

COMMISSION ACTION FORM

**SUBJECT: SUBDIVISION ORDINANCE TEXT AMENDMENT TO ADOPT
PROVISIONS FOR “INTEGRATED SITE PLAN SUBDIVISIONS”**

BACKGROUND:

On January 24, 2012, the City Council referred to staff a request to put in place a Binding Site Plan process that would allow division of a site for ownership purposes, but would ensure that the divided lots function as a single site for purposes of compliance with development standards otherwise applicable to individual lots. Under current standards, individual lots are subject to all development standards, including setbacks, on-site parking, on-site landscaping, etc., even if the lots are commonly owned and collectively part of a larger site plan or project. The proposed amendment would provide a mechanism to bind together individual lots under a common site plan so that it functions as a single site. This would be particularly applicable to retail malls, strip malls, or multifamily projects, where the site is designed for common circulation, parking, design, and/or maintenance, but where individual buildings or stores are under separate ownership.

As this concept was initially discussed, the term “binding site plan subdivision” was used to describe the subdivision type, with the understanding that the word “binding” suggested that each individual site would be “bound” or tied together with other sites in the subdivision. However, staff was concerned that the term “binding” might be construed more as a legal term rather than a term suggesting the integration of multiple sites, so the term “integrated site plan subdivision” is now being used.

Under this concept, compliance with development standards is determined over the collective site. For example, setbacks are required only along the outer perimeter of the integrated site plan subdivision rather than along property lines internal to the subdivision; on-site parking is determined over the entire site rather than on individual sites; and landscaping can be located anywhere along the perimeter of the total site so long as the amount of landscaping otherwise required for individual site development is not diminished.

The site plan will identify the location of all structures and improvements on the site like any other site plan, but it will more particularly identify the layout of an internal vehicular and pedestrian circulation system that serves the entire development. It will also identify areas reserved for private common open space and other areas reserved for the common use of the occupants of the proposed development. As such, the

integrated site plan subdivision would function much like a condominium development, including provisions for common access and circulation, and for maintenance of common features and amenities. Accordingly, it would require establishment of an owner's association or other legal entity to manage common improvements and maintenance issues.

An integrated site plan subdivision would be linked to an associated site plan application. The site plan would be processed as a major site development plan, and the subdivision would be processed as a major subdivision. Both the subdivision and site plan would be processed simultaneously, and the recorded integrated site plan subdivision would incorporate by reference all documents of the approved integrated site plan.

Integrated site plan subdivisions would be applicable to the following:

- 1) Sites consisting of one or more legally created lots.
- 2) Property zoned commercial, industrial, medium density residential, or high density residential.
- 3) Residential development 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.

A draft ordinance adopting the Integrated Site Plan Subdivision provisions described above is attached for the Commission's consideration. The provisions of the ordinance include:

- 1) A purpose statement.
- 2) An applicability statement, describing the zones and development types that would qualify as an integrated site plan subdivision.
- 3) Application procedures, describing the information required for a complete application, the elements required to be identified on a site plan, submittal requirements for project phasing, required information pertaining to existing features such as utility location, easements, and natural site conditions, and miscellaneous information pertaining to site ownership, covenants, agreements, deed restrictions, etc.
- 4) Specific requirements for Integrated Site Plan Subdivisions, including required declarations on the face of the plat, requirements pertaining to setbacks and also maintenance easements along interior property lines, distribution of landscaping along perimeter, required frontage improvements, and requirements for an

owners association or other legal entity responsible for maintenance and management of common site features.

- 5) Phasing provisions for Integrated Site Plan Subdivisions, including provisions for developer agreements that specify how the project will be phased over time and the manner in which each phased will proceed to ensure that each phase is self-sufficient.
- 6) Amendment, modification and vacation provisions, including both the process for amendments, and a description of who must be party to proposed amendments (which is essential when a project consists of multiple property owners).
- 7) Review Procedures, stating that integrated site plans are processed the same as major site development plans, and that integrated site plan subdivisions are processed the same as major subdivisions. The procedures also require the two application types to be processed simultaneously.

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the subdivision code text amendment adopting a new section 23.700, Subdivisions for Integrated Site Plans, per the attached draft ordinance.
2. The Planning and Zoning Commission can recommend that the City Council approve the subdivision code text amendment adopting a new section 23.700, Subdivisions for Integrated Site Plans, per the attached draft ordinance, with modifications.
3. The Planning and Zoning Commission can recommend that the City Council not approve the proposed text amendment.
4. The Planning and Zoning Commission can refer this issue back to staff for further information.

RECOMMENDED ACTION:

The proposed provisions for Integrated Site Plan Subdivisions would provide needed flexibility to sites that are developed as one project but will entail multiple owners. This would greatly advantage developers of retail malls, strip malls, apartment sites, and other types of development that, for financing or marketing purposes, require an integrated project to be developed under separate ownerships. There are currently no provisions in City code that directly allow this option.

Therefore, staff recommends that the Commission act in accordance with Alternative #1, which is a recommendation to the City Council for approval of the draft ordinance adopting the subdivision code text amendment for Integrated Site Plan Subdivisions.

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**DRAFT
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ADOPTING A NEW SECTION 23.700 TO PROVIDE A MEANS OF SUBDIVIDING PROPERTY UNDER A SINGLE INTEGRATED SITE PLAN; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, each lot, tract or parcel in the City is independently subject to current development standards, regardless of common ownership of abutting lots; and

WHEREAS, some types of development are based upon a single site design and layout concept that is nonetheless intended for multiple tenants, multiple buildings, and multiple owners; and

WHEREAS, application of city standards to each individual lot in a site design that includes multiple lots can force inefficient circulation, landscape and open space patterns, particularly when development standards are based upon the location of property lines, such as setbacks and perimeter landscape requirements; and

WHEREAS, the City wishes to facilitate division of a site for ownership purposes while ensuring 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, tracts or parcels;

NOW THEREFORE, 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 adopting a new Section 23.700, to read as follows:

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) Contains 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 (as provided in____), 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.

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

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

Passed this _____ day of _____, _____.

ATTEST:

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor