



PLANNING AND ZONING COMMISSION MEETING

May 28, 2024

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
 - A. Approval for the May 28th agenda.
- 4. Minutes Approval**
 - A. Approval of the meeting minutes from April 23rd, 2024.
- 5. Public Comment**
- 6. Old Business**
- 7. New Business**
 - A. Consider Recommendation on Amendment to Section 165.06, Zoning Regulations: Site Plan Regulations and Procedures of the Code of Ordinances of Indianola, Iowa.
 - B. Consider Recommendation on Amendment to Section 165.09, Zoning Regulations: Building Design Standards of the Code of Ordinances of Indianola, Iowa.
 - C. Consider Recommendation on Amendment to the Subdivision Regulations of Chapter 170 of the Code of Ordinances of Indianola, Iowa.
 - D. Consider Recommendation on Additions of Chapter 171, Parkland Dedication, to the Code of Ordinances of Indianola, Iowa.
 - E. Consider Recommendation on Addition of Chapter 172, Stream Buffer Protection, to the Code of Ordinances of Indianola, Iowa.
- 8. Comments**
 - A. Building Permit Report
 - B. Current Projects
- 9. Adjourn**



PLANNING AND ZONING COMMISSION MEETING

April 23, 2024

6:00 PM

City Council Chambers

Minutes

1. Call to Order

The meeting was called to order at 6:00 PM.

2. Roll Call

Commission members present: Cortney Marmon, Sarah Ritchie, Al Farris, Carrie Woerdeman, Misty Darling, Jake Vice, Justin Noethe, Rich Piper

Staff members present: Charlie Dissell, Emily Rizvic, Miranda Chadwick

3. Agenda Approval

A. Approval of the April 23rd, 2024 meeting agenda

Al Farris made a motion to approve the agenda.

Sarah Ritchie seconded the motion.

Motion was passed.

4. Minutes Approval

A. Approval of the April 9th, 2024 meeting minutes

Carrie Woerdeman made a motion to approve the meeting minutes.

Justin Noethe seconded the motion.

Motion was passed.

5. Public Comment

6. Old Business

7. New Business

A. Consider Amendments to the Zoning Code.

Emily presented an overview of the proposed code amendments.

Jake Vice made a motion to approve the new code amendments.

Al Farris seconded the motion.

The motion was passed.

8. Comments

A. Current Projects

B. Building Permit Report

9. Adjourn

The meeting was adjourned at 6:50 pm.



MEMORANDUM

To: Planning and Zoning Commission

From: Charlie Dissell, Deputy City Manager Development and Operations

Date: May 28, 2024

Subject: Consider Recommendation on Amendment to Section 165.06, Zoning Regulations: Site Plan Regulations and Procedures of the Code of Ordinances of Indianola, Iowa.

Recommendation: Attached are proposed changes to Section 165.06 in response to Iowa Senate File 455, which was signed into law by the Governor on April 10, 2024. Senate File 455 adopted changes to how the City can regulate storm water during site planning and subdivision reviews. Staff recommends approval of the amendment.

- Attachments:**
- 1. Chapter 165.06 - Site Plan Regulations and Procedures (Draft 05-16-2024)
 - 2. Senate File 455 - Governor's Letter

CHAPTER 165

ZONING REGULATIONS

SECTION 165.06 SITE PLAN REGULATIONS AND PROCEDURES

- | | |
|---|---|
| 1. SITE PLAN REQUIRED | 4. DESIGN STANDARDS |
| 2. SITE PLAN APPLICATION | A. General Design Policies |
| A. Agricultural Related and Single-Family Dwellings | B. Storm Water Management, Grading, and Paving Design Standards |
| B. All Other New Uses, Buildings, and Structures | |
| C. General Provisions | 5. CONDOMINIUM CONVERSIONS |
| 3. SITE PLAN EXPIRATION | A. Conversion to Condominium |
| | B. Application |
| | C. Recording of Declaration |
-

4. DESIGN STANDARDS

- a. **General Design Policies.** In addition to the specific design standards herein this chapter, each site plan presented shall comply with the following general design policies. The approval authority, as specified in this chapter, may refuse to grant approval to a site plan even though it complies with the specific design standards if, in the opinion of the relevant approval authority, it does not comply with the general design policies as hereinafter enumerated. Any site plan presented shall be designed in such a way as to insure the orderly and harmonious development of property in such a manner as will safeguard the public's health, safety and general welfare, as hereinafter set out.

- (1) The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines for what they were designed nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.
- (2) The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illuminations of required perimeter yards, refuse containers and impairment of natural light and impairment or pollution of air. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.

