

COUNCIL ACTION FORM

**SUBJECT: SUBDIVISION ORDINANCE TEXT AMENDMENTS REGARDING
SIDEWALKS, IMPROVEMENT GUARANTEES, AND STREET LIGHTS**

BACKGROUND:

At the April 14, 2015 meeting, the City Council provided direction on proposed amendments to the Ames Subdivision Regulations (Chapter 23 of the Ames Municipal Code). In summary, the City Council:

- Directed staff that five-foot sidewalks be required for new development approved after January 1, 2015. (6-0 vote)
- To require lighting on perimeter streets at intersections. (6-0 vote)
- Require installation of improvements, including sidewalks, either within three years of approval of the final plat or at the time of occupancy, whichever occurs first. Street trees are exempt from the 3 year requirement with approval of a deferral agreement. (6-0 vote)

Council additionally considered requiring installation of sidewalk on both sides of a street in all zoning districts, including industrial subdivisions. However, that motion failed on a 3-3 vote. The status quo remains of installing sidewalks on only one side of an industrial street and sidewalks on both sides of all other streets.

Proposed Amendments

The following language summarizes the proposed text amendments.

The amendment to Section 23.403 (13) explicitly requires the installation of street lights on interior streets as well as at intersections with existing perimeter streets for new development. Preliminary plats approved prior to January 1, 2015 will be subject to the previous requirements (streetlights installed only within subdivisions).

The amendment to Section 23.403 (14) requires a minimum of a five-foot sidewalk in all zoning districts. Sidewalks are required on both sides of all streets, except within the GI and PI zoning districts, which will require sidewalks only on one side of the street. The amendment also requires sidewalks greater than five feet if needed to match adjoining sidewalks. Four-foot sidewalks within preliminary plats approved prior to January 1, 2015 will be allowed to maintain the four-foot sidewalk.

And the amendment to Section 23.409 (4) will require financial security and installation of all infrastructure (including sidewalks) within three years. A deferral for street trees until occupancy of a building will be maintained.

ALTERNATIVES:

1. The City Council can approve on first reading an ordinance to amend the City of Ames Subdivision Code Chapter 23 of the Municipal Code to include changes to Section 23.403 and 23.409 as reflected in the attached ordinance.
2. The City Council can decline to adopt the proposed amendments.
3. The City Council can refer the proposed amendments to the Subdivision Code back to staff for specific further information or for further options.

CITY MANAGER'S RECOMENDATION

The proposed amendments enhance consistency with ADA accessibility standards by increasing sidewalk widths to 5 feet. They also clarify the requirements for the placement of streetlights at intersections with streets adjacent to new subdivisions and not just within the subdivision. In addition, it lengthens the time from two years to three years in which all infrastructure needs to be installed. It will end the practice of deferring sidewalks to occupancy of a house if it takes longer than three years for a house to be constructed. Planting of street trees will be allowed to be deferred until house construction

Based on the specific direction that the City Council gave to staff at the April 14th meeting, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the amendments to Sections 23.403 and 23.409 of the Subdivision Regulations as shown in the attached ordinance.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 23.403 (13), (14) AND SECTION 23.409(1) AND ENACTING A NEW SECTION 23.403(13), (14) AND SECTION 23.409(1) THEREOF, FOR THE PURPOSE OF RIGHT-OF-WAY IMPROVEMENT REQUIREMENTS ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 23.403(13),(14) and enacting a new Section 23.403(13),(14) and section 23.409(4) as follows:

“Section 23.403. STREETS

...

(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.

...

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.”

...

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor