

COUNCIL ACTION FORM

SUBJECT: AMENDMENTS TO REQUIRE INFRASTRUCTURE IMPROVEMENTS WITH BUILDING PERMIT APPLICATIONS

BACKGROUND:

At the May 12, 2015 meeting, the City Council provided direction on proposed amendments to the Ames Municipal Code regarding requiring missing infrastructure for individual developments. In summary, the City Council moved:

- That sidewalks in industrial areas be installed on the north and east sides of streets with criteria for exceptions (6-0 vote).
- That substantial improvements be defined as alterations or additions in excess of \$100,000 (6-0 vote)

Furthermore, staff remarked that a “hardship clause” would be written for incorporation.

Proposed Amendments

The following language summarizes the proposed text amendment. The amendments will be found in Chapter 5: Building Electrical, Mechanical and Plumbing Codes and in Chapter 22: Streets and Sidewalks

- Sidewalks, shared use paths, street lights, street paving, and right-of-way dedications are required for new construction or substantial improvements to existing structures prior to issuing a building permit. Missing infrastructure will need to meet the design standards of the subdivision regulations. Single-family and two-family homes are exempt.
- In industrial zones, the City Council chose to require sidewalks on only one side for subdivisions. When an individual development is proposed on a lot, the first step is to see if there is a sidewalk installation agreement for the proposed individual development. If not, then the default is that a sidewalk will be installed if there is already a sidewalk on that side of the street adjacent to the proposed individual development. If not, the default is that the sidewalk will be installed on the north side of an east/west street or the east side of a north/south street.
- If the side of the street opposite the proposed development is zoned other than industrial, the industrial side will need to install its own sidewalk.
- If the infrastructure is not present, it will need to be installed prior to issuing a building permit or, alternatively, an installation agreement and security can be

posted and the infrastructure installed prior to issuance of a certificate of occupancy.

- If the cost of the installation of the missing infrastructure exceeds 20 percent of the project cost, this is considered a significant hardship that may result in some or all of the requirements being waived. A prioritized list of missing infrastructure would need to be installed until the 20 percent threshold is reached.
- Substantial improvement is defined as work with a value of \$100,000 or more.
- The implementation is phased so that projects that require a site plan approval will be subject to the requirements beginning on August 15. Projects needing only a building permit will be subject to these requirements beginning on November 1.

The Building Board of Appeals discussed this item at their regular meeting on July 6 and recommended approval (5-0) of the proposed amendments to Chapter 5.

ALTERNATIVES:

1. The City Council can approve the first reading of ordinances to amend the City of Ames Municipal Code, Chapter 5 and Chapter 22 of the Municipal Code to include changes 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 Municipal Code back to staff for specific further information or for further options.

MANAGER'S RECOMMENDED ACTION:

New and infill commercial and multi-family development continues to occur, sometimes in areas that have missing infrastructure. In order to ensure that all development pays its own costs and that full infrastructure serves development, the City Council directed staff in early 2014 to research and prepare ordinances addressing missing infrastructure.

Based on the specific direction that the City Council gave to staff at the January 24 and May 12 meetings, 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 the Ames Municipal Code as shown in the attached ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 5, SECTION 5.118 THEREOF, FOR THE PURPOSE OF ESTABLISHING REQUIREMENTS FOR INFRASTRUCTURE INSTALLATION ; 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 enacting a new Section 5.118 as follows:

“Sec. 5.118. INFRASTRUCTURE TO BE INSTALLED.

1. Except for single family and two family structures, no building permit shall be issued for construction of a new principle building or addition to an existing principle structure unless sidewalks, shared use paths, street lights, street paving, and dedicated rights-of-way or easements, in satisfactory condition and consistent with the requirements of Division IV, Design and Improvements Standards of Chapter 23, Subdivisions are adjacent to the subject property. Applications for building permits consistent with a site development plan approved prior to August 15, 2015 are exempt from this requirement.

2. Except for single family and two family structures, no building permit shall be issued for substantial improvements to an existing principle building for complete applications submitted after November 1, 2015 unless sidewalks, shared use paths, street lights, street paving, and dedicated rights-of-way or easements, in satisfactory condition and consistent with the requirements of Division IV, Design and Improvements Standards of Chapter 23, Subdivisions are adjacent to the subject property.