- (3) The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent or surrounding public streets.
 - (4) To such end as may be necessary and proper to accomplish the standards in Subsections 1, 2 and 3 of this section, the proposed development shall provide fences, walls, screening, landscaping, erosion control or other improvements.
 - (5) The proposed development shall conform to all applicable provisions of the laws of the State of Iowa, and all applicable provisions of this Code of Ordinances.
- b. **Storm Water Management, Grading, and Paving Design Standards.** On approval of a site plan by the relevant review authority as specified in this chapter, building permits may be issued, as long as all other requirements of the City, State and County are met, and construction may commence. In order for the relevant review authority to approve a site plan application, the following specific design standards must be met:
- (1) Storm Water Management Required.
 - a. Site plans must provide for adequate routing of all storm water run-off including but not limited to downspout discharge, footing drain discharge and parking lot runoff.
 - b. Storm water may not be directed out driveways into the City right-of-way, except where permitted by the City. Storm water shall be collected and piped to a storm sewer where a storm sewer is available within 300 feet from the property line. The storm sewer system's pipes and intakes shall be capable of conveying runoff from a five-year recurrence interval storm from the site and tributary upstream areas.
 - c. Storm water runoff calculations shall be made utilizing the Soil Conservation Service methods as presented in Technical Release No. 55, Urban Hydrology for Small Watersheds, Soil Conservation Service, U.S. Department of Agriculture. The Zoning Administrator may waive this requirement, provided the area to be developed is less than 10,000 square feet.
 - d. Existing overland drainage courses must be maintained and improved to provide capacity to convey the runoff from a 100-year recurrence interval storm across the site. Storm water runoff shall be computed on the basis of a fully developed drainage basin, using the method prescribed in Paragraph B of this subsection. No reduction in the required overland drainage course capacity will be made due to use of storm sewers or storm water detention facilities. Easements for the overland drainage course must be prepared by the developer and conveyed to the City.
 - e. Storm water detention is required for all sites larger than one acre in size, unless it is determined by the Zoning Administrator to be unnecessary or impractical. The maximum allowable discharge rate from the storm water detention facility

will be limited to that from a five-year return frequency storm after development of the site ~~or to the proportionate capacity of existing downstream sewers and drainageways during a five-year storm which was utilized by the runoff from the site prior to the development, whichever discharge rate is less.~~ Storm water runoff and storm water detention facilities shall be determined using the method prescribed in this subsection, ~~in accordance with the provisions of Iowa Code Section 364.3(18).~~ The discharge rate shall be controlled at the detention facilities outlets and not in the storm sewer size serving the site.

- (2) Storm Water Management Plans. Unless otherwise not required as determined by the Zoning Administrator, a storm water management plan in compliance with this section shall be included as part of the site plan application. This storm water management plan shall include storm water calculations certified by an engineer, architect or landscape architect registered in the State of Iowa and familiar with such calculations. This plan shall further follow recognized best practices for storm water management including those outlined in the Iowa Stormwater Management Manual as prepared by the Iowa Department of Natural Resources.
- (3) Grading. To help alleviate erosion and maintenance problems, ground slope should not exceed 4:1. However, the approval authority may approve a maximum ground slope of 3:1 for special reasons.
- (4) Paving Standards. Parking lots and access drives shall be hard-surfaced, limited to a maximum slope of six percent in a direction perpendicular to the car. Driveways shall not exceed a 10 percent slope. Except for the individual driveways for Single-Family, Two-Family, and Townhouse or Row Dwellings, an integral six-inch Portland cement concrete (PCC) curb shall be provided along the edges of all parking lots, drive aisles, loading area, access drives, and driveways. Openings within the required curbing may be permitted for the purposes of conveying storm water.
 - a. Where Portland cement concrete pavement is used, the pavement shall comply with the materials and be constructed in such a manner as to provide an equivalent finished product as specified in the most current Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation, utilizing a "Class C Concrete" mix Class 2 or 3 durability coarse aggregate.
 - b. Where asphaltic cement concrete pavement is used, the pavement shall comply with the materials and be constructed in such a manner as to provide an equivalent finished product as specified in the Standard Specifications for Highway and Bridge Construction, Iowa Department of Transportation. The pavement shall utilize nonrecycled virgin material which shall include Type B base and Type A surface courses and which shall comply with the most current Iowa Department of Transportation job-mix formula.

- c. Where asphaltic cement concrete is placed on a crushed stone base, the base shall comply with an approved Iowa Department of Transportation Class A or B crushed stone base material and gradation.
- d. All hard-surfacing shall be constructed on a prepared uniform subgrade compacted to 95 percent of maximum density (Standard Proctor Density).
- e. The parking lot and driveway design shall meet or exceed the following minimum paving thickness requirements:

	Full Depth Asphaltic Cement Concrete	Asphaltic Cement Concrete Over Crushed Stone Base				
Parking Lot	Type B Base	Type A Surface	Crushed Stone	Type B Base	Type A Surface	Portland Cement Concrete
Parking Lots 50 Stalls or Less	3 inches	2 inches	6 inches	0 inches	3 inches	4 inches
Parking Lots More than 50 Stalls Except Loading Dock or Drive Areas with Bus or Truck Traffic	3 inches	3 inches	6 inches	0 inches	4 inches	5 inches
Loading Dock Area	NOT ACCEPTABLE	NOT ACCEPTABLE	7 inches			
Driveway Areas with Bus or Truck Traffic	6 inches	2 ½ inches	6 inches	3 inches	3 inches	6 inches

- (5) **Equivalent Residential Unit (ERU).** Site plans shall calculate the ERU for each site. Less than or equal to 3,400 square feet of impervious surface area shall be one (1) ERU, and each additional 340 square feet of impervious area shall be an additional 0.1 ERU.



KIM REYNOLDS
GOVERNOR

OFFICE OF THE GOVERNOR

ADAM GREGG
LT GOVERNOR

April 10, 2024

The Honorable Paul Pate
Secretary of State of Iowa
State Capitol
Des Moines, Iowa 50319

Dear Mr. Secretary,

I hereby transmit:

Senate File 455, an Act relating to the regulation of topsoil and storm water at construction sites.

The above Senate File is hereby approved on this date.

Sincerely,

A handwritten signature in black ink that reads "Kim Reynolds".

