by County:

(a) The Department of Planning and Housing shall file one copy of the Application Form and the Preliminary Plat with the City Clerk and shall distribute a copy of the Preliminary Plat to the Department of Public Works and such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations. The Department of Planning and Housing shall assemble, review, and report on any comments or recommendations submitted to it for consideration by the Planning and Zoning Commission.

(b) In addition, where the proposed subdivision occurs within the two-mile radius of the City in which either Story County or Boone County subdivision regulations will also apply, the Applicant shall be required to demonstrate compliance with all applicable requirements set forth in such county regulations prior to approval of the Preliminary Plat by the City Council. Pursuant to Section 354.9 Code of Iowa, the City has power of review of all subdivisions outside the City within two miles distance of the City's boundaries in both Boone County and Story County.

(3) Planning and Zoning Commission Review:

(a) The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.

(b) Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

(4) Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.

(5) City Council Review of Preliminary Plat: All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with these Regulations. The City Council shall examine the Preliminary Plat, any comments, recommendations or reports examined or made by the Planning and Zoning Commission, and such other information as it deems necessary and reasonable to consider.

(6) City Council Action on Preliminary Plat:

(a) Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.

(b) Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.

(7) Effect of Approved Preliminary Plat:

(a) An approved Preliminary Plat authorizes the making or installation of any required improvements shown on the Preliminary Plat after the Municipal Engineer reviews and provides written approval of construction plans, including any appropriate profiles or cross sections, for improvement of public ways, public infrastructure and public utilities.

(b) An approved Preliminary Plat shall be valid for one year from the date on which the City Council approves the Preliminary Plat, by which time the Applicant shall submit an Application for Final Plat Approval or the Preliminary Plat shall become null and void unless the City Council has granted an extension of time for the validity of the Preliminary Plat for a period not to exceed one additional year beyond the expiration of the original one year period of validity. If the approval period expires without an Application for Final Plat Approval, nor an extension, the Applicant shall be required to resubmit a Sketch Plan pursuant to currently existing Regulations.

(c) The City Council may require that all public improvements described on the approved Preliminary Plat for a Major Subdivision be installed and dedicated prior to approval of the Final Plat. If the City Council does not require that all public improvements be installed and dedicated prior to approval of the Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement as set forth in Section 23.304 and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must either complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

(8) Major Subdivision Final Plat Process:

(a) The Applicant shall file an Application for Final Plat Approval with the Department of Planning and Housing at least fifteen days prior to a regular meeting of the City Council that shall convene before the expiration of the period of validity of a Preliminary Plat as described in subsection 23.302(7).

(Ord. No. 3545, 1-11-00)

(b) An Application for Final Plat Approval of a Major Subdivision shall include:

- (i) a completed Application Form (entitled "Application for Final Plat Approval of a Major Subdivision") available from the Department of Planning and Housing;
- (ii) sixteen paper copies and one reproducible blackline copy no larger than 11"X 17" of a Final Plat prepared in accordance with subsection 23.503;
- (iii) a computer diskette containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City;
- (iv) any Improvement Guarantee, as necessary, in a form consistent with the requirements of Section 23.409 of the Regulations; and
- (v) any filing fee established by the City Council.

(9) Staff and Agency Review of Final Plat for Major Subdivision:

(a) The Department of Planning and Housing shall file one copy of the Application Form and the Final Plat with the City Clerk and shall distribute a copy of the Application Form and the Final Plat to such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.

(b) The Department of Planning and Housing shall assemble, review and report on any comments or recommendations submitted to it and shall examine the Final Plat with regard to its conformance with the Preliminary Plat.

(c) The Department of Planning and Housing shall forward the Final Plat to the City Council for its review within 30 days after the Applicant has filed a complete Application for Final Plat Approval if the Department finds and reports in writing that the Final Plat substantially conforms to the approved Preliminary Plat. An Application for Final Plat Approval of a Major Subdivision shall be "complete" for the purpose of commencing time periods within which action by the City Council is required when so certified by the Department of Planning and Housing.

(Ord. No. 3545, 1-11-00)

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.

(Ord. No. 3524, 5-25-99)

Sec. 23.303. MINOR SUBDIVISIONS FINAL PLAT.

- (1) Minor Subdivision Procedure:
- (a) The Applicant shall file an Application for Final Plat Approval of a Minor Subdivision with the Department of Planning and Housing at least 15 days prior to a regular meeting of the City Council. No preliminary plat is required for the Minor Subdivision process.
 - (b) An Application for Final Plat Approval of a Minor Subdivision shall include:
 - (i) a completed Application Form (entitled "Application for Final Plat Approval of a Minor Subdivision") available from the Department of Planning and Housing;
 - (ii) sixteen paper copies no larger than 24"x 36" and one blackline copy no larger than 11"x17" of a Final Plat prepared in accordance with subsection 23.504;
 - (iii) a computer diskette containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City, if practical. Where an applicant is unable to submit the Final Plat of a Minor Subdivision in a Computer Assisted Design Drawing, a paper copy may be submitted as an alternative, along with a payment of fees equal to 150% of the fee normally charged by resolution of the City Council; and
 - (iv) any filing fee established by the City Council.
 - (c) An Application for Final Plat Approval of a Minor Subdivision shall be complete for the purpose of commencing time periods within which action by the City Council is required when so certified by the Department of Planning and Housing.
- (2) Staff and Agency Review of Final Plat Approval for Minor Subdivision: The Department of Planning and Housing shall file one copy of the Application Form and the Final Plat with the City Clerk and shall distribute a copy of the Application Form and the Final Plat to the Department of Public Works and such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments, and recommendations. The Department of Planning and Housing shall assemble, review, and report on any comments or recommendations submitted to it for consideration by the City Council.
- (3) City Council Action on Final Plat for Minor Subdivision:
- (a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.
 - (b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.
- (4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Minor Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.
- (Ord. No. 3524, 5-25-99)*

Sec. 23.304. IMPROVEMENT AGREEMENTS.

- (1) The City Council may require that all public improvements described on the approved Preliminary Plat for a Major Subdivision be installed and dedicated prior to approval of the Final Plat. If the City Council does not require that all public improvements be installed and dedicated prior to approval of the Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee as set forth in Section 23.409 of the Regulations. Between the approval of the Preliminary Plat and submission of an Application for Final Plat Approval of a Major Subdivision, the Applicant must either

complete all indicated improvements to the satisfaction of the City or enter into an Improvement Agreement to do so.

(2) The City Council may further require that all public improvements or contributions to public improvements to be installed or made by the Applicant as a condition for approval of a Final Plat for a Major Subdivision shall be installed or made prior to such approval. If the City Council does not require that all public improvements or contributions to public improvements be installed or made prior to approval of a Final Plat, the City Council shall require the Applicant to execute an Improvement Agreement and provide security in the form of an Improvement Guarantee.

(3) General: Such Improvement Agreement shall constitute a binding contract between the Applicant and the City (the "parties") and shall be subject to approval as to form by the City Attorney.

(4) Unless otherwise provided in the Improvement Agreement, the Improvement Agreement shall create no rights enforceable by any third party who is not a party to the Improvement Agreement.

(5) The Improvement Agreement shall include a clause providing that the Applicant's substantial compliance with each and every term, condition, provision and covenant of the Preliminary Plat, of the Improvement Agreement, and of all applicable federal, state and local laws and regulations shall be a condition precedent of approval of the Final Plat for Major Subdivision.

(6) The Improvement Agreement shall be adopted by the City Council pursuant to applicable state and local laws and shall be recorded in the office of the County Recorder.
(Ord. No. 3524, 5-25-99)

Sec. 23.305 APPROVAL, RECORDATION AND APPEAL.

(1) Approval and Recordation:

(a) The passage of a resolution by the City Council accepting any Final Plat, whether for Major or Minor Subdivision, or any Plat of Survey, shall constitute final approval of the division or subdivision subject to the City Clerk receiving a copy of the recorded Final Plat or Plat of Survey.

(b) The applicant shall request that a copy of such resolution be certified by the City Clerk. The applicant shall cause the Final Plat or Plat of Survey and the certified resolution to be recorded in the office of the County Recorder of Story County, or Boone County, Iowa, as appropriate.

(c) The applicant shall provide a copy of the recorded Final Plat or Plat of Survey and certified resolution to the City Clerk within 30 days of the final approval of the Final Plat by the City Council. The City Council may initiate proceedings to revoke any approved Final Plat or Plat of Survey not so received,

(2) Appeal of Decision.

(a) Conveyance Parcels. Decisions of the Planning & Housing Director pertaining to conveyance parcels may be appealed to the Zoning Board of Adjustment within 20 days of the date of the decision. The appeal shall state the specific reasons for the appeal and explain how the Director erred in the decision.

(b) Preliminary or Final Plats, Plats of Survey. Decisions by the governing body of any Preliminary Plat, Final Plat or Plat of Survey may be appealed to the district court pursuant to Code of Iowa Section 354.10.

(Ord. No. 3998; 07-28-09)

Sec. 23.306. AMENDMENTS.

(1) Any changes to the design, layout, configuration, circulation pattern, access, or dimensions of a preliminary or final plat shall be considered as either a major or minor amendment to the plat, as follows:

(a) Minor Amendment. Minor amendments are those that:

- i. Do not result in any more than one additional lot, net;
- ii. Do not result in any fewer lots than allowed by minimum density standards applicable to the subdivision;
- iii. Do not change the category of the originally approved subdivision from a minor subdivision to a major subdivision
- iv. Do not change the dimensions of any lots that do not otherwise comply with adopted lot dimensional standards, or which otherwise results in a non-conforming lot;
- v. Do not change the general layout of utilities, drainage patterns, storm water facilities, streets, alleys and/or easements;
- vi. Are not inconsistent with an approved master plan associated with the subdivision; and

vii. Make only minor adjustments in the alignment or dimensions of streets, lots, alleys, and/or easements as otherwise allowed by adopted standards as opposed to deletions, additions or relocations of said streets, lots, alleys, and/or access easements.

(b) Major Amendments. Major amendments are those that:

i. Eliminate any access easements or rights-of-way identified on the preliminary or final plat;

ii. Eliminate or revise any plat conditions, restrictions or covenants on or associated with the plat, and

iii. Are not otherwise defined as a minor amendment under the provisions of this Section.

(2) Amendment Process. Amendments shall be processed as follows:

(a) Minor amendments to a preliminary plat may be made at the time of final plat approval. Minor amendments to a final plat may be processed as a minor subdivision, under the provisions of Section 23.303.

(b) Major amendments shall be processed as an amendment to the original preliminary plat. An application for a major amendment shall include all information required for a preliminary plat application, except that information pertaining to ownership, and information pertaining to existing physical features or structures, shall be required only for those areas of the plat affected by the amendment. (Note: Plat conditions/restrictions, easements, and other rights or forms of ownership defined by geographic area may have claim by property owners beyond the defined area. All persons or entities whose ownership or other legal rights are affected by the proposed amendment shall be a party to the amendment application).

(Ord. No. 4020; 1-12-10)

Section 23.307. REVIEW PROCEDURES FOR CONVEYANCE PARCELS.

(1) Purpose:

The purpose of this Section is to provide a review process to determine if conveyance parcels as defined in Section 23.201(13) are to be recognized as independent developable parcels based upon the time of their creation, or based upon their conformance to applicable development standards. It is further intended to define a process by which building or zoning permits can be issued for conveyance parcels.

