NO CHANGES FROM FIRST READING

CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

DATE: December 7, 2020

ITEM: Amendment to City Code – Amend Title 10: Subdivision Regulations, Chapter 2: Plats and Procedures to extend the time a Preliminary Plat approval is valid - City Initiated - AO-004924-2020

ORDINANCE: Approval of Second Reading of the Ordinance, Waive Third Reading and Adopt Ordinance

FINANCIAL IMPACT: None

SYNOPSIS: City staff is requesting an amendment to the West Des Moines Code of Ordinances Title 10: *Subdivision Regulations*, Chapter 2: *Plats and Procedures*, Section 1: *Procedure* to increase the time between Preliminary Plat approval and when the Final Plat must be considered by the City Council when public improvements are being constructed prior to Final Plat approval.

Current City Code requires the Final Plat be considered by the Council within 12-months of the date of the Preliminary Plat approval. If a developer is posting surety for the public improvements which allows for physical construction after the Final Plat is approved and recorded, meeting the 12-month time limit is easily accommodated. However, developers that construct public improvements prior to gaining City Council approval of the Final Plat often run into problems meeting the 12-month requirement. While current Code does allow the applicant to request an extension of 180 days, this request must be granted prior to expiration of the 12 months. A developer may be on pace to completing construction and thinking they don't need the extension only to encounter a setback due to weather, equipment or some other unforeseen issue. Once a Preliminary Plat expires, a new application must be submitted, and approvals must be granted by the Plan and Zoning Commission and City Council. Staff is recommending an amendment to City Code to increase the length of time between Preliminary Plat approval and City Council consideration of the Final Plat to 18 months when public improvements are being constructed prior to Final Plat approval.

Previous City Council Action:
Vote: 5-0 Approval
Date: November 16, 2020
Action: Approval of First Reading of Ordinance

RECOMMENDATION: Approve the Second Reading, Waive the Third Reading and Adopt the Ordinance amending Title 10, Chapter 2, Section 1 of the City Code to increase the time between Preliminary Plat approval and when the Final Plat must be considered by the City Council.

Lead Staff Member: Lynne Twedt, Development Services Director

STAFF REVIEWS:

Department Director	*LMT*
Appropriations/Finance	
Legal	*JDS*
Agenda Acceptance	

PUBLICATION(S) (if applicable)

Published In	
Date(s) Published	
Letter sent to surrounding property owners	N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development & Planning		
Date Reviewed	November 2, 2020		
Recommendation	Yes ☒	No ☐	Split ☐

Attachments:

Exhibit I - Proposed Ordinance Amendment

EXHIBIT I

Prepared by: L. Twedt, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019, BY AMENDING TITLE 10 (SUBDIVISION REGULATIONS), CHAPTER 2 (PLATS AND PROCEDURES) TO MODIFY THE TIME ALLOWED BETWEEN PRELIMINARY PLAT AND FINAL PLAT APPROVALS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Ordinance No. 1131, pertaining to Title 10 (*Subdivision Regulations*), Chapter 2 (*Plats and Procedures*), Section 1 (*Procedure*), Subsection G.3.c is hereby amended by deleting the highlighted strike-thru text and adding the bolded italicized text and reformatting as shown:

c. ***Preliminary Plat Validity***

(1) ***In those situations, in which surety is provided in lieu of construction of public improvements,*** ~~The~~ ***the*** approval of the preliminary plat by Council shall be null and void unless the final plat is presented to the Council within one year after date of approval of the preliminary plat.

(2) ***In those situations, in which public improvements are constructed, inspected and being accepted by the City in conjunction with the final plat, the approval of the preliminary plat by Council shall be null and void unless the final plat is presented to the Council within eighteen (18) months after the date of approval of the preliminary plat.***

(3) An extension of one hundred eighty (180) days may be granted by the City Council upon review of a written request submitted by the subdivider prior to expiration of the original ~~one year~~ ***validity*** period. Said request shall include an explanation of the reason for the extension request and the payment of a fifty dollar ($50.00) filing fee.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect

the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 4. VIOLATIONS AND PENALTIES. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Section 1 of the City Code of the City of West Des Moines, Iowa.

SECTION 5. OTHER REMEDIES. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed by the City Council on the 7th day of December, 2020, and approved this 7th day of December, 2020.

_____
Steve Gaer, Mayor

ATTEST:

_____
Ryan Jacobson, City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2020.

_____
Ryan Jacobson, City Clerk