Kim Reynolds
Governor of Iowa

cc: Secretary of the Senate
Clerk of the House



Senate File 455

AN ACT
RELATING TO THE REGULATION OF TOPSOIL AND STORM WATER AT
CONSTRUCTION SITES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.301, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 23. *a.* For purposes of this subsection:

(1) "*Construction site*" means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

(2) "*Topsoil*" means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

b. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation,

compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources. A county may develop standards to evaluate topsoil quantities before and after construction and ensure compliance with general permit no. 2. A county may request that the department of natural resources review the soil of a construction site to verify that the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources is proper for the construction site.

c. (1) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rates as off-site storm water runoff entering the construction site.

(3) A county may impose a storm water runoff requirement that is more restrictive than what is allowed or required by this paragraph at the construction site if the county meets all of the following conditions:

(a) The county pays for all study, design, and engineering costs for implementing the more restrictive storm water runoff requirement that includes an analysis by a licensed professional engineer of the difference in costs between the requirements of this paragraph and the more restrictive county storm water runoff requirement.

(b) The county pays for the difference of costs between the requirements of this paragraph and the more restrictive requirement imposed by the county for installation of equipment or practices required for a property owner to comply with the storm water runoff requirement.

(c) If the storm water runoff requirement results in the county using a person's private property, whether by easement or otherwise taking an interest in the property, the county pays the property owner the fair market value of the property taken for any additional land required beyond the requirements of this paragraph.

(d) A county shall not impose a special assessment or otherwise recover the costs from the property owner for the portion of the costs attributable to the county.

(e) The costs attributable to the county shall only apply to the storm water management practices addressed in this paragraph.

Sec. 2. Section 364.3, Code 2024, is amended by adding the following new subsection:

NEW SUBSECTION. 18. a. For purposes of this subsection:

(1) "*Construction site*" means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

(2) "*Topsoil*" means the same as used in a storm water general permit adopted by rule pursuant to section 455B.103A.

b. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources. A city may develop standards to evaluate topsoil quantities before and after construction and ensure compliance with general permit no. 2. A city may request that the department of natural resources review the soil of a construction site to verify that the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources is proper for the construction site.

c. (1) A city may adopt or enforce an ordinance, motion,

resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A city may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site only to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rate as off-site storm water runoff entering the construction site.

(3) A city may impose a storm water runoff requirement that is more restrictive than what is allowed or required by this paragraph at the construction site if the city meets all of the following conditions:

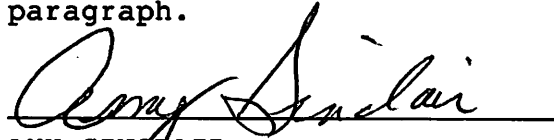
(a) The city pays for all study, design, and engineering costs for implementing the storm water runoff requirement that includes an analysis by a licensed professional engineer of the difference in costs between the requirements of this paragraph and the more restrictive city storm water runoff requirement.

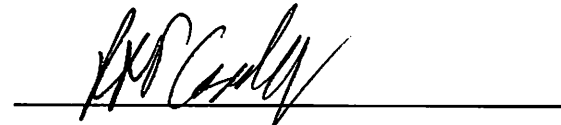
(b) The city pays for the difference of costs between the requirements of this paragraph and the more restrictive requirement imposed by the city for installation of equipment or practices required for a property owner to comply with the storm water runoff requirement.

(c) If the storm water runoff requirement results in the city using a person's private property, whether by easement or otherwise taking an interest in the property, the city pays the property owner the fair market value of the property taken for any additional land required beyond the requirements of this paragraph.

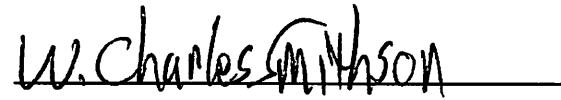
(d) A city shall not impose a special assessment or otherwise recover the costs from the property owner for the portion of the costs attributable to the city.

(e) The costs attributable to the city shall only apply to the storm water management practices addressed in this paragraph.

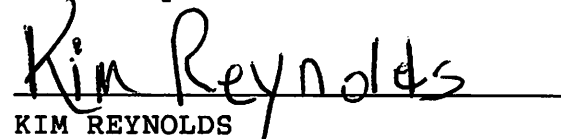

AMY SINCLAIR
President of the Senate


PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 455, Ninetieth General Assembly.


W. CHARLES SMITHSON
Secretary of the Senate

Approved April 10th, 2024


KIM REYNOLDS
Governor



MEMORANDUM

To: Planning and Zoning Commission

From: Charlie Dissell, Deputy City Manager Development and Operations

Date: May 28, 2024

Subject: Consider Recommendation on Amendment to Section 165.09, Zoning Regulations: Building Design Standards of the Code of Ordinances of Indianola, Iowa.

Recommendation: Attached are proposed changes to Section 165.09 in response to Iowa House File 2388. House File 2388 adopted changes to how the City can regulate building design standards for residential construction. Staff recommends approval of the amendment.

- Attachments:**
- 1. Chapter 165.09 - Building Design Standards (Draft 05-16-2024)
 - 2. House File 2388

CHAPTER 165

ZONING REGULATIONS

SECTION 165.09 BUILDING DESIGN STANDARDS

- | | |
|--|--|
| 1. STATEMENT OF INTENT | F. Building Mounted Equipment Screening |
| 2. APPLICABILITY | 6. BUILDING EXTERIOR FINISH MATERIALS |
| 3. EXCEPTIONS | 7. STANDARDS BY BUILDING TYPE |
| 4. DEFINITIONS | A. Building Use Types |
| 5. GENERAL PROVISIONS | B. Buildings Design Standards by Building Use Type |
| A. Building Facadism | 8. REVIEW AND APPROVAL PROCESS |
| B. Application of Exterior Building Materials on Primary Facades | A. Plan Approval Required |
| C. Use of Trim on Primary Façades | B. Plan Submittal Requirements |
| D. Shutters | |
| E. Soffits, Overhangs, and Cornices | |
-

1. STATEMENT OF INTENT

It is the intent of this chapter to establish building design standards to enhance the general appearance, maintain and improve the quality of life of residents and visitors, and protect the value of properties within the City of Indianola. Building design and construction of all buildings shall employing good design principals and quality building materials to be long-lasting and in harmony with the neighboring properties and the City.