(2) Applicability

This Section applies to all parcels or divisions defined as conveyance parcels in Section 23.201(13).

(3) Application for Review of Conveyance Parcel.

Application for review of conveyance parcels shall include all of the following:

(a) The tax parcel number of the conveyance parcel.

(b) A legal description of the original parcel, and a scaled, dimensioned drawing of the conveyance parcel, which includes all dimensions of lot or boundary lines and states the area of the lot by square footage.

(c) A copy of a record of survey of the conveyance parcel (if one exists).

(d) The location and name of abutting streets and rights of way, any easements on or serving the site, and any existing structures on the site and within 10 feet of the site.

(e) Identification of any contiguous or abutting lots under the same ownership as the subject site.

(f) A title opinion or abstract identifying the date of conveyance.

(g) A completed application form as provided by the Department of Planning & Housing, along with applicable fees.

(h) In lieu of items A through F of this section, an application may include either (a) an official plat of survey that has been recorded by Story or Boone County prior to August 4, 2009, or, (b), a title opinion or abstract along with a record of survey, confirming that the date of conveyance and survey occurred prior to July 1, 1990.

(Ord. No. 4061, 4-26-11)

(4) Review Procedures

The Planning & Housing Director (or designee) shall review the application and determine if the conveyance parcel conforms to one of the following:

(a) Conformance to development standards. If the parcel was created by, or resulted from a conveyance occurring after July 1, 1990 and prior to August 4, 2009, and also conforms to all setback, area, and width requirements, the Director shall issue a written determination that the lot is a *conforming conveyance parcel* as to setbacks, lot area and width and is subject to the review provisions of Section 23.307(5).

(b) Nonconformance to development standards. If the parcel was created by, or resulted from, a conveyance occurring after July 1, 1990 and prior to August 4, 2009, but does not conform to all setback, size and width requirements, the Director shall issue a written determination that the parcel is a *non-conforming conveyance parcel* and may only be developed under the provisions of Section 23.307(6); or

(c) Creation by plat of survey. If it can be verified that a plat of survey for the conveyance parcel was recorded prior to August 4, 2009, it shall be considered a *pre-platted conveyance parcel*; or

(d) Creation by deed or contract. If it can be determined that the conveyance parcel was created by deed or contract and also surveyed prior to July 1, 1990, it shall be considered a *pre-established conveyance parcel*.

(e) Unauthorized parcel. If the conveyance parcel is not deemed by the Director to be a *pre-platted* or *pre-established conveyance parcel*, or has not otherwise been deemed a valid parcel for permitting purposes under the provisions of this Chapter, the Director shall issue a written determination that the parcel is not an authorized division or subdivision of land under the City's subdivision standards, and that it is not recognized by the City as a valid parcel for permitting purposes. The determination shall be forwarded to the applicant, and also to the county Recorder's Office, the County Auditor's Office, and the City Assessor's Office.

(Ord. No. 4061, 4-26-11)

(5) Conforming Conveyance Parcel

Conforming conveyance parcels are those that conform to the minimum size, area and width requirements specified in Ames Municipal Code Chapter 29 at the time that a determination is made under the provisions of Section 23.306(4). Conforming conveyance parcels are subject to the following requirements:

(a) Conforming conveyance parcels shall be reviewed under the procedural requirements defined in Section 23.301 prior to the creating and recording of a plat of survey describing the lot, and prior to issuance of building or zoning permits for the lot.

(b) Conveyance parcels approved under this Section shall be described and recorded by plat of survey as allowed under the provisions of Section 23.103(2), (as opposed to a final subdivision plat). The property so described by the plat of survey shall be staked with official survey monuments as specified in Section 23.401(3) prior to the recording of the plat of survey and prior to issuance of zoning or building permits.

(c) All public improvements otherwise applicable to subdivisions as required by the City's Design and Improvement Standards specified in Ames Municipal Code Chapter 23, Division IV, shall be installed prior to creation and recording of the plat of survey and prior to issuance of zoning or building permits. These requirements do not apply to pre-platted conveyance parcels as described in Section 23.306(7).

(d) If, in the opinion of the Public Works Director, the public improvements required under subsection C should be delayed, the lot owner may, in lieu of installing the actual public improvements, opt to secure the future installation of these improvements in accordance with Section 23.409. A determination as to whether public improvements may be delayed shall be reached during the conveyance parcel review process as described in Section 23.301.

(e) Provisions of subsections 23.306(5)(C) and 23.306(5)(D) do not apply to conveyance parcels created by boundary line adjustments, except that the requirement for a recorded plat of survey shall be complied with prior to zoning or building permit issuance.

(f) Plats of survey shall not be prepared for conveyance parcels until all provisions for reviewing conveyance parcels, and all conditions for plat of survey recordation, as described in this Section have been met.

(6) Non-conforming Conveyance Parcel

Non-conforming conveyance parcels are those lots that do not conform to the minimum area and width requirements, or contain structures that do not conform to minimum setback requirements, specified in Ames Municipal Code Chapter 29 at the time that a determination is made under the provisions of Section 23.306(4). Permits shall not be issued on non-conforming conveyance parcels except under the following provisions:

(a) The Zoning Board of Adjustment makes a determination that the public interest will not be adversely affected by the granting of a permit on the lot. In making this determination, the Board shall consider:

(i) Whether the lot can be developed in a manner that reflects surrounding development patterns and setbacks and does not need variances for new construction;

(ii) Whether existing development on the lot either conforms to current setback requirements as measured from the conveyance parcel lines or conform to all adopted building code, fire code, and fire separation requirements, and

(iii) Whether, in the opinion of the City Engineer, the lot conforms to all

applicable engineering and public improvement standards.

(iv) Whether, in the opinion of the Fire Inspector, the lot conforms to all fire codes applicable at the time any structures on the site were built, and conforms to any current fire codes pertaining to setbacks from property lines that have been moved closer to any structures after they were built.

(b) If the Planning & Housing Director determines that a non-conforming conveyance parcel qualifies for legal lot status under the provisions of this Section, building and zoning permits shall not be issued for the lot unless all conditions required for conforming conveyance parcels in Section 23.306(5) are met.

(7) Pre-platted and Pre-established Conveyance Parcels.

Any lot deemed to be a *pre-platted* or *pre-established conveyance parcel* under the provisions of Section 23.306(4) shall be recognized as a valid lot of record. Permits may be issued subject to conformance with all development standards as adopted, and subject to the presence of survey monuments to facilitate verification of setback compliance.

(Ord. No. 4061, 4-26-11)

(8) Appeals.

Decisions of the Planning & Housing Director under the provisions of this Section 23.306 are appealable to the Zoning Board of Adjustment under the provisions of Section 23.305(2)(A).

(Ord. No. 3998, 7-28-09)

Sec. 23.308. REVIEW PROCEDURES FOR PLATS OF SURVEY.

(1) Purpose:

The purpose of this Section is to provide a review process to determine if proposed plats of survey as defined in Section 23.201 conform to all subdivision standards of this Chapter, and to all development regulations of Chapter 29, prior to the preparation of the official plat of survey, and prior to the submittal of an official plat of survey to the Story or Boone County Recorder's Office and Story or Boone County Auditor's office as specified in Code of Iowa Section 354.8

(2) Applicability:

This Section applies to all plats of survey within the City of Ames, and to all plats of survey describing divisions or conveyances of land lying within the unincorporated area extending not more than two (2) miles beyond the Ames City Limits. It does not apply to retracement surveys as defined by this Chapter. The only types of divisions which may be approved as plats of survey are:

(a) Boundary Line Adjustments

(b) Replats to correct errors as provided in Section 23.310

(c) Auditor's plats as provided in Code of Iowa Section 354.15.

(Ord. No. 4255, 4-26-16)

(d) Conveyance divisions occurring prior to August 4, 2009

(e) Minor Subdivisions in areas of the Ames Urban Fringe designated as Agricultural & Farm Service or Rural Residential.

(f) Division of lots within existing single-family subdivisions creating no more than one additional lot, provided that the plat of survey is of the entire lot or parcel being divided. This provision only applies to one-time splits of existing lots of a subdivision and does not apply to repeated divisions.

(g) The division of an aliquot part of a section, provided that the division is to separate an existing or former farmstead from the remainder of the aliquot part, and provided that any required covenants pertaining to rural water buyout, assessment for installation of infrastructure, and agreement to future annexation are signed and submitted prior to the City Council's final action on the plat of survey. This requirement pertaining to covenants applies anywhere in the Fringe except in the Agriculture & Farm Service, and Rural Residential areas.

(Ord. No. 4061, 4-26-11)

(3) Application for Review of Plats of Survey.

(a) The applicant shall file an Application for a Plat of Survey with the Department of Planning and Housing. The application shall contain the following information:

(i) A completed Application Form available from the Department of Planning and Housing.

(ii) The tax parcel number of the lot, tract or parcel to be divided or adjusted by the plat of survey

- (iii) A legal description of the lot, tract or parcel to be divided or adjusted,
 - (iv) Six paper copies of a scaled graphic illustration (map) of the existing lot, tract or parcel, identifying lot area, dimensions and reference to established survey monuments, abutting streets and rights of way, any easements on or serving the site, and any existing structures on the site and within 10 feet of the site,
 - (v) Six paper copies of a map (graphic illustration) of the proposed plat of survey (not an official or signed plat of survey), which includes the proposed name of the plat of survey, references established survey monuments, includes all dimensions of lot or parcel lines, states the area of the lot or parcel by square footage, and which shows all easements on or serving the parcels contained within the proposed plat of survey. The format of the proposed plat of survey shall be in substantially the same form and format as an official plat of survey, and shall include signature blocks for the City of Ames Planning & Housing Director, and for the surveyor who prepared the map, except that it shall be submitted unsigned by the surveyor.
 - (vi) Identification of any contiguous or abutting lots or parcels under the same ownership as the subject site.
 - (vii) The names and signatures of the owners of each lot or parcel that the proposed plat of survey encompasses.
 - (viii) Any filing fee established by the City Council.
- (4) Staff and Agency Review of Proposed Plat of Survey.
- (a) Review for Completeness. The Department of Planning and Housing shall review the application to determine if it contains all information required under Section 23.307(3).
 - (b) Distribution. Upon determination of completeness, the Department of Planning and Housing shall file one copy of a complete application (less fees) with the City Clerk and shall also distribute copies to the Office of the City Assessor, the Department of Public Works, the applicable County Planning Department and County Auditor's Office, and such other departments, persons, and utility companies as it determines may be necessary or appropriate for their review, comments and recommendations.
 - (c) Review Procedures – Preliminary Decision.

The Planning & Housing Department shall review comments from all departments and agencies that reviewed the proposed plat of survey and render a preliminary decision on the proposed plat of survey. The preliminary decision shall be based upon compliance with all adopted codes and standards, the adequacy of existing infrastructure and services to serve the site, adequate access to the site for ingress/egress, utilities, fire and emergency vehicles, and provisions for storm water. The preliminary decision may include conditions of approval including, but not limited to:

- (i) The installation of improvements necessary to comply with all Design and Improvement Standards contained in Division IV of this Chapter, and with all other adopted codes and regulations applicable to the division of land.
 - (ii) Incorporation of any easements necessary for access, utilities, storm water and/or fire access.
- (d) Decisions of Denial.

