

COUNCIL ACTION FORM

SUBJECT: RIGHT-OF-WAY INFRASTRUCTURE INSTALLATION REQUIREMENTS

BACKGROUND:

The City of Ames relies upon individual developments to provide the needed incremental infrastructure necessary to support development of a site. These expectations about the necessity of infrastructure improvements for development exist for residential, commercial, industrial, or institutional uses. The City relies upon its subdivision ordinance, Chapter 23 of the Ames Municipal Code, to require the installation of appropriate infrastructure. This includes various right-of-way improvements, including paved streets, sidewalks, bike paths, street trees, and street lights. The City also includes improvement requirements for electricity, water, sanitary sewer and storm water. The subdivision code also allows for review of any off-site impacts that may be connected to new development.

When a subdivision is approved, required infrastructure is installed prior to approval of the final plat. Alternatively, if the infrastructure is not all installed by that time, financial security is obtained from the owner to ensure installation by a certain date. In the case of sidewalks and street trees, the owner often prefers not to install them until a site plan is approved, since construction and driveway locations will have an impact on their location, feasibility and durability. In that case, an agreement is signed by the owner that these items will be installed prior to the City issuing a certificate of occupancy for each property. In addition to major and minor subdivisions, the City reviews plats of survey for minor changes to boundary lines and lot configurations. These action have very limited circumstances for installation of infrastructure, and then only for sidewalks.

Even with these various requirements, there are some instances where development occurs in areas where there is no mechanism in place to require needed infrastructure improvements. In commercial areas, this may be vacant or redevelopment properties that sometimes lack sidewalks and street trees or do not meet current street improvement requirements for multi-use paths, approaches, etc. There are very few unimproved roads in the City (e.g. gravel), but there are some industrial areas of the city that have almost no street improvements or are severely deficient in meeting current expectations for sidewalks, street trees, lighting, etc. There may also be examples of single-family homes being built in an area not governed by a pre-existing subdivision installation agreement where there is no means to complete the streetscape improvements.

Over the years this situation has caused frustration to the City Council, such as when developers were not required to fill in gaps in sidewalks or multi-purpose trails as individual lots were developed. More recently, the City's Development

Review Committee (DRC) has reviewed a number of commercial and multi-family developments as minor site plans without subdivision, where sidewalks, street trees, or other infrastructure is missing along the sites' frontage. Not having a mechanism to require them with new building construction, the DRC is obligated to approve the development, and an opportunity to have a development meet the standard expectations of the City is lost.

PROPOSED AMENDMENTS:

Staff has identified the potential benefit to the City of a separate right-of-way improvement ordinance to ensure that certain infrastructure needed to serve a site is provided at the time of development. This is in response to DRC's experience with review of commercial and multi-family development that has not provided expected frontage and sidewalk improvements. The range of required improvements could match that of the subdivision code, or it could specify a limited number of requirements for development of an existing lot. It could also be written to address specific zoning districts or street improvement conditions. Another interest would be to ensure that frontage improvements of a site (e.g. sidewalks, curb, gutter, street trees) are in a state of good repair with the timing of a new development.

Several Iowa communities trigger the requirement for certain frontage improvements (mostly, sidewalks) prior to issuance of a certificate of occupancy.¹ The need for these improvements is noted at the time of site plan review. The missing improvements are required to be installed as part of the project and prior to issuance of a certificate of occupancy.

If the City Council chooses to consider developing a new ordinance, it could amend the Municipal Code to require identification of missing infrastructure at site plan review and to then require installation prior to occupancy. If directed by the City Council to prepare amendments to the Municipal Code, staff's analysis will address the following questions and infrastructure needs:

- What deficient infrastructure should be installed? This could include:
 - Sidewalks
 - Multi-use paths
 - Street trees
 - Street lights
 - Curb and gutter
 - Bus stops
 - Crosswalks
 - Street paving
 - Traffic turn lane approaches

¹ Different communities place this requirement in different portions of the ordinance. For example, Sioux City has included this requirement in their adopted building code. Marion, Davenport, and Urbandale place this requirement in a separate code section governing sidewalks. West Des Moines places it in the zoning ordinance.

- Coordination of Planning and Housing, Public Works, and Inspections for review of improvements and certificate of occupancy for a building.
- In active subdivisions, some cities require the installation of all sidewalks (even on vacant lots) when a certain threshold of build-out is reached. Should this be considered for Ames?
- Under what circumstances and by whose authority can waivers be granted from these requirements.
- What type of development will trigger requirements – new development, major additions, substantial remodeling, etc.?

ALTERNATIVES:

1. The City Council can direct staff to research and prepare amendments to the Ames Municipal Code to require the installation of missing infrastructure at the time of site plan review and approval.
2. The City Council can choose not to proceed with creating a new right-of-way improvement ordinance at this time.

MANAGER’S RECOMMENDATION:

Staff has recognized this deficiency in our development codes and is bringing this issue to Council for its consideration. The Development Review Committee has reviewed options and, if the City Council desires, can work to develop a new ordinance for City Council review and potential adoption.

Infrastructure is a necessary part of the urban environment and, in most instances, the City has ordinances in effect to assure their installation. However, there are some areas in the community where infrastructure is lacking, yet there is no mechanism in place currently to require its installation. This issue will likely continue to arise as redevelopment of existing sites continues to occur to meet market demands for commercial and residential uses.

Therefore, it is the recommendation of the City Manager that the Council accept Alternative #1, thereby directing staff to research and prepare amendments to the Municipal Code to require the installation of missing infrastructure at the time of site plan review and approval.

If Council chooses to move ahead with Alternative No. 1, staff will develop options, hold a public outreach meeting to receive input and comments, and prepare a recommendation to be brought back to City Council for consideration. Staff estimates that coordination of City departments and holding a public outreach meeting will require six months of time to bring this project back to Council.