All buildings shall employ recognized architectural styles and design principals on all sides and be proportional, with elements in scale. Building exterior materials shall be applied in an authentic and honest manner reflecting the material's purpose, weight, and typical use in order to convey a sense of strength and durability.

2. APPLICABILITY

With the exception of agriculturally related buildings, these regulations shall apply to new development, the redevelopment of existing sites and buildings, and all site and building modifications including building additions and expansions and changes or modifications to building facades. All new buildings, including accessory structures, and additions to existing buildings shall be subject to the standards of this section. However, building expansions or additions, including successive additions, totaling less than twenty percent (20%) of the gross floor area of the existing building may use the same or superior exterior building materials and building design that matches that of the existing building.

3. EXCEPTIONS

The regulations of this chapter do apply to changes in building facades but do not apply to building façade maintenance and repair including repainting of existing painted surfaces, window, door, siding and roof replacement with identical or similar materials.

At the full discretion of the City, deviations from these standards may be granted in order to ensure the building addition is aesthetically compatible with the existing building design and appearance.

4. DEFINITIONS

The following terms are defined for this chapter:

- A. Primary Façade.** All street-facing façades (i.e., all building façades that face or front along a public or private street including highways), and façades with a building's main customer entrance. Buildings may have more than one primary façade as is the case with buildings located on corner lots and double frontage lots. All other façades shall be "secondary" façades.
- B. Street Facing Façade.** All building façades that have frontage along or face a public or private street at an angle of 45 degrees or less from the street line. This definition includes those building façades separated from the street by a parking lot or open space. This definition does not include frontage along an internal drive that is not classified as a private street.
- C. Major Façade Materials.** Exterior finish materials that cover at least 5% of a building's façade area. Any material that covers less than 5% of a building façade area shall not be considered a "major" façade material and will not count towards meeting any requirement for use of multiple class 1, 2, and/or 3 materials. A distinctly different color of fired clay brick (full brick or brick veneer) may be considered as an additional Class 1 or Class 2 material for the purposes of meeting the required minimum number of different major façade materials.
- D. Façade Area.** The total exterior wall area of all vertical or near-vertical faces of a building wall four (4) feet in width or greater when viewed in elevation. Façade area shall be calculated to exclude the wall area resulting from minor projections and recessions from the predominant wall plane less than four (4) feet in depth. Façade area shall be calculated to include the area of parapets, cornices, and similar wall extensions and trim.
- E. Accessory Building Standards.** Accessory buildings in all non-residential zoning districts, except for temporary and small movable structures including ATMs and donation boxes, shall comply with the building design requirements for the principal building of the lot or parcel on which the accessory building is located. Garages and structured parking shall follow the standards required of the primary building.

5. GENERAL PROVISIONS

The following provisions shall not apply to agricultural buildings, single-family and two-family dwellings, townhomes, rowhouses, and multi-family residential buildings with 12 or fewer units.

A. Building Facadism. Building facadism, defined as the application of false or fake building façades or elements over an existing building façade or roof, is discouraged. Windows or dormers should be in proportion with and match the adjoining roof pitch and have the appearance of being functional and operational. Hip or mansard roofs that only partially conceal a roof well or low slope roof area are also discouraged. Roof parapets and roof top screen walls must have returns along the sides to conceal the edges. Building towers and other above roof building elements must be multi-sided and finished on all sides.

B. Application of Exterior Building Materials on Primary Facades.

- (1) Application of Brick and Stone. Heavy exterior materials, such as any type of brick and stone, shall be applied so as to acknowledge its historic use as a building foundation and structure material. Brick or stone that appears to be unsupported or 'float' within a façade shall not be permitted, e.g., stone applied to a roof dormer.
- (2) Painting of Brick and Stone. Brick and stone exterior finishes should not be painted, except as may be determined by the Zoning Administrator, at their full discretion, as appropriate based on the building design and architectural style.
- (3) Use of EIFS. EIFS shall not be permitted within ten (10) feet of the finished floor elevation of the façade on which it is located.
- (4) Thin Brick and Stone Veneer. Thin brick and stone veneer shall comply with the following:
 - a. Thin brick and stone veneer shall only be used in applications where the actual brick or stone thickness will not be distinguishable or is otherwise addressed by adjustments in the wall plane to provide the appearance of full depth brick or real stone.
 - b. 'L' shaped brick corner pieces and full-depth brick caps shall be utilized at all corners and edges to maintain the appearance of full-depth brick.
 - c. Thin brick and stone veneer shall be continued (returned) a minimum of 12-inches around wall corners to further maintain the appearance of full-depth brick or real stone.

C. Use of Trim on Primary Façades. Except where architecturally unsuitable, appropriately scaled trim shall be included around all window and door openings, building corners, roof lines, and façade material transitions located on primary façades.

D. Shutters. If used, shutters must be in scale with the adjoining opening and be operational or have the appearance of being operational and functional as a true shade or shutter. Each

shutter shall be equal to the height, and one-half (1/2) the width of the adjoining opening and shall be paired with a matching shutter on the opposite side of the opening, or alternatively, a single shutter shall be equal to both the height and width of the adjoining opening.