If the Planning & Housing Department finds that the proposed plat of survey does not comply with all standards defined in Subsection 23.307(4)(c), the Director shall render a written decision of denial. The decision shall state how the proposed plat of survey does not conform to all adopted codes and standards. Decisions of denial may be appealed to the City Council pursuant to Section 23.305(2).

(5) City Council Review – Final Decision.

Once a preliminary decision of approval has been rendered by the Planning & Housing Director, the decision shall be forwarded to the City Council for final review and decision. If the City Council agrees with the Planning & Housing Director's preliminary decision, the Council shall render final approval of the proposed plat of survey. The City Council's decision to approve the proposed plat of survey shall be by resolution, and the resolution shall be certified pursuant to Code of Iowa Section 354.8.

(6) Installation of Required Improvements.

(a) All public improvements as required by this chapter shall be installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits. These requirements do not apply to pre-platted conveyance parcels as described in Section 23.306(5), or to boundary line adjustments unless improvements are otherwise required under the provisions of Section 23.309(c).

(b) If, in the opinion of the Public Works Director, the public improvements required under subsection A should be delayed, the lot owner may, in lieu of installing the actual public improvements, opt to secure the future installation of these improvements in accordance with Section 23.409. A

determination as to whether public improvements may be delayed shall be reached during the plat of survey review process as described in this Section.

(7) Preparation of Official Plat of Survey.

Once a proposed plat of survey has been approved by the City Council by certified resolution, and once all conditions of approval pertaining to installation of public improvements have been met, the official plat of survey may be prepared for signature by a licensed surveyor in compliance with all conditions of approval. The prepared plat of survey shall in all respects reflect the graphic illustration of the proposed plat of survey reviewed and approved by the City Council, except that it shall reflect any and all conditions of approval pertaining to the format or content of the map.

(8) Submittal for Signature.

The plat of survey prepared for official signatures shall be submitted to the Planning & Housing Department for the Director's review and signature. The Planning & Housing Director shall sign the prepared plat of survey if it fully conforms to all conditions of approval.

(9) Recording of Plat of Survey.

Once signed by the Planning & Housing Director, the surveyor may sign the prepared survey to make it the official plat of survey and submit it, along with the certified resolution approving the plat of survey, to the County Recorder's office for recordation. The plat of survey shall not be signed or submitted to the County Recorder without fully complying with the requirements of this Section.

(10) Completion of Approval Process. The official plat of survey shall not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

(Ord. No. 3999; 7-28-09)

Sec. 23.309. REVIEW PROCEDURES FOR BOUNDARY LINE ADJUSTMENTS.

Boundary line adjustments are subject to the following provisions:

(1) The lots or parcels resulting from a boundary line adjustment must conform to the requirements of the zoning ordinances of the City and the subdivision regulations of the City in place at the time of the boundary line adjustment.

(2) The boundary line adjustment may be created by plat of survey or through the minor subdivision process, as regulated by this chapter. If the adjustment is created by plat of survey, then only the newly created parcel lines shall be recognized for permitting purposes; not the original lot lines. If the minor subdivision option is used, then the original lot lines are eliminated.

(3) No public improvements shall be required in association with a boundary line adjustment unless the adjustment increases the street frontage of the original lot or parcel that currently has frontage improvements, in which case existing frontage improvements, which may include curbs, gutters, sidewalks, paths, street trees and/or street lights, shall be extended across the entire frontage of the adjusted lots or parcels prior to preparation of the official plat of survey, or prior to minor plat approval.

(Ord. No. 3999; 7-28-09)

Sec. 23.310. RETRACEMENT SURVEYS.

Any plat of survey prepared for retracing the lines of an original survey or record title boundary is exempt from the procedural requirements of this Chapter, except that the retracement survey shall be submitted to the City Assessor's office at least 7 days prior to recording. The County Recorder may accept for recording any plat of survey that is clearly titled "Plat of Retracement Survey" without a certificate of resolution from the City. However, plats of retracement surveys shall not be recognized descriptions of official lots or parcels for permitting purposes. Only the original survey or plat of a lot or parcel approved by the applicable governing body shall be used for permitting purposes. If the retracement survey lines differ from the lot or parcel lines originally approved by the governing body, and if the proprietors of record wish to have the retracement lines recognized as the official lot or parcel lines for permitting purposes, they must submit application for a boundary line adjustment as defined in Section 23.308 of this Chapter. If the lot or parcel line difference is the result of an error in the original survey, the surveyor or proprietor may pursue correction of the error as provided in Section 23.310 of this Chapter.

(Ord. No. 3999; 7-28-09)

Sec. 23.311. PLAT ERRORS AND CORRECTIONS.

If an error is identified on an original plat, the surveyor may record an affidavit of error with the county Recorder pursuant to Code of Iowa Section 354.24, except that if the error results in a difference of more than 10% of the dimension of any line on the original plat, or results in a change of more than 10% of the lot or parcel area on the original plat, the error shall be considered substantial and may only be corrected by a replat of the official plat pursuant to Code of Iowa Section 354.25. A replat may be processed as a plat of survey under the provisions of Section 23.307 of this Chapter, or as a minor subdivision.

(Ord. No. 3999; 7-28-09)

DIVISION IV DESIGN AND IMPROVEMENT STANDARDS

Sec. 23.401. SITE DESIGN STANDARDS.

(1) General: The design standards contained in these Regulations are the minimum requirements applicable to a wide variety of circumstances for the general arrangement and layout of subdivisions. More stringent standards may be appropriate when the City Council finds and concludes that site conditions so require in order to ensure development of an economical, pleasant, and durable neighborhood. More stringent standards may be required so long as such findings and conclusions demonstrate the consistency and compatibility of the standards with applicable elements of the Land Use Policy Plan, the Urban Standard Specifications for Public Improvements, the City of Ames Supplemental Urban Design Standards Manual, and other City plans and with the following specific considerations:

- (a) safe and convenient pedestrian and vehicular access to the subdivision;
- (b) appropriate preservation and integration of natural features within the subdivision;
- (c) the capacity and capability of infrastructure facilities, utility service and community facility service; and
- (d) minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

(Ord. No. 3545, 1-11-00)

(2) Blocks: Any block created by subdivision shall be appropriate to the type of development and use contemplated and shall conform as nearly as practicable to the size of existing and abutting blocks within the City's jurisdiction so that any new public way shall extend the existing system of public ways, so that the preferred block length does not exceed 600 feet and in no case shall a new block be longer than 1,320 feet or shorter than 280 feet between center lines of public ways unless topography or other conditions justifies variation. Blocks shall have sufficient width to provide for two tiers of lots sufficient for the building needs of the use proposed and to satisfy applicable zoning requirements. One tier of such lots shall be permitted for blocks adjacent to arterial streets, railroads, or waterways.

(3) Lots: Any lot created by subdivision shall be appropriate for the type of development and use contemplated and shall meet any applicable zoning requirements and the following additional standards:

(a) a lot at the corner or intersection of two public ways shall be of such width to permit appropriate building setback and orientation to both public ways, as well as to provide adequate vehicular sight clearance;

(b) a lot with double frontage or reverse frontage shall not be permitted in residential zones, except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation;

(Ord. No. 4092, 11-01-11)

(c) a lot shall be provided with a usable access to a public way, except that access on an arterial street shall not be permitted unless alternative arrangements are impractical or impossible in which instance a frontage road, a cul-de-sac, or some other means of alternative access may be required in order to limit possible traffic hazard on such street;

(d) a lot should have side lot lines that are substantially at right angles to straight street lines or radial to curved street lines;

(e) a lot shall have adequate depth and width for any proposed structure, off-street service, and parking facilities required by the type of development and use contemplated;

(f) a lot created by subdivision that is larger than required under applicable zoning requirements or other relevant building restrictions shall be arranged along with any other such lots created by subdivision to allow the opening of future public ways. Any further subdivision and dedications or reservations providing for such opening or extension of public ways may be made a requirement of the approval of a final plat to the extent allowed by law; and

(g) an area of land created by subdivision that is unbuildable due to its location, size, shape, or intended use, shall be labeled "outlot" on the final subdivision plat, the approval of which shall thereby restrict it as an unbuildable area.

(h) In the instance that a school district boundary line is present, lots shall be created with lot lines consistent with the school district boundary lines so that no lots are divided by a school district boundary line.

(Ord. No. 3767, 05-25-04)

(4) Conformance to Natural Features: As a means to protect the health, safety and welfare, no land shall be subdivided into buildable lots which is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, or other natural features. The developer may formulate adequate methods to avoid, minimize or mitigate any problems reasonably expected from subdivision or development of such land. Upon review of methods taken to avoid, mitigate or minimize any such problems the Planning and Zoning Commission may recommend and the City Council may approve of such subdivision.

(5) Monumentation: Monuments shall meet all requirements specified by statute and shall be placed within the area subdivided as follows: 5/8-inch iron re-rod or pipe monuments not less than thirty inches in length shall be placed at each corner of any block, each end of any curve, and each angle or change in direction along any boundary line and 1/2-inch iron re-rod or pipe not less than 30 inches in length shall be placed at each individual lot angle point. Any monument shall have a cap of inert material affixed to the top, shall bear a cut marking of the Iowa registration number of the land surveyor, and shall be driven to or below ground level to a depth of not more than six inches. Monumentation shall occur prior to the submittal of the Final Plat as required in Section 23.302(8).

(6) Subdivision Name: The proposed name of any subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the county. The City Council shall have the final authority after consultation with the Planning Commission to designate the official name of any subdivision, which it shall determine at the time of preliminary plat approval for any major subdivision and of final plat approval for any minor subdivision.

(7) Subdivision Improvement Plan Submittal Requirements:

(a) Plans for public improvements shall be submitted to the Department of Public Works for review and approval at least 21 days prior start of construction. Upon approval, and at least 7 days prior to construction, the developer shall deliver the following documents to the Department of Public Works:

(i) six sets of paper plans on paper no larger than 24"X 36";

(ii) one set of plans drawn on a reproducible plastic copy no larger than 24"X 36";

and

(iii) a computer diskette containing a Computer Aided Design Drawing of the Public Improvements plans provided in a format meeting the hardware and software specifications of the City of Ames, Iowa.

(b) Construction shall not proceed until the above documents have been delivered and a pre-construction conference has occurred with representation from the Department of Public Works, the developers Engineering Consultant, and the Contractor.

(Ord. No. 3524, 5-25-99)

(8) Water Supply Protection: In order to protect the existing and future source water supply for the city, the following improvements and uses will be prohibited within a 1,000-foot distance from any City of Ames drinking water well located in the Southeast Well Field and Youth Sports Complex Well Field.

(a) Including, but not limited to, borrow areas, pits, ponds, fountains, lagoons, storm water detention ponds, and mining operations.

(b) Permanent excavation below existing grade. Temporary excavation will be allowed for certain purposes. These include, but are not limited to, footings, basements, and installation of utilities. In addition, any proposed improvement or use shall not be in violation of separation criteria for sources of contamination specifically listed in Table A, 567, Iowa Administrative Code section 43.3(7).

(Ord. No. 4008; 09-22-09)

Sec. 23.402. RESIDENTIAL SUBDIVISION LANDSCAPING STANDARDS.