3. Requirements for infrastructure installation, financial security, and installation priority are found in Section 22.31 of the Ames Municipal Code.

4. Definitions: For purposes of this section, the following definition shall be used.

a. Substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a principle building, the cost of which has a value of \$100,000 or more. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure a safe living condition. The term also does not include improvements to the site or to an accessory structure.”

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

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW DIVISION VI SECTION 22.31 THEREOF, FOR THE PURPOSE OF ESTABLISHING REQUIREMENTS FOR INFRASTRUCTURE INSTALLATION ; 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 enacting a new Division VI, Section 22.31 as follows:

“Division VI, Section 22. 31 Infrastructure Required

1. If infrastructure required under Section 5.118 is not present or is not in a satisfactory condition, as determined by the Public Works Director or designee, the developer shall install said infrastructure and/or dedicate said rights-of-way prior to issuance of a building permit. Alternatively, the developer may submit financial security and an improvement agreement to be approved by the Public Works Director or designee and City Clerk, in which case the building permit may be issued. No final certificate of occupancy of any structure shall occur until the public improvements have been installed, inspected, and accepted by the City and/or rights-of-way have been dedicated.

2. If a sidewalk in satisfactory condition does not meet the current width requirements, it does not have to be replaced. If City plans indicate that a shared use path is required, the sidewalk shall be replaced with a shared use path.

3. In addition to the above requirements, these specific exceptions apply to sidewalk and shared use paths for projects in industrial zones:

- a. In areas zoned industrial on both sides of the street, a sidewalk or shared use path shall be installed consistent with an approved sidewalk installation agreement.
- b. In areas zoned industrial on both sides of the street and where there is no sidewalk installation agreement, a sidewalk or shared use path shall be installed if an adjacent lot has an existing sidewalk or shared use path.
- c. In areas zoned industrial on both sides of the street and where there is no sidewalk installation agreement and where the adjacent lots have no sidewalk or shared use path, a sidewalk or shared use path shall be installed on the north side of east/west streets or the east side of north/south streets. If conditions exist that would impact the placement of a sidewalk or shared use path, such as topography, width of right-of-way, or proposed future road improvements, the Public Works Director or designee may approve an alternative location.
- d. In areas zoned industrial and the other side of the street is zoned other than industrial, a sidewalk or shared use path shall be installed whether or not the non-industrial zoned side has a sidewalk or shared use path.

4. If it can be demonstrated to the satisfaction of the Public Works Director or designee that there is significant hardship for the installation of required infrastructure, the Public Works Director or designee may approve an alternative improvement schedule.

- a. Significant hardship is presumptively demonstrated when the construction costs for the required infrastructure equal or exceed 20 percent of the permit valuation.

- b. In the event that significant hardship is determined, improvements shall still be required and will be based on the stated preference for installation, provided that the construction costs do not equal or exceed 20 percent of the permit valuation. Once the 20 percent threshold is reached, any additional required infrastructure may be waived by the Public Works Director or designee.
 - c. Preference for improvements are generally in ordered listed below.
 - i. Dedication of needed rights-of-way or easements.
 - ii. Shared-use paths.
 - iii. Sidewalks.
 - iv. Street lights.
 - v. Street paving.
 - d. The determination of preferred infrastructure and the design and construction is at the discretion of the Public Works Director or designee. All improvements must meet SUDAS requirements as referenced in Chapter 23.
 - e. Significant hardship can be demonstrated only for additions or substantial improvements to existing principle buildings. The cost of site work and building permit valuation shall be considered in review of hardships for building additions. New principle buildings shall meet all installation requirements.
5. Definitions: For purposes of this section, the following definitions shall be used.
- a. Satisfactory condition means in a state of good repair meeting the adopted standards of the City, such as Statewide Urban Design and Specifications (SUDAS).
 - b. Substantial improvement means any repair, reconstruction, rehabilitation, addition, or improvement of a principle building, the cost of which has a value of \$100,000 or more. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure a safe living condition. The term also does not include improvements to the site or to an accessory structure.”

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