E. Soffits, Overhangs, and Cornices. All building soffits, overhangs, and cornices shall be appropriately scaled with a typical projection of no less than 6 inches, except as may be appropriate based on the architectural style.

F. Building Mounted Equipment Screening (Roof-Top and Exterior-Mounted Mechanical Equipment). All exterior-mounted and all roof-top building HVAC and mechanical equipment, vents, piping, roof access ladder, and utility meters shall be located out of view or otherwise screened from view from all adjacent public or private streets and residential developed or zoned properties. Screening shall be accomplished via landscaping, walls, and building elements or screen walls, or a combination of these methods. For roof-top equipment not adequately screened by the parapet, a supplementary screen shall be provided by the use of prefabricated architectural metal panels, stucco panels, masonry walls, or similar building materials. The height of the screen shall be no lower than the height of the equipment. The above provisions shall not apply to solar energy panels.

6. BUILDING EXTERIOR FINISH MATERIALS

For the purpose of this chapter, exterior building materials shall be divided into the following categories. All materials must be utilized in the application as intended by the manufacturer and follow property installation requirements and standards, including management of water migration and installation of appropriate substrate material.

The Zoning Official may recategorize a building material provided below or may categorize a building material not listed below if it finds that the material is similar or of higher quality to the other materials in the same category with regard to durability, quality, and appearance.

BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Masonry and Stone (Non-load bearing)					
Brick veneer, fired clay	✓				Fired clay brick, full-veneer masonry wall system
Brick veneer (thin), fired clay		✓			Thin veneer fired clay brick adhered to a wall surface or wall anchoring system, with the appearance of full brick
Brick paneling, fired clay			✓		Prefabricated panels of thin veneer fired clay brick
Brick veneer, synthetic			✓		Synthetic bricks adhered to wall surface or wall anchoring system
Brick paneling, synthetic			✓		Prefabricated panels of synthetic brick adhered to a wall surface or wall anchoring system
Stone veneer, natural	✓				Genuine stone, full-veneer masonry wall system
Stone paneling, natural		✓			Prefabricated panels of genuine stone adhered to wall surface or wall anchoring system

BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Stone veneer, synthetic		✓			Synthetic stone adhered to wall surface or wall anchoring system (also referred to as cultured stone)
Stone paneling, synthetic			✓		Prefabricated panels of synthetic stone adhered to a wall surface or wall anchoring system (also referred to as cultured stone)
Terracotta rainscreen panels	✓				Fired clay panels with a rainscreen wall anchoring system
Stucco, genuine	✓				Traditional Portland cement-based stucco applied in 3 coats over a solid surface
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete Masonry Units					
Cast stone	✓				A highly refined architectural precast concrete masonry unit intended to simulate natural-cut stone
Burnished/ground-faced block		✓			Concrete modular blocks, smooth finish with large aggregates visible or polished finish and with mortared joints
Patterned or shaped block		✓			Concrete modular blocks, face surface has pattern or shape, not flat, and with mortared joints
Split-faced block			✓		Concrete modular blocks, rough, split-faced finish, and with mortared joints
Plain, flat-faced block				✓	Concrete modular blocks, plain, flat finish, and with mortared joints
	Class 1	Class 2	Class 3	Class 4	Definitions
Concrete					
Architectural quality precast concrete panels	✓				Highest finish precast concrete panels, textured or burnished, and integrally colored - not painted
Cast-in-place concrete, board formed or decorative form liner		✓			Architecturally designed cast-in-place concrete with a high-quality patterned or textured surface created by board forms or decorative concrete form liners
Cast-in-place concrete, plain			✓		Textured or smooth finish, may be painted
Site cast and precast concrete panels			✓		Site cast and precast concrete panels, plain, smooth finish, may be painted
	Class 1	Class 2	Class 3	Class 4	Definitions
Metal					
Architectural quality, composite metal wall panel systems	✓				High quality composite metal panels for decorative surface application, such as <i>Alucobond panel systems</i>
Architectural quality, insulated metal wall panel systems	✓				High quality insulated metal panels for decorative surface application with concealed fasteners, such as <i>Centria Formawall Dimension Series</i>
Architectural quality metal wall panel systems, concealed fastening		✓			High quality metal panels for decorative surface application with concealed fasteners, such as <i>Firestone Delta</i>

BUILDING EXTERIOR FINISH MATERIALS TABLE					
	Class 1	Class 2	Class 3	Class 4	DEFINITIONS
Architectural quality metal wall panel systems, exposed fastening			✓		High quality metal panels for decorative surface application with exposed fasteners, such as <i>Firestone Omega</i>
Metal (panels, siding, and trim)				✓	Standard metal siding and panels, painted or coated for exterior application
	Class 1	Class 2	Class 3	Class 4	Definitions
Glass					
Clear glass (windows, curtain walls, paneling systems)	✓				Clear glass with no visible tint, reflective coating, coloring, or other covering (not including low-e or UV coatings or treatments)
Glass blocks			✓		Hollow translucent block of varying shapes and sizes made entirely from glass. Also, known as glass brick.
Mirrored glass				✓	Glass with a reflective or mirrored coating or finish
Tinted glass (including color applied)			✓		Glass with a tinted or colored coating or finish or otherwise treated to produce a tint that reduces its opacity.
Spandrel Glass	✓				Opaque glass panels with a fire-fused ceramic frit paint; typically used between vision areas of windows to conceal structural columns floors and shear walls
	Class 1	Class 2	Class 3	Class 4	Definitions
Other Materials					
Architectural quality fiber cement wall panels textured to resemble stone or metal		✓			The highest quality fiber cement wall panel systems textured to resemble stone or metal with concealed fasteners – such as <i>Nichiha</i>
Wood (panels and siding)			✓		Authentic hardwood or exterior rated, rot-resistant wood paneling and siding
Cement fiber board (panels and siding)			✓		Cement panels reinforced with cellulose fibers, such as <i>HardiePlank</i> and <i>HardiePanel</i>
Exterior Insulation and Finish System (EIFS)			✓		Polystyrene foam covered with a synthetic stucco, water-managed and exterior rated
Composite wood (panels, siding, and trim)				✓	Composite or other synthetic wood types, such as <i>LP SmartSide</i>
Vinyl and PVC (panels, siding, and trim)				✓	Exterior siding and trim that is made from a synthetic resin or plastic.
Ceramic			✓		Ceramic tile adhered to a wall surface or wall anchoring system
Translucent wall panel and skylight systems		✓			Polycarbonate panels in a concealed aluminum support system – such as <i>CPI Daylighting UniQuad</i>
Fabric					(not permitted)