General: As a requirement of subdivision approval for all subdivisions zoned residentially, trees shall be planted within the right-of-way of all streets proposed within the subdivision. Trees shall be planted in accordance to the requirements of this Section.

(1) Tree Species: Trees planted in the public-right-way shall be of a species as approved by the Department of Public Works from the list of approved tree species for the City.

(2) Spacing: Trees shall be planted no closer than the distance of the full spread of the tree to the next adjacent tree according to the species selected. Generally trees shall be planted at 30 to 50 feet spacing on center. This spacing may be adjusted as a result of drive openings, underground utility services, street light placement, and other potential obstructions.

(3) Area Requirement Per Tree: A minimum of nine square feet of area shall be maintained for each tree and no impervious material shall be installed closer than 30 inches to the trunk of the tree.

(4) Placement: Trees shall not be located closer than 2-1/2 feet to the back of curb or the sidewalk line. Where the distance between the back of curb and the sidewalk line is 8 feet, tree shall be centered in the space. Where the distance between the back of curb and the sidewalk line is greater than 8 feet, trees shall be planted within 4 feet of the sidewalk line.

(5) Location at Intersections: Trees shall not be planted closer than 30 feet from the corner at intersections and shall not be closer than 20 feet to the intersection of the front and side lot line on a corner lot.

(6) Location From Driveways: Trees shall not be located closer to driveways than specified herein:

(a) Residential driveways - 10 feet

(b) Commercial driveways - determined on a case by case basis

(7) Location From Street Lights: Trees shall not be located closer to a street light pole than the distance of the spread of the tree at maturity. The distance shall be measured from center of the tree to the center of the pole.

(Ord. No. 3524, 5-25-99)

Sec. 23.403. STREETS.

(1) General: The arrangement, character, extent, width, grade and location of all streets shall conform with the City's arterial street map, these Regulations, and any further plans adopted by the City Council.

(2) Installation:

(a) Any subdivision for which a public street is necessary requires the installation of such street including curbs and gutters adequate to serve all lots or parcels of land within the area to be subdivided. Streets shall be installed with due regard to the present and foreseeable needs of the area to be subdivided and to the location and capacity of existing streets. Streets shall be installed at the subdivider's expense and be constructed according to requirements of the City under the supervision of the Department of Public Works.

(b) Any such street shall become the property of the City, upon the City's inspection, approval, and acceptance of such street, after the subdivider pays to the City any costs associated with its installation including any reasonable charge for any supervisory or other services provided by the City.

(3) Wider Streets: A street may be required to be installed that is wider than necessary to meet the needs of the area to be subdivided but is of a size necessary to complete the city arterial street system. The City may pay any portion of the cost in materials or labor that exceeds the cost that is attributable to the installation of a street of sufficient width to meet the needs of the area to be subdivided in accordance with the established Capital Investment Strategy of the City.

(4) Relation to Existing Streets and Natural Features: Any collector or arterial street shall continue the alignment and width of any such street on any abutting area when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. Any other street shall conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(5) Street Intersections: Any street shall be designed so as to intersect as nearly as possible at right angles with any existing or proposed street except where topography or other conditions justify variation. Any street jog shall have a centerline off-set of no less than 280 feet except where topography or other conditions justify variation.

(6) Street Grades: Any street shall be graded and improved to conform to applicable standards and specifications and shall be approved as to design and specifications by the City Engineer and shall be arranged so as

to provide the maximum number of lots at or above the grade of any street. A combination of steep grades and curves shall be avoided.

(7) Dead end streets: Dead end streets shall not be permitted to be longer than 150 feet (as measured from the closest edge of the perpendicular street's driving lane) without a turnaround complying with minimum fire code and SUDAS standards, except under the following circumstances:

(a) The dead end street is planned to continue and ultimately to provide access to a future adjacent phase of the subdivision. In this case, a temporary turnaround shall be provided in compliance with all fire code requirements. The preferred location for this turnaround is in public right of way, however, a fire apparatus access easement may be provided for the turnaround outside of the public right of way, if in conformance with all of the following:

(i) When the easement will be on land owned by the owner of the land being platted, a notation shall be made on the preliminary plat indicating that a fire apparatus turnaround will be provided outside the public right of way and the notation will specifically indicate whether the easement will be within the area being platted or outside the area shown on the plat; and the location of easement shall be marked and identified on the final plat and a separate instrument creating the easement shall be recorded contemporaneously with final plat approval; or

(ii) If the easement is to be located on land outside the bounds of the area being platted and the planned location is not owned by the owner of the land being platted, then a separate instrument creating the easement shall be recorded prior to preliminary plat approval; or prior to commencement of excavation or construction of public improvements.

and

(ii) The City of Ames shall be a named grantee in the easement, and the easement language shall provide that the easement will expire upon final plat approval of a plat that extends said road into a future phase or abutting subdivision.

(b) The dead end street is an anticipated extension beyond the bounds of the subdivision plat. In this case, there shall be no structures fronting on the dead end street, and there shall be no lots having primary access on the dead end street, beyond the first 150 feet of the street; or

(c) Alternative methods of compliance are approved by the fire code official as authorized under Section 503 of the *International Fire Code*.

All required turnarounds for fire apparatus vehicles shall be posted "No Parking - Fire Lane" unless the turnaround is wide enough to accommodate both curb parking and fire apparatus access.

(Ord. No. 4027, 3-23-10)

(8) Street Names: Any street that aligns and connects with any existing street shall bear the name of such existing street. Any proposed name of any new streets shall not duplicate or sound similar to any existing street name, and be conforming to the street naming policy of the City.

(9) Frontage and Access:

(a) Any subdivision shall have frontage on and access from an existing street meeting applicable right-of-way standards. To the extent possible, access from a public-way to subdivisions from an arterial street shall be separated by a minimum of 660 feet.

(b) Lots created by subdivision shall not have direct access to any arterial street, except in the case where an existing platted lot had direct access to an arterial street prior to the adoption of these regulations and the owner of such lot now seeks to resubdivide. A frontage road separated from an arterial street by a planting or grass strip and having access to the arterial street at suitable points may be used as a means to provide access to lots created by subdivision.

(c) Any subdivision shall have no less than two means of access whenever the length of any street in the subdivision exceeds 1,320 feet or the average daily traffic is expected to exceed 750 vehicles.

(10) Rights-of-Way Widths: The minimum right-of-way widths, with and without vehicular parking, are as follows:

Type of Street	Minimum Width (ft) Without Parking	Minimum Width (ft) With Parallel Parking
Principal Arterial	120	N/A
Minor Arterial	100	N/A
Commercial/Industrial	66	66/74
Residential Collector	66	66/74
Local Residential	55	55/63
Residential Cul-de-Sac	55	55/63
Commercial/Industrial Alley	20	N/A
Residential Alley	16	N/A

(11) Street Widths: The minimum lane width, minimum number of traffic lanes, and minimum street widths, with and without vehicular parking, are as follows:

Type of Street	Minimum Number of Lanes		Minimum Street Width Without Parking (1)		Minimum Street Width With Parallel Parking (2)		Two Way left Turn Lane Width (3)	
	Comm/Ind	Residential	Comm/Ind	Residential	Comm/Ind	Residential	Comm/Ind	Residential
Major/Prin Arterial	4	4	53	53	NA	NA	NA	NA
Minor Arterial	4/2	4/2	49/31	49/31	NA	NA	14	12
Major Collector	4/2	4/2	49/31	49/31	58/NA	58/NA	14	12
Minor Collector	2	2	NA	NA	31	31	NA	NA
Local (4)	2	2	NA	NA	31	26	NA	NA

(1) For 4 lane divided roadway, use 25 feet, "back-to-back each way.

(2) One-side parking only.

(3) For dedicated left turn lane with raised median, use a 4' median with a 12' turn lane.

(4) Cul-de-Sac radii: Commercial/Industrial 45
Residential 40

(Ord. No. 3545, 1-11-00)

(12) Vehicular Parking: The minimum allowance for vehicular parking on each side of a street is as follows:

Parking Type	Width (ft)	Curb Length (ft)
Parallel Parking	8	23
45° Parking/Commercial	19.8	12.7
90° Parking/Commercial	19	9

The addition of parking as part of the street cross section shall require a corresponding increase in the required street width and right-of-way width.

(13) Street Lights: Street lights shall be installed along any streets within the subdivision and along any abutting street frontage at intersections with streets within the subdivision.

Exception: For any final plat for which a preliminary plat has been approved prior to January 1, 2015, Street lights shall be installed at the subdivider's expense and according to design and specification standards approved by the City Council and after approval of the municipal utility.

(14) Sidewalks and Walkways:

(a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a five-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street in all zoning districts except General Industrial and Planned Industrial. A minimum of a five-foot wide concrete sidewalk shall be installed in the public right-of-way along one side of any street in the General Industrial and Planned Industrial zoning districts. If sidewalks on adjacent property are greater than five feet, the subdivider shall install sidewalks to match. If constraints exist that preclude installation of a sidewalk within the public right-of-way, the subdivider shall install the required sidewalk on adjacent land within a sidewalk easement. All required sidewalks shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area.

(b) Exception: For any final plat for which a preliminary plat has been approved prior to January 1, 2015, the following standard shall be met:

Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.

(c) A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

(d) A pedestrian walkway made of concrete may be required where deemed essential to provide access to schools, parks and playgrounds, commercial areas, transportation or community facilities. Any such walkway shall be not less than eight feet wide.

(Ord. No. 4218, 6-9-15)

(15) Bikeways: A bicycle facility shall be constructed in an area to be subdivided in order to conform to existing facilities adjacent to the site, with a Bicycle Route Master Plan adopted by the City Council or for a bicycle facility shown in the Ames Area MPO's most current transportation plan maps for On-Street and for Off-Street facilities. The reservation of area, dimensions, and construction specifications of any such bicycle facility shall be determined by the number and type of users and location, context, and purpose of the bicycle facility.

(Ord. No. 3524, 5-25-99; Ord. No. 4237, 12-22-15)

Sec. 23.404. WATER SUPPLY.

(1) Existing Water Supply: Any subdivision to which a public water main is accessible requires installation of adequate water facilities including fire hydrants, at the subdivider's expense and subject to City specifications. Prior to the connection with the existing water system of the City, it may be necessary for the developer to pay a connection fee in accordance with requirements of the City.

(2) New Water Supply: Any subdivision to which a public water main is not accessible requires the installation at the subdivider's expense and subject to requirements of the City plans and specifications and under the supervision of the Department of Public Works. The water main system to be installed shall include any water mains and other water facilities adequate to serve all lots or areas of land within the area to be subdivided. Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing water mains and other water facilities. Any such water mains or other water facilities shall become the property of the City, upon the City's inspection, approval, and acceptance of such mains and facilities, after the subdivider pays to the City any costs associated with their installation including any reasonable charge for any supervisory or other services provided by the City.

(3) Oversize Water Supply: A water main may be required to be installed that is larger than necessary to meet the needs of the area to be subdivided but is of a size necessary to complete the City water distribution system as it relates to both the area to be subdivided and other areas which may reasonably be anticipated to be subdivided or otherwise developed or used. The City may pay any portion of the cost in materials or labor that exceeds the cost that is attributable to the installation of a water main of sufficient size to meet the needs of the area to be subdivided according to the Capital Investment Strategy of the City.

(Ord. No. 3524, 5-25-99)

Sec. 23.405. SANITARY SEWERS.

(1) General: Any lot or area of land created by subdivision shall be served by sanitary sewer facilities in a manner prescribed by City plans and specifications and any applicable rules, regulations and standards of the Iowa Department of Natural Resources and no such lot or area of land shall be served by any individual sanitary sewer disposal system. To the greatest extent possible, the design of the subdivision shall be developed with a gravity sanitary sewer system. The use of sanitary sewer lift stations shall be limited to those instances where no other alternatives exist.

(2) Existing Sanitary Sewer: Any subdivision to which a sanitary sewer is accessible requires installation of adequate sewage facilities including sewer mains, manholes and any other necessary or desirable appurtenances to provide for discharge of sanitary sewage. The sewer system from all lots or parcels within the area to be subdivided shall be connected with the existing sanitary sewer system at the subdivider's expense and subject to City specifications.

(3) New Sanitary Sewer: Any subdivision to which a sanitary sewer is not accessible requires the installation at the subdivider's expense and subject to requirements of the City and at the sewer grades established by the City and under the supervision of the Department of Public Works. The sanitary sewer system to be installed shall include any sanitary sewers and other sewage facilities adequate to serve all lots or areas of land within the area to be subdivided. Due regard shall be given to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing sanitary sewers and other sewage facilities. Any such sanitary sewers or other sewage facilities shall become the property of the City, upon the City's inspection, approval, and acceptance of such sewers and facilities, after the subdivider pays to the City any costs associated with their installation including any reasonable charge for any supervisory or other services provided by the City.

(4) Oversize Sanitary Sewer:

(a) A sanitary sewer may be required to be installed that is larger than the minimum standard size. When a larger sanitary sewer main is required because of grade, land use or circumstances created by the development, these larger sanitary sewer mains shall be installed at the developer's expense.

(b) When a larger sanitary sewer main is required by the City, the cost of the installation of the main will be the responsibility of the City unless lots within the subdivision have direct service connection to this larger main. In that instance the cost of the larger main shall be shared by the City and the developer. The City may pay any portion of the cost in materials that exceeds the cost that is attributable to the installation of a sanitary sewer of sufficient size to meet the needs of the area to be subdivided according to the Capital Investment Strategy of the City.

(Ord. No. 3524, 5-25-99)

Sec. 23.406. ELECTRIC DISTRIBUTION AND STREET LIGHTING IMPROVEMENTS.

(1) There shall be constructed an underground electric distribution system to adequately serve all lots with the platted area, with due regard to the present and reasonably foreseeable needs of the entire area shown in the preliminary plat. When the area being developed is in the service territory of the Ames Municipal Electric Utility, the Utility shall install the electric distribution system underground, but the Developer shall pay to the City the costs of an underground electric system that are in excess of what would have been the cost of an overhead electric distribution system.

(2) The existing overhead electric feeder system adjacent to a new subdivision shall remain overhead but may be placed underground if requested by the developer of a new subdivision. All costs associated with such conversion will be at the Developers sole expense.

(3) Street lights shall be installed at the subdivider's expense and according to the design and specification standards approved by the City Council and after review and approval by the Ames Municipal Utility. The electric distribution system for the street light system shall also be installed underground.

(Ord. No. 3524, 5-25-99; Ord. No. 3953, 05-13-08).

Sec. 23.407. STORM WATER MANAGEMENT.

(1) General:

(a) Any subdivision shall make adequate provision to control the rate of storm or flood water runoff including by storm water management measures necessary and appropriate for carrying away by pipe or surface channelization any spring or surface water that may exist at the time of subdivision or be reasonably expected to be created by development or use of the area to be subdivided.

(b) Any required storm sewers including foundation drain collector lines shall be separate from any required sanitary sewers and shall be installed at the subdivider's expense and subject to requirements of the City and shall be adequate to serve all lots or parcels of land within the area to be subdivided.

(c) The storm sewer system shall be designed with due regard to the present and reasonably foreseeable needs of the area to be subdivided and to the location and capacity of existing storm sewers and other storm water management measures available to serve existing and reasonably anticipated development or use of areas abutting the area to be subdivided.

(d) Any such storm sewers may become the property of the City, upon the City's inspection, approval, and acceptance of such sewers, after the subdivider pays to the City any costs associated with their installation including any reasonable charge for any supervisory or other services provided by the City.

(2) Storm Water Management Design Standards: Where applicable, the storm water management design shall incorporate the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.
(Ord. 4176,4-22-14)

(3) Accommodating Upstream Drainage Areas: Any necessary and appropriate storm water management measure shall be designed to accommodate runoff from any upstream area potentially draining into or through the area to be subdivided, whether such area is inside or outside the area to be subdivided. Such design shall assume that the upstream area will be regulated such that storm water discharge shall be in conformance with the requirements of Chapter 5B Post Construction Stormwater Management Ordinance.
(Ord. 4176,4-22-14)

(4) Protecting Downstream Drainage Areas: Any subdivision shall provide for mitigation of any overload condition reasonably anticipated on any existing downstream storm water management measure outside the area to be subdivided, provided that the development or use of the area to be subdivided creates or contributes to such condition.

(5) Dedicating Drainage Easements: Any necessary and appropriate public storm water management measure shall be located in the right-of-way associated with a public way to the extent practical. Any such measures that cannot be so located shall be located in a perpetual unobstructed easement with satisfactory access to a public way and from a public way to a natural watercourse or to other storm water management measure. Any such easement shall be secured by the subdivider and dedicated to the City.

(Ord. No. 3524, 5-25-99; Ord. No. 3903, 2-27-07; Ord. No. 4008; 9-22-09)

Sec. 23.408. SOIL EROSION AND SEDIMENTATION CONTROL.

A subdivider shall grade any portion of the area to be subdivided only in conformity with an approved grading plan, including an approved erosion and sedimentation plan for the entire area. The subdivider shall provide assurances satisfactory to the Department of Public Works that the grading improvements have been completed in accordance with the approved grading plans. No building or structure shall be constructed that is not in general conformance with the approved grading plans or with an amended plan that has been approved by the City. The subdivider shall provide to the City a copy of the NPDES Discharge Permit Authorization from the Iowa Department of Natural Resources for coverage of the subdivision. A copy of the notification to the IDNR shall also be submitted as development continues into the next addition of the subdivision.

(Ord. No. 3524, 5-25-99)

Sec. 23.409. IMPROVEMENT GUARANTEES.

(1) The subdivider shall file a bond with the City Clerk in an amount not less than the certified estimate of the Director of Public Works for the cost of constructing or completing any improvement required under this section that has not been installed and accepted by the City prior to final plat approval. Such bond shall be retained by the City Clerk until any such improvement is completed and accepted by the City, as a guarantee that the work will be completed in an acceptable manner within the time specified in any agreement between the subdivider and the City. The time frame for installing improvements required for the approval of the subdivision shall not exceed 3 years from the date of approval of the Final Plat. Additionally, the term of the bond shall be for a period of time equal to or longer than the time specified in the Improvement Agreement. The installation of street trees in residential zoning districts may be secured with a sidewalk installation agreement in a form acceptable to the City and which requires the installation of street trees prior to occupancy of any house on the lot.

(Ord. No. 4218, 6-9-15)

(2) The subdivider shall apply in writing to the City Council for any extension of time for completing any improvements and the City Council shall provide notice and an opportunity for comment from any purchaser of any lot in the area subdivided before acting on the subdivider's application. The City Council shall grant such extensions in increments of not more than two years but in any event only if there shall be no unreasonably adverse effect on persons who purchased lots in the area subdivided in reliance on timely completion of any improvement.

(3) The subdivider shall file a new bond upon the granting of an extension of time in an amount based on any revised estimate of the cost of completing any improvement.

(Ord. No. 3524, 5-25-99)

DIVISION V SUBMISSION REQUIREMENTS

Sec. 23.501. SKETCH PLAN CONTENTS.

A Sketch Plan shall contain the following information at a minimum:

- (1) the name of the proposed subdivision;
- (2) the name, address and other pertinent information about the property owner, the Applicant, or other preparer of the Sketch Plan;
- (3) a north arrow and the preparation or submission date;
- (4) the general location, areas and dimensions of any lots to be platted by the proposed subdivision;
- (5) the general location, width and dimensions of any highways, streets, alleys, and other ways existing or proposed to be reserved or dedicated for public use on or abutting the area of land proposed to be subdivided;
- (6) the general location of any existing or proposed public infrastructure including water mains, sanitary sewer mains, storm sewer mains, and facilities and other infrastructure; and
- (7) the location, width and character of all existing or proposed utility easements on or abutting the area of land proposed to be subdivided.

(Ord. No. 3524, 5-25-99)

Sec. 23.502. PRELIMINARY PLAT (MAJOR SUBDIVISION).

(1) General. A Preliminary Plat shall be prepared by a registered land surveyor at a scale of one inch equals 50 feet, unless an alternate scale is approved by the Director of Planning and Housing and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the City Clerk, but shall be no greater than 24 inches by 36 inches and no less than 8½ inches by 11 inches. The Preliminary Plat shall be prepared on a computer diskette containing a Computer Aided Design Drawing of the Preliminary Plat which shall be provided in a format meeting the hardware and software specifications of the City.

(2) Features. In addition to all information provided with the Sketch Plan, the Preliminary Plat shall show the following information:

(a) a statement by a registered land surveyor that the Preliminary Plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of accuracy. As an alternative, a Preliminary Plat may be prepared where a registered land surveyor certifies that the perimeter boundary of the subdivision was prepared under his or her supervision, and all other intermediate lot lines may be prepared by an engineer licensed in the State of Iowa;

(b) the number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;

(c) survey data describing the lengths and bearings and curve data of any existing or proposed lot (except internal lot lines) block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, dedication or other area within the tract or area of land proposed to be subdivided, and the outer boundaries of the tract or area of land proposed to be subdivided;

(d) the general location, use and dimensions of any existing structures on any portion of the tract or area of land proposed to be subdivided, including required setback distances from lot boundaries for any structures on any portion of the tract or area of land proposed to be subdivided;

(e) the general location and areas of any existing water courses, wetlands, floodplains, trees, woodland resources, prairie resources or other environmentally sensitive areas on or within 200 feet of any portion of the tract or area of land proposed to be subdivided;

(f) topographical features including contours at vertical intervals of not more than two feet, unless an alternate contour interval is approved by the Director of the Department of Planning and Housing;

(g) any existing or proposed sidewalks, bikeways, highway, street, alley or other public way including centerline street stationing and geometrics;

(h) the location and dimensions of any existing or proposed public infrastructure including any water main, sanitary sewer main or storm sewer main and any associated facility, including appropriate easements;

(i) the location and dimensions of any existing or proposed utilities including electric, gas, telephone or cable, including appropriate easements;

(j) a sediment and erosion control plan meeting the requirements of Chapter 5A Construction Site Erosion and Sediment Control;

(Ord. 4177, 4-22-14)

(k) a storm water management plan meeting the requirements of this chapter and Chapter 5B Post Construction Stormwater Management Ordinance;

(Ord. 4177, 4-22-14)

(l) the name of any proposed street in conformance with the street naming plan of the City;

(m) the location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments;

(n) the names of adjoining streets;

(o) the location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building set-back lines including proposed parking prohibitions;

(p) the location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;

(q) sufficient data to enable an accurate review by City staff to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground as required in Section 23.502(2)(c);

(r) indication of existing and proposed zoning;

(s) progressive block numbers or letters may be assigned to groups of lots separated from other lots by streets or other physical features of the land. Each lot within each block of the plat shall be assigned a progressive number. Streets, alleys, parks, open areas, school property, other areas of public use, or areas within any block of the plat that are set aside for future development shall be assigned a progressive letter and shall have the proposed use clearly designated. No strip of land shall be reserved by the subdivider unless it is of sufficient size and shape to be of practical use or service as determined by the City Council; and

(t) lot dimensions and lot areas.