	Class 1	Class 2	Class 3	Class 4	Definitions
Roofing Materials					
Standing Seam Metal	✓				Vertically run or horizontal-Bermuda style metal panels connected within interlocking raised seams
Metal roof panel system		✓			High quality metal panels designed for roof application including metal shingles
Metal panel				✓	Standard metal roof panels, designed for roof application
Slate	✓				Natural stone tiles (or shingles) cut from slate, traditionally applied in an overlapping pattern
Tile	✓				Fired clay, ceramic, or concrete roofing tiles applied in an overlaying pattern
Synthetic or composite slate		✓			Molded plastic to mimic the appearance of slate tiles
Green roof	✓				Low-slope roof covered with roof-top plants in a designed roof-top planting system
Simulated metal roofing		✓			Membrane roofing system designed with the appearance of a standing seam metal roof
Membrane or ballast (not visible)		✓			Typical roofing materials for low-slope roofs and is not visible from any adjacent public or private street or residential developed or zoned properties
Membrane or ballast (visible)				✓	Typical roofing materials for low-slope roofs
Asphalt shingles (laminated or dimensional)		✓			Asphalt shingles constructed with a heavy base mat and multiple adhered layers to provide a thicker, dimensional appearance - also known as laminated architectural shingles
Asphalt shingles (3-tab)			✓		Asphalt shingles constructed with a single layer of material and 3 cut shingle "tabs"
Wood shake shingles				✓	Shingle shakes constructed of rot resistance wood, such as cedar
Glass roofing	✓				A roof constructed of glass panels or glass tiles within a glass framing system - also known as a roof glazing system
Fabric				✓	Exterior rated fabric designed for application in a canopy or roofing system

7. STANDARDS BY BUILDING USE TYPE

A. Building Use Types. For the purposes of this chapter, all buildings shall be categorized in the following building use types. Any building type not listed or any question as to the appropriate categorization of a building shall be as determined by the Zoning Administrator. The building design standards shall be regulated by both building use type and the zoning district in which the building is located. Unless otherwise permitted by the Zoning Administrator, all accessory buildings and structures shall comply with the design standards required of the principal building.

(1) Agricultural Building: Agricultural related buildings in the A-1 zoning district.

- (2) Single-Family and Two-Family Dwellings: Includes accessory dwellings, bed and breakfast Inns, and Group Homes.
- (3) Horizontally Attached Residential: Includes townhouse and row dwellings.
- (4) Vertically Attached Residential: Includes apartments, condos, rooming houses, live-work units, community living, homeless shelter, assisted living, skilled care facilities, and continuing care retirement facilities.
- (5) Non-Residential Building in Residential Zoning District: Includes schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (6) Commercial/Retail Building: Includes single and multi-tenant commercial buildings, day care centers, restaurants, financial institutions, hotels, motels, and recreational and entertainment buildings.
- (7) Office and Civic Building: Includes single and multi-tenant office buildings and, when in non-residential zoning districts, schools, churches, places of assembly, community centers, community food and personal support services, cultural facilities, funeral homes and mortuaries, libraries, public facilities, and governmental buildings.
- (8) Mixed-Use Building: A multi-story building that contains two (2) or more different uses such as residential and retail and/or office uses.
- (9) Industrial Building: A building or structure constructed for an industrial use and located within the A-1, M-1, or M-2 zoning district.

B. Buildings Design Standards by Building Use Type

- (1) Agricultural Building: No specific standards.
- (2) Single-Family and Two-Family Dwellings: All dwellings including accessory structures shall have roofs with a minimum 4-12 pitch, except as may be appropriate based on its architectural style, ~~and be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.~~
- (3) Horizontally Attached Residential:
 - a. ~~All dwellings including accessory structures shall be constructed of a combination of Class 1, 2, 3, and 4 building exterior and roofing materials.~~
 - b. ~~Each primary façade shall have no less than three (3) different class 1, class 2, class 3, or class 4 façade materials.~~

- c. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio.
- d. The primary façade of each individual unit dwelling must have a change in the wall plane ~~and/or a change in the exterior material type, texture, and/or color~~ to differentiate it from the adjoining units.