(3) The lack of information under any item specified herein, or improper information supplied by the Applicant, shall be cause for disapproval of a Preliminary Plat.

(Ord. No. 3524, 5-25-99)

Sec. 23.503. FINAL PLAT (MAJOR SUBDIVISION).

(1) General: A Final Plat for a Major Subdivision shall be drawn at a scale of one inch equals 50 feet unless an alternate scale has been approved by the Director of the Department of Planning and Housing. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be prepared on a computer diskette containing a Computer Aided Design Drawing of the Final Plat which shall be provided in a format meeting the hardware and software specifications of the City.

(2) Features. A Final Plat shall show, at a minimum, the following information:

(a) the name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;

(b) the name, address and other pertinent information about the owner and the developer;

(c) a statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;

(d) the number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;

(e) a scale, a north arrow and the preparation or submission date on each sheet;

(f) all monuments existing or to be of record, as required by Chapter 355 of the Code of Iowa, as amended or superseded;

(g) survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or area of land proposed to be subdivided, the outer boundaries of the tract or area of land proposed to be subdivided, and reference to at least two section corners within the United States Public Land Survey System in which the plat lies or to at least two established monuments within any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;

(h) if a subdivision plat, described as part of the United States Public Land Survey System and not entirely a resubdivision of an existing recorded plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section;

- (i) all distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;
- (j) the identity of any lot to be platted by the proposed subdivision by address, block and lot numbers, and of all adjoining or interior excepted tracts or areas of land by clear and relevant identifying information including the notation "not a part of this plat," and of any public ways within or abutting the proposed subdivision by name, and of any recorded subdivision abutting the proposed subdivision by name;
- (k) the location, areas and dimensions of any existing floodplains;
- (l) the following notation:
SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT;
- (m) the area of any lot to be platted by the proposed subdivision, to be shown on the plat either on each such lot or in a lot area table;
- (n) the names of any existing or proposed public ways;
- (o) street stationing data for each street;
- (p) any other information previously provided on the Sketch Plan or Preliminary Plat and requested by the Department of Planning and Housing; and
- (q) two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City's requirements relative to the established State Plane Coordinate System as defined in Chapter 355 of the Code of Iowa.

(3) Major Subdivision Final Plat Attachments. The following shall be attached to and accompany any Final Plat for a Major Subdivision:

- (a) a legal description of the area of and proposed to be subdivided and of any lot to be platted by the proposed subdivision;
- (b) a certificate signed and acknowledged by the owner and spouse, if any, before an officer authorized to take the acknowledgment of deeds that the subdivision plat is prepared with their free consent and is in accordance with their desire. Such certificate may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, easements, parks, open areas, school property or other public use provided that such dedication is approved by the City Council;
- (c) a certificate signed and acknowledged by any mortgage holders or lien holders before an officer authorized to take the acknowledgment of deeds that the subdivision plat is prepared with their free consent and is in accordance with their desire. An affidavit and bond as provided in Section 354.12 of the Iowa Code may be recorded in lieu of the consent of the mortgage holders or lien holders, if any. When a mortgage holder or lien holder consents to such subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City Council or dedicated to the public;
- (d) an opinion by an attorney who has examined the abstract of title of the land being subdivided and platted that the fee title to the tract or parcel proposed to be subdivided is in the owner. It shall further state the names of any mortgage holders, lien holders or other encumbrancers of record, shall describe such encumbrances and shall identify any bonds securing such encumbrances (utility easements shall not be construed to be encumbrances for purposes of this section);
- (e) a certificate from the County Treasurer that the area of land proposed to be subdivided is free from certified taxes and from certified special assessments, or that said area of land is free from certified taxes and that any certified special assessments are secured by a bond in compliance with section 354.12 of the Iowa Code;
- (f) a certificate from the Municipal Engineer that "as built" plans show that all required improvements have been satisfactorily completed in accordance with approved construction plans, or a certificate from the City Clerk that a performance bond guaranteeing completion of all required improvements has been approved by the City Attorney and filed with the City Clerk; and
- (g) a resolution from the City Council accompanied by an as-built certification from the Municipal Engineer accepting and approving any required improvements that have been made or installed along with any required maintenance bond for such improvements; and
- (h) a resolution for approval by the City Council describing the area of land proposed to be subdivided and stating that the plat depicting the proposed subdivision has been submitted to and reviewed by the Planning and Zoning Commission and/or the City Council, that the owner has complied with all relevant provisions of the code of the City of Ames and the laws of the State of Iowa, that the City has accepted any areas dedicated for

public use, that the plat is hereby approved, and that the Mayor and the City Clerk are hereby directed to certify the resolution.

(Ord. No. 3524, 5-25-99)

Sec. 23.504. FINAL PLAT (MINOR SUBDIVISION).

(1) General. A Final Plat for a Minor Subdivision shall be drawn at a scale of one inch equals 50 feet unless an alternate scale has been approved by the Director of the Department of Planning and Housing. A Final Plat shall be drawn on sheets measuring no greater than 24 inches by 36 inches and no less than 8-1/2 inches by 11 inches. The Final Plat shall also be provided on a computer diskette containing a Computer Aided Design Drawing of the Final Plat, which shall be provided in a format meeting the hardware and software specifications of the City.

(2) Features. A Final Plat shall show, at a minimum, the following information:

(a) the name of the proposed subdivision on each sheet and a notation identifying any resubdivision as such wherever the name of the proposed subdivision appears;

(b) the name, address and other pertinent information about the owner and the developer;

(c) a statement by a registered land surveyor that the plat was prepared by or under his or her supervision, the surveyor's signature, Iowa registration number or seal, and certification of the accuracy of the plat;

(d) the number of each sheet, the total number of sheets included in the plat, and match lines indicating where each sheet adjoins any other sheet, and an index sheet showing the relationship between the sheets;

(e) a scale, a north arrow and the preparation or submission date on each sheet;

(f) all monuments existing or to be of record, as required by Chapter 355 of the Code of Iowa, as amended or superseded;

(g) survey data describing the bounds of any existing or proposed lot, block, public or private way, railroad or utility right-of-way, deed restriction, covenant, easement, reservation, dedication or other area within the tract or parcel proposed to be subdivided, the outer boundaries of the tract or parcel proposed to be subdivided, and ties to at least two section corners within the United States Public Land Survey System or to two established monuments within any existing recorded plat when the proposed subdivision is a resubdivision in whole or in part;

(Ord. No. 3545, 1-11-00)

(h) all distance, bearing, curve, and other survey data, as required by Chapter 355 of the Code of Iowa, as amended or superseded;

(i) the identity of any lot to be platted by the proposed subdivision by block and lot numbers, and of all adjoining or interior excepted areas of land by clear and relevant identifying information with a clear label "not a part of this plat," and of any public ways within or abutting the proposed subdivision by name, and of any recorded subdivision abutting the proposed subdivision by name;

(j) any other information previously provided on the Sketch Plan and requested by the Department of Planning and Housing;

(k) location of floodplain as applicable;

(l) the following notation:

SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS THAT MAKE CONSTRUCTION OF BUILDINGS DIFFICULT.

(m) if a subdivision plat, described as part of the United States Public Land Survey System and not entirely a resubdivision of an existing recorded plat, lies within more than one forty-acre aliquot part of a section, the acreage shall be shown only for assessment and taxation purposes for the portion of the subdivision that lies within each forty-acre aliquot part of the section;

(n) the area of any lot to be platted by the proposed subdivision, to be shown on the plat on each lot or in a lot area table;

(o) the names of existing streets; and

(p) two monuments on the boundary of the proposed subdivision shall be noted as being in accordance with the City's requirements relative to the established State Plane Coordinate System as defined in Chapter 355 Code of Iowa.

(3) Minor Subdivision Final Plat Attachments. The following shall be attached to and accompany any Final Plat for a Minor Subdivision:

(a) a legal description of the area of land proposed to be subdivided and of any lot to be platted by the proposed subdivision;

(b) a certificate signed and acknowledged by the owner and spouse, if any, before an officer authorized to take the acknowledgment of deeds that the subdivision plat is prepared with their free consent and is in accordance with their desire. Such certificate may also include a dedication to the public of all lands within the plat that are designated for, parks, open areas, school property or other public use provided that such dedication is approved by the City Council;

(c) a certificate signed and acknowledged by any mortgage holders or lien holders before an officer authorized to take the acknowledgment of deeds that the subdivision plat is prepared with their free consent and is in accordance with their desire. An affidavit and bond as provided in section 354.12 of the Iowa Code may be recorded in lieu of the consent of the mortgage holders or lien holders, if any. When a mortgage holder or lien holder consents to such subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City Council or dedicated to the public;

(d) an opinion by an attorney who has examined the abstract of title of the land being subdivided and platted that the fee title to the tract or parcel proposed to be subdivided is in the owner. It shall further state the names of any mortgage holders, lien holders or other encumbrancers of record, shall describe such encumbrances and shall identify any bonds securing such encumbrances (utility easements shall not be construed to be encumbrances for purposes of this section);

(e) a certificate from the County Treasurer that the tract or parcel proposed to be subdivided is free from certified taxes and from certified special assessments, or that said tract or parcel is free from certified taxes and that any certified special assessments are secured by a bond in compliance with section 354.12 of the Iowa Code;

(f) a resolution for approval by the City Council describing the tract or parcel proposed to be subdivided and stating that the plat depicting the proposed subdivision has been submitted to and reviewed by the City Council, that the owner has complied with all relevant provisions of the code of the City of Ames and the laws of the State of Iowa, as amended or superseded, that the City has accepted any areas dedicated for public use, that the plat is hereby approved, and that the Mayor and the City Clerk are hereby directed to certify the resolution.

(Ord. No. 3524, 5-25-99)(Ord. No. 2652, 4-18-78, Ord. No. 2716, 5-1-79, Ord. No. 2805, 12-15-81, Ord. No. 2856, 8-30-83, Ord. No. 2932, 9-10-85, Ord. No. 2958, 8-19-86, Ord. No. 3153, 12-3-91, Ord. No. 3165, 4-14-92, Ord. No. 3171, 4-28-92, Ord. No. 3300, 9-27-94, Ord. No. 3413, 12-3-96)

DIVISION VI CONSERVATION SUBDIVISIONS

23.600. CONSERVATION DEVELOPMENT FOR SUBDIVISIONS

23.601. APPLICABILITY.

Conservation Design Development is an alternative set of design objectives and standards for residential subdivision development. These objectives and standards can be used as an alternative to common residential subdivision development in Ames. However, they shall apply to all residential subdivision development in the undeveloped areas of Ada Hayden Watershed north of Bloomington Road.