(4) Vertically Attached Residential (Buildings with 12 or Fewer Units):

- ~~a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 40% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 60% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.~~
- ~~b. All structures shall utilize Class 1 or 2 roofing materials.~~
- c. Elevated open walkways along the exterior of the building are prohibited.
- d. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio or access to a shared roof-top or outdoor amenity space.
- e. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(5) Vertically Attached Residential (Buildings with 13 or More Units):

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 40% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 60% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. Elevated open walkways along the exterior of the building are prohibited.
- d. Each dwelling unit shall have its own functional porch, patio, deck, or roof-top patio or access to a shared roof-top or outdoor amenity space.
- e. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(6) Non-Residential Building in Residential Zoning District:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 50% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 50% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(7) Commercial/Retail Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 20% clear glass fenestrations (windows and full glass doors) on the first level.
- c. All structures shall utilize Class 1 or 2 roofing materials.
- d. No primary façade shall exceed 60 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(8) Office and Civic Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.

- Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(9) Mixed-Use Building:

- a. Each primary façade shall contain no less than three (3) different class 1 or class 2 façade materials, together composing at least 75% of the primary façade area. Class 3 and class 4 façade materials in aggregate shall not exceed 25% of any primary façade area. Class 4 façade materials shall not exceed 5% of any primary façade area.
- b. At least one street-facing building façade and the façade containing the main building entry, if different from the street façade, shall consist of no less than 30% clear glass fenestrations (windows and full glass doors) on the first level.
- c. All structures shall utilize Class 1 or 2 roofing materials.
- d. No primary façade shall exceed 80 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

(10) Industrial Building:

- a. Each primary façade shall contain no less than two (2) different class 1, class 2, or class 3 façade materials, together composing at least 80% of the primary façade area. Class 4 façade materials in aggregate shall not exceed 10% of any primary façade area.
- b. All structures shall utilize Class 1 or 2 roofing materials.
- c. No primary façade shall exceed 100 feet in length without interruption by one or more of the following architectural features:
 - Projection or recess in the wall plane of at least two (2) feet in depth.
 - Columns, piers, pilasters or other equivalent structural and/or decorative elements.

8. REVIEW AND APPROVAL PROCESS

- A. Plan Approval Required.** As part of the submittal of a site plan for development (with the exception of agriculturally related buildings and single-family and two-family dwellings), architectural plans for buildings shall be submitted for review and approval as part of the site plan application.

The determination of compliance with the provisions and requirements of this section shall be at the sole discretion of the Zoning Administrator and the approval body per the procedures as provided in the Zoning Regulations.

B. Plan Submittal Requirements. The applicant shall submit the following for each proposed building, addition, or renovation subject to this chapter:

- (1) Elevations and dimensions of all sides of existing and proposed buildings, including roof mechanical equipment, vents, chimneys, or other projecting items above the roof line.
- (2) Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
- (3) Detailed exterior descriptions, including type and color of all exterior building materials, awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
- (4) Detailed cut sheets of all proposed exterior light fixtures and an exterior lighting photometric plan, if required by the Zoning Administrator.
- (5) In order to aid in evaluating the exterior design, the applicant shall submit plan views showing, if applicable, the locations of windows and doors, major entrances, recessions and projections from the principal planes of facades, loading docks, outdoor storage areas, and solid waste and recycling containment areas.
- (6) Heating, air conditioning and ventilating and electrical equipment heights, locations and screening materials.
- (7) Exterior building and finish material samples and color pallets, if required by the Zoning Administrator.
- (8) Other information as may be required by the Zoning Administrator. The Zoning Administrator shall further have the discretion to waive any of the above submittal requirements.

House File 2388 - Introduced

HOUSE FILE 2388
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 606)

A BILL FOR

1 An Act relating to the licensure of ambulatory surgical
2 centers, providing for fees to be considered repayment
3 receipts, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135Q.1 **Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Ambulatory surgical center*" means a distinct facility
5 that operates exclusively for the purpose of providing surgical
6 services to patients not requiring hospitalization and in which
7 the expected duration of services does not exceed twenty-four
8 hours following admission. "*Ambulatory surgical center*"
9 includes a facility certified or seeking certification as an
10 ambulatory surgical center under the federal Medicare program
11 or under the medical assistance program established pursuant
12 to chapter 249A. "*Ambulatory surgical center*" does not include
13 the individual or group practice office of a private physician,
14 podiatrist, or dentist who there engages in the lawful practice
15 of surgery, or the portion of a licensed hospital designated
16 for outpatient surgical treatment.

17 2. "*Department*" means the department of inspections and
18 appeals.

19 Sec. 2. NEW SECTION. 135Q.2 **Purpose.**

20 The purpose of this chapter is to protect the public
21 health, safety, and welfare by providing for the licensing and
22 regulation of ambulatory surgical centers.

23 Sec. 3. NEW SECTION. 135Q.3 **Licensure.**

24 A person, acting severally or jointly with any other person,
25 shall not establish, operate, or maintain an ambulatory
26 surgical center in this state without obtaining a license as
27 provided under this chapter.

28 Sec. 4. NEW SECTION. 135Q.4 **Application for license — fee.**

29 1. An applicant for an ambulatory surgical center license
30 shall submit an application to the department. Applications
31 shall be upon such forms and shall include such information
32 as the department may reasonably require, which may include
33 affirmative evidence of ability to comply with reasonable rules
34 and standards prescribed under this chapter.

35 2. An application for an initial license for an ambulatory

1 surgical center shall be accompanied by a fee of fifty dollars.

2 3. The fees collected under this section shall be considered
3 repayment receipts as defined in section 8.2 and shall be used
4 by the department to administer this chapter.

5 Sec. 5. NEW SECTION. 135Q.5 Issuance and renewal of
6 license.

7 1. Upon receipt of an application for license and the
8 license fee, the department shall issue a license if the
9 applicant and the ambulatory surgical center meet the
10 requirements of this chapter and the rules adopted by the
11 department.