(Ord No. 4042, 8-10-10)

23.602. INTENT.

The intent of Conservation Design Development is to preserve the existing natural features of the site, to preserve the natural drainage features and hydrologic characteristics of the landscape, and to reduce the impacts of development on the landscape; and

(1) To maintain and protect in perpetuity Ames area natural character by preserving these important landscape elements including but not limited to those areas containing unique and environmentally sensitive natural features as prairie, woodlands, stream buffers and corridors, drainageways, wetlands, floodplains, ridgetops, steep slopes, critical species habitat, and by setting them aside from development;

(2) To promote interconnected greenways and environmental corridors throughout Ames;

(3) To provide commonly-owned open space and conservation areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;

(4) To permit various means for owning conservation areas, preserved landscape elements, and to protect such areas from development in perpetuity;

(5) To provide greater flexibility in site dwellings and other development features than would be permitted by the application of standard use regulations in order to minimize the disturbance of natural landscape

elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape;

(6) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing soils, vegetation, and maintain environmental corridors, and

(7) To preserve significant archaeological sites, historic buildings and their settings. (*Ord No. 4042, 8-10-10*)

23.603. GENERAL REQUIREMENTS.

(1) Design and Standards for Residential Lot Layout

(a) All residential units should be in cluster groups unless the site has been designed to preserve sensitive areas and maintain a stormwater treatment train.

(b) All lots shall take access from interior roads.

(c) All separation areas for residential lots along existing roads shall be landscaped in accordance with the conservation area landscaping requirements in Section 23.603(2)(f).

(d) Eighty percent (80%) of residential lots shall abut a conservation area or open space to the front or rear. Open space and conservation area across a road shall qualify for this requirement.

(e) Cluster groups shall be located to avoid or mitigate directly disturbing existing native prairie, woodlands, wetlands and other natural features identified in the site inventory of natural resources.

(2) Site Requirements

(a) Open water areas - A 50-foot native vegetative buffer shall be maintained around open water areas such as ponds and lakes unless a specific common use area is identified.

(b) Stream buffers - Stream buffers with native vegetation shall be maintained along stream areas using the following requirements based on stream order:

(i) Streams exceeding 3rd order and above, the City requires sketches, maps, studies, engineering reports, tests, profiles, cross-sections, construction plans and specifications to determine adequate buffer widths.

(ii) Perennial streams (1st and 2nd order). The total required stream buffer width is one hundred (100) feet on each side perpendicular to the waterway measured from the outer wet edge of the channel during base flows.

(iii) Intermittent streams. The total required stream buffer width is fifty (50) feet on each side perpendicular to the water way measured from the centerline of the channel.

(iv) Waterways and/or dry channels that have a contributing drainage area of fifty (50) acres or greater. The total required stream buffer width is thirty (30) feet on each side perpendicular to the waterway measured from the centerline of the waterway.

(v) Waterways and/or dry channels with a contributing drainage area of less than 50 acres. The total required stream buffer width is twenty (20) feet on each side perpendicular to the waterway measured from the centerline of the waterway.

(c) Stormwater management

(i) Minimize the use of storm sewer piping and maximize the use of swales.
(ii) Use curb cuts in lieu of storm sewer intakes when appropriate to divert street water to a stormwater conveyance or treatment system.

(iii) Sump pump discharge can be discharged into a stormwater conveyance or treatment system.

(iv) On-site treatment and storage of stormwater generated by the development shall occur in conservation area if it is consistent with the environmental functions of the conservation area. Individual lot on-site stormwater management may also be used in conservation subdivisions in conjunction with open space and conservation area management of stormwater.

(v) Include detailed design information for the stormwater management practices following the design information provided in the Iowa Stormwater Management Manual. The stormwater treatment train approach shall be used where appropriate to capture, treat and release stormwater.

(d) Shared use paths, sidewalks, and driveways

(i) An accessible and interconnected shared use path system shall be developed to connect residential areas with open space/conservation areas within or adjacent to the site.

(ii) Sidewalks shall only be required on one side of streets; however, all lots shall have direct access to sidewalks or the pathway system.

(iii) Typical driveway approach sections, Chapter 7 of SUDAS

specifications, shall be used.

(e) Conservation Area Requirements

(i) The conservation area shall be designated as a Conservation Easement as detailed in the definition section of this ordinance.

(ii) Applicants must provide an explanation of the conservation area objectives achieved with their proposed development and identify the percentage of the total development area that this area occupies.

(iii) All conservation areas shall be part of a larger continuous and integrated system except for conservation areas that are naturally isolated from other conservation areas on or near the site. For the purposes of this section, continuous shall be defined as either physically touching or located across a public right-of-way, for example, on opposite sides of an internal road.

(iv) Conservation areas, in accordance with the Conservation Area Management and Ownership outlined in Section 23.605, shall protect site features identified in the site natural resources inventory Section 23.604 (1) and analysis as having particular value in preserving and/or restoring the natural character and conserving natural resources in compliance with the intent of this ordinance and consistent with the goals and objectives of this ordinance.

(v) Healthy natural features such as woodlands, prairie, wetlands, and streambanks shall generally be maintained in their natural condition. If recommended by a professional with pertinent qualifications, the Municipal Engineer may authorize a modification to improve the natural features' appearance or restore the overall condition and natural processes, in compliance with an approved management plan, as described in Section 23.605.

(vi) All wetlands, floodways, and/or identified wildlife habitat areas shall be contained in conservation areas.

(vii) Conservation areas and open space shall be distributed throughout the development and combined shall comprise at least twenty-five (25) percent of the total area of the subdivision. An area comprised of conservation areas and open space greater than twenty-five percent of the total area of the subdivision may be required if necessary to maintain health features such as woodlands, prairie, wetlands and streambanks in their natural condition as provided in 23.603(2)(v).

(viii) Safe and convenient pedestrian access and access easements sufficient for maintenance vehicles shall be provided to conservation areas.

(f) Landscaping for Conservation Subdivisions - A landscaping plan shall be prepared that identifies all proposed landscaping and conforms to the following:

(i) The preservation of existing native, non-invasive vegetation as identified in the natural resources inventory Section 23.604(1) as being in good condition and of good quality shall generally be preferred to the installation of new plant material.

(ii) Mass grading of sites shall be minimized in order to preserve the natural features of the site.

(iii) Within all required separation areas between residential lots and external roads and site boundaries, existing woodlands with desirable tree species shall be retained.

(iv) All new landscaping in conservation areas to be installed and existing native vegetation to be preserved shall be protected through conservation easement. Native landscaping shall be installed according to the guidelines provided in the Iowa Stormwater Management Manual Section 2E-6.

(v) Trees of native species as indicated by the Iowa Department of Natural Resources and approved by the City shall be planted along internal roads within cluster groups in a total amount equivalent to the standard subdivision requirements. Trees may be planted, but are not required, along internal roads passing through conservation areas.

(vi) Informal, irregular, or natural arrangement is required for newly planted trees to avoid the urban appearance that regular spacing may evoke.

(vii) Trees shall be located so as not to interfere with the installation and maintenance of utilities, shared use paths, or sidewalks that may parallel the road.

(viii) Within all conservation areas, separation between external roads and residential lots, a vegetated buffer area at least 25 feet in width shall be maintained or established. Where no natural trees and/or shrubs exist, native plant materials shall be planted.

(ix) Conservation areas required to meet Section 23.603(1)(d), shall be planted using native species to enhance privacy and a natural appearance.

(x) Required buffers around wetlands, all water bodies and drainageways must be naturally vegetated or planted with native plant species appropriate to the surrounding landscape.

(xi) Buffers consisting of an informal, irregular or natural arrangement of native plant species, combined with infrequent or prescriptive mowing are required to create a low-maintenance, naturalized landscape.

(xii) In addition to the above, land management practices minimizing the impact of nutrients shall be used and demonstrated in Ada Hayden Watershed; minimal fertilization of lawns including the use of phosphorus-free fertilizers is recommended.

(Ord No. 4042, 8-10-10)

23.604. APPLICATION PROCEDURE.

In addition to the standard subdivision application requirements, an inventory and mapping of natural resources shall be conducted prior to the initial submittal.

(1) Inventory and Mapping of Natural Resources. An inventory of natural resources of the proposed development site shall be conducted by experts in the field such as biologists, ecologists, soil scientists, hydrologists, geologists or those credentialed in a manner acceptable to the Municipal Engineer and must be submitted with the conservation subdivision application. The inventory must include, but is not limited to the following information mapped at a scale of no less than one inch equals 50 feet:

(a) Topographic contours at 2-foot intervals.

(b) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as percolation rates, suitability for infiltration-based stormwater management practices, hydric soils, depth to water table, and suitability for wastewater disposal systems if applicable.

(c) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and slopes 10% or greater.

(d) Land cover on the site including but not limited to prairie, woodland, forest, wetland and general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than [24] inches measured four feet off the ground. The inventory shall include comments on the health and condition of the natural resources.

(e) Known critical habitat areas for rare, threatened or endangered species using existing documented inventories.

(f) Cultural resources shall be identified by a brief description of historic character of buildings and structures, historically important landscapes, and archeological features using a review of existing, documented inventories.

(2) Education and Outreach Plan for the Development. An educational plan shall be developed and distributed to all perspective lot owners that describes the characteristics of the conservation subdivision including the development concept, conservation areas management practices that will be used to manage these areas, and benefits of the natural features. They shall also include information on lawn care strategies that reduce nutrient and pesticide inputs and pollution to local water bodies. Lot owners shall be made aware of the wildlife aspects of a conservation subdivision. Deer, birds, and other animals and insects will be attracted to the natural areas.

(Ord. No. 4042, 8-10-10)

23.605. CONSERVATION AREA MANAGEMENT AND OWNERSHIP.

(1) Conservation Area Management Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the conservation areas and open space areas in perpetuity through a conservation easement for conservation areas or common ownership for open space areas and evidence of the long-term means to properly manage and maintain all common facilities, including any stormwater facilities. The plan shall be approved by the Municipal Engineer prior to plat approval.

(a) A conservation area management plan shall be submitted with the following components during the following approval stages:

(2) Preliminary Plat:

(a) Include a conservation area management plan specifically focusing on the long-term management of conservation areas. The conservation area management plan shall include a narrative, based on the site analysis required in Section 23.604(1), describing:

(i) Existing conditions including all natural, cultural, historic, and scenic elements in

the landscape.

(ii) The proposed completed condition for each conservation area; and the measures proposed for achieving the end state.

(iii) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion, and measures for restoring habitats, ecosystems, and historic features.

(3) Final Plat:

(a) The conservation area management plan shall include the following items for final plat approval:

(i) Provide a copy of the conservation easement.

(ii) Designate the ownership of the conservation area and common facilities.

(iii) Establish necessary regular and periodic operation and maintenance responsibilities.

(iv) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.

(v) The operations needed for maintaining the stability of the resources, including: mowing schedules; native vegetation burns; weed control; planting schedules; clearing and cleanup; the applicant shall be required to provide financial security in a form acceptable to the city for the maintenance and operation costs of conservation areas for a two-year period of time at time of the plat.

(b) In the event that the organization established to own and maintain the conservation areas, or any successor organization, fails to maintain all or any portion of the conservation areas in reasonable order and condition, such notice shall set forth by the Municipal Engineer listing the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance. In such case the security, if any, may be forfeited, and any permits may be revoked or suspended. The city may enter the premises and take corrective action.

(i) The costs of corrective action by the City that exceeds the security shall be assessed against the properties that have the right of benefit of the conservation areas and shall become a lien on said properties.

(c) Management plans can be amended by the owner identified under Section 23.605(6) with the approval of the Municipal Engineer.

(4) Ownership Alternatives. The designated conservation areas shall be placed in Conservation Easement and may be owned and managed by one or a combination of the following:

(a) A homeowners association shall be established if the conservation area is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

(b) A non-profit or for-profit conservation organization that specializes in Iowa native plant management.

(c) Other entity as approved by City Council.

(5) Ownership & Maintenance Responsibilities. The bylaws, guaranteeing continuing maintenance of the conservation area and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the City of Ames as part of the information required for the final plat. The bylaws or the declaration of covenants, conditions and restrictions of the homeowner's association shall contain the following information:

(a) The legal description of the conservation area;

(b) The restrictions placed upon the use and enjoyment of the conservation areas or facilities;

(c) The homeowners association or third party assigned by the homeowners association entitled to enforce the restrictions;

(d) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance;

(e) The conditions and timing of the transfer of ownership and control of land facilities to the association.

(6) A For-Profit or Non-profit Conservation Organization. If the conservation area is to be held by a for-profit or non-profit conservation organization, the organization must be acceptable to the City. The conveyance to

the non-profit or for-profit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
(Ord No. 4042, 8-10-10)

DIVISION VII INTEGRATED SITE PLANS

23.700. SUBDIVISIONS FOR INTEGRATED SITE PLANS.

23.701. PURPOSE.

The purpose of this Section is to create a process for subdividing commercially zoned or industrially zoned property, or property developed with apartment dwellings, when such division is the result of subjecting the divided lot, tract or parcel to the recording of an Integrated Site Plan for all such land. The purpose of an Integrated Site Plan Subdivision is to facilitate division of a site for ownership purposes, but to ensure that the combined lots within the site function as a single site for purposes of access, circulation, maintenance, and compliance with development standards otherwise applicable to individual lots.

23.702. APPLICABILITY.

- (1) The subject site shall consist of one or more legally created lots.
 - (2) The property must be zoned commercial, industrial, medium density residential or high density residential.
 - (3) Residential development under these provisions is limited to apartment dwellings only.
 - (4) The subdivision must be associated with a Major Site Development Plan under Chapter 29.1502.
- Within this context, the Major Site Development Plan will be considered and referred to as an Integrated Site Plan.

23.703. APPLICATION PROCEDURE.

Integrated Site Plan subdivisions plats are subject to the major subdivision provisions set forth in Division III of this Chapter, and to the Major Site Development Plan provisions in Section 29.1502. A complete application for an Integrated Site Plan Subdivision shall include the following:

- (1) A completed application form as provided by the Department of Planning & Housing, and associated fees.
- (2) All information required for a Major Subdivision application (pursuant to Section 23.302).
- (3) All information required for a Major Site Development Plan application (pursuant to Section 29.1502). (Note: the proposed site plan shall be submitted and illustrated on separate documents from the subdivision plat, but shall clearly indicate the lot lines separately shown on the proposed subdivision plat.)
- (4) All of the site plan elements as listed in Section 29.1502, as long as the following elements are also included:
 - (a) A map or plan showing the location and size of all proposed lots;
 - (b) Proposed and existing structures including elevations and floor plans and their distance from property lines, the height and number of stories, distance between buildings, etc;
 - (c) All proposed uses (if not known, general types of anticipate uses) or existing uses;
 - (d) The location of proposed or existing open space including any required landscaped areas, and all major manmade or natural features, i.e., streams, creeks, drainage ditches, railroad tracks, utility lines, etc.;
 - (e) The layout of an internal vehicular and pedestrian circulation system, including proposed or existing ingress and egress for vehicles;
 - (f) The following zoning code data: zoning district; total lot area (square feet); total building area (square feet); percent of site coverage; number of units proposed; total number of parking stalls (including handicapped); total parking, driveway and circulation area (square feet); proposed landscaping (square feet); percent

of lot in open space, type of construction, sprinklered-nonsprinklered, occupancy classification.

(g) The name of the proposed development; the legal description of the subject property; the date on which the plans were prepared; the graphic scale and northpoint of the plans;

(h) Any areas proposed to be dedicated or reserved for public purpose, and areas to be reserved for private open space and landscaping and areas reserved for the common use of the occupants of the proposed development.

(5) A recent title report (no older than 30 days) covering all property shown within the boundaries of the Integrated Site Plan application.

(6) The location and size of on-site water bodies and drainage features, both natural and manmade.

(7) The location and size of any existing or proposed utilities serving or crossing the site (i.e., water, sewer, gas, electricity trunk lines).

(8) A phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits applications will not be submitted within two years.

(9) A list of any other development permits or permit application having been filed for the same site.

(10) Copies of all covenants, easements, maintenance agreements or other documents regarding mutual use and maintenance of parking, common areas, open space, and access.

(11) Copies of all easements, deed restrictions, covenants, or other encumbrances restricting the use of the site.

(12) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were created in accordance with the subdivision laws in effect at the time of creation.

(13) The name of the proposed development; the legal description of the property for which integrated site plan approval is sought; the date on which the plans were prepared; the graphic scale and northpoint of the plans.

23.704. REQUIREMENTS FOR INTEGRATED SITE PLAN SUBDIVISION.

(1) An Integrated Site Plan Subdivision must include a descriptive title for the subdivision, and a descriptive title for the associated Integrated Site Plan.

(a) The subdivision title must be clearly shown on the face of the plat as: “[Descriptive Title] Integrated Site Plan Subdivision”, and

(b) The site plan and associated documents must be clearly titled as: “[Descriptive Title] Integrated Site Plan”.

(2) The Integrated Site Plan Subdivision plat shall include all of the following declarations on the plat:

(a) “Circulation and Parking - Unless otherwise specified, all driveways, parking areas, roadways, fire lanes, sidewalks, plazas, courtyards, and other vehicular or pedestrian ways or spaces identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision are for the common use of the owners, tenants, customers and related operational interests associated with each lot contained within this subdivision.”

(b) “Maintenance Area. Unless otherwise specified, a maintenance area is provided within 10 feet of any building or structure identified on the approved Integrated Site Plan associated with this Integrated Site Plan Subdivision, even when said area extends onto other lots within this subdivision, provided that disturbance of improvements or landscaping shall be minimized and repaired/replaced if damaged.” “All development and use of the land described herein shall be in accordance with this subdivision and the associated [Descriptive Title] Integrated Site Plan, as they may be amended with the approval of the City of Ames, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof.”

(3) Setbacks. All buildings and structures contained in the Integrated Site Plan Subdivision are subject to the following setback provisions:

(a) Setbacks along the outer perimeter of the subdivision plat shall conform to the setbacks of

the underlying zone.

(b) Setbacks are not required from interior property lines within the Integrated Site Plan Subdivision. However, property lines may not bisect buildings unless a firewall is located along said property line.

(4) Landscaping. The landscaping standards of the underlying zone apply to each lot within the subdivision, except as follows:

(a) Minimum area landscaping calculations may be based on the area of landscaping in the entire subdivision rather than the area of landscaping on individual lots within the subdivision subject to conformance with phasing provisions in Section 23.705.

(b) Required parking lot perimeter landscaping along interior property lines may (subject to conformance with phasing provisions in Section 23.705) be relocated to the other areas of the subdivision, provided that:

(i) the total amount of parking lot landscaping is not diminished from that which would be required if each lot were platted and developed independently; and

(ii) Any required landscape medians and islands are provided in all parking areas.

(5) Frontage Improvements. All Integrated Site Plan Subdivisions shall include street improvements specified in Section 23.403.

(6) All circulation and parking improvements defined on the face of the plat or on the associated Integrated Site Plan, as well as exterior lighting fixtures, landscaping, signage, fixtures and other improvements required by the provisions of the Integrated Site Plan, and/or which serve multiple lots within the subdivision, are to be included in or owned by an association or legal entity in which the owners of each lot or parcel in the divided property have a legal or beneficial interest.

(7) Maintenance of Improvements. All improvements required to comply with the minimum provisions of the Integrated Site Plan, including areas and features on individual lots that collectively contribute to total compliance with minimum standards for parking, circulation, pedestrian access, landscaping, as well as any improvements that are for the collective use of all property owners and/or tenants (such as signage, fixtures, dumpster enclosures, etc.), shall be maintained by an owners association or other legal entity, in which each property owner has a legal interest and obligation. Maintenance obligations shall be included in covenants and restrictions that are administered by the association or legal entity, and which run with the land. The City shall be furnished for review and approval the covenants and restrictions and the legal instruments creating the association or legal entity as part of the Integrated Site Plan Subdivision approval process.

(8) The property owners must execute written agreements which are recorded against the affected property, ensuring that all lots within the Integrated Site Plan Subdivision will continue to function as one site for any number of purposes, including but not limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking. Such approved Integrated Site Plan Subdivision and associated Integrated Site Plan is recorded in the county in which such land is located.

23.705. PHASING.

Building permit applications shall be submitted for all structures shown on the Integrated Site Plan within two years of approval. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City, which will govern the use and development of the property subject to the Integrated Site Plan, including (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that (a) roads, utilities, and stormwater systems necessary to serve each phase of the development are constructed prior to the development of each phase, and (b) that sufficient parking, landscaping, open space or other required improvements are in place to ensure that each successive phase complies with minimum requirements in the event that subsequent phases are not completed; (3) expiration of the agreement and all provisions therein.

23.706. AMENDMENT, MODIFICATION AND VACATION.

- (1) Amendments or modifications to an Integrated Site Plan Subdivision are processed as both an amendment to the subdivision plat and the associated Integrated Site Plan, being processed simultaneously and under the same review criteria and procedures specified for an initial application for an Integrated Site Plan Subdivision (per Section 23.703).
- (2) The following types of amendments require the consent of all owners within the subdivision:
 - (a) Major amendments as defined in Section 23.306.
 - (b) Amendments that are not consistent with recorded covenants and maintenance agreements.
 - (c) Any amendment that is not consistent with the approved Integrated Site Plan.
- (3) Amendments pertaining to the layout or improvements on individual lot(s), and that do not otherwise fall under the provisions of subsection 1 above, require only the consent of the individual affected lot owners.
- (4) If a portion of an Integrated Site Plan Subdivision is vacated, the property subject to the vacated portion shall constitute one lot unless the property is subsequently divided by an approved subdivision. Development of the vacated lot is subject to an amendment to the Integrated Site Plan Subdivision and associated Integrated Site Plan.

23.707. REVIEW PROCEDURE.

An Integrated Site Plan Subdivision is subject to the same review process and decision criteria as Major Subdivision (Section 23.302); and an Integrated Site Plan is subject to the same review process and decision criteria as a Major Site Development Plan (Section 29.1502). Although the subdivision and site plans are separate documents, they are reviewed and processed simultaneously, and an Integrated Site Plan Subdivision incorporates by reference all documents of an approved Integrated Site Plan.