12 2. A license shall be issued only for the premises and
13 persons named in the application.

14 3. A license is not transferable or assignable except with
15 the written approval of the department.

16 4. A license shall be posted in a conspicuous place on the
17 licensed premises as prescribed by rule of the department.

18 5. Separate licenses are not required for ambulatory
19 surgical center facilities that are maintained on the same
20 physical site and that have the same ownership or control.
21 Multiple buildings located on the same physical site under the
22 same ownership or control shall be considered one ambulatory
23 surgical center facility for purposes of this chapter and
24 section 135.61, and may operate under one license.

25 6. A license, unless sooner suspended or revoked, shall
26 expire on June 30 of each year and shall be renewed annually.
27 The department shall renew a license upon payment of a five
28 hundred dollar annual license renewal fee and filing of an
29 application for renewal at least thirty days prior to the
30 expiration of the existing license. The annual licensure fee
31 shall be considered a repayment receipt as defined in section
32 8.2 and dedicated to support the staffing necessary to conduct
33 the inspections and investigations provided in section 135Q.8.

34 Sec. 6. NEW SECTION. 135Q.6 Denial, suspension, or
35 revocation of license — hearings and review.

1 1. The department may deny, suspend, or revoke a license in
2 any case where it finds there has been a substantial failure
3 to comply with this chapter or the rules and standards adopted
4 under this chapter.

5 2. The denial, suspension, or revocation of a license by
6 the department and appeal from that action are governed by the
7 procedures for a contested case hearing under chapter 17A.

8 3. *a.* If the department finds, after providing notice of
9 noncompliance and a reasonable time for corrective action, that
10 an ambulatory surgical center is in repeated noncompliance with
11 this chapter or the department's rules but that noncompliance
12 does not endanger public health or safety, the department may
13 issue a conditional license to the ambulatory surgical center
14 as an alternative to suspending or revoking the ambulatory
15 surgical center's license.

16 *b.* The department shall provide notice of its intent to
17 issue a conditional license to the ambulatory surgical center
18 and of the items of noncompliance not less than ten days before
19 the date the conditional license is issued.

20 *c.* The department shall designate a period of not more
21 than one year during which the ambulatory surgical center may
22 operate under a conditional license.

23 *d.* During the period an ambulatory surgical center is
24 operating under a conditional license, the ambulatory surgical
25 center shall correct the items that are in noncompliance and
26 report the corrections to the department for approval.

27 4. The department may suspend or revoke the license of an
28 ambulatory surgical center that does not correct items that
29 are in noncompliance or that does not comply with this chapter
30 or the rules adopted under this chapter within the applicable
31 period.

32 5. The department may issue an emergency order to suspend
33 a license issued under this chapter if the department has
34 reasonable cause to believe that the conduct of the ambulatory
35 surgical center creates an immediate danger to the public

1 health and safety. An emergency suspension is effective
 2 immediately without a hearing or notice to the licensee. On
 3 written request of the licensee, the department shall conduct
 4 a hearing not earlier than the tenth day or later than the
 5 thirtieth day after the date the hearing request is received
 6 to determine if the emergency suspension is to be continued,
 7 modified, or rescinded. The hearing and any appeal are
 8 governed by the department's rules for a contested case hearing
 9 and chapter 17A.

10 Sec. 7. NEW SECTION. 135Q.7 Rules.

11 1. The department, with the advice and approval of the state
 12 board of health, shall adopt rules specifying the standards for
 13 ambulatory surgical centers to be licensed under this chapter.
 14 The rules shall be consistent with and shall not exceed the
 15 requirements of this chapter and the conditions for coverage in
 16 the federal Medicare program for ambulatory surgical centers
 17 under 42 C.F.R. pt. 416.

18 2. The department shall adopt rules as the department deems
 19 necessary to implement the provisions of this chapter relating
 20 to the issuance, renewal, denial, suspension, and revocation
 21 of a license to establish, operate, and maintain an ambulatory
 22 surgical center.

23 3. An ambulatory surgical center which is in operation at
 24 the time of adoption of any applicable rules or standards under
 25 this chapter shall be given a reasonable time, not to exceed
 26 one year from the date of adoption, within which to comply with
 27 such rules and standards.

28 4. The department shall enforce the rules.

29 Sec. 8. NEW SECTION. 135Q.8 Inspections.

30 1. The department shall make or cause to be made inspections
 31 or investigations of ambulatory surgical centers to determine
 32 compliance with this chapter and applicable rules and
 33 standards. The department shall perform inspections on a
 34 schedule that is of the same frequency required for inspections
 35 of Medicare-certified ambulatory surgical centers.

1 2. The department shall recognize, in lieu of its own
2 licensure inspection, the comparable inspection and inspection
3 findings of a Medicare conditions for coverage survey completed
4 by the department or an accrediting organization authorized by
5 the centers for Medicare and Medicaid services with deeming
6 authority.

7 3. A department inspector shall not participate in an
8 inspection or investigation of an ambulatory surgical center in
9 which the inspector or a member of the inspector's immediate
10 family works or has worked within the last two years or in
11 which the inspector or the inspector's immediate family has
12 a financial ownership interest. For the purposes of this
13 section, "*immediate family member*" means a spouse, natural or
14 adoptive parent or grandparent, child, grandchild, sibling,
15 stepparent, stepchild, or stepsibling.

16 Sec. 9. NEW SECTION. 135Q.9 **Employee background checks**
17 **penalty.**

18 1. *a.* Prior to employment of a person in an ambulatory
19 surgical center, the ambulatory surgical center shall request
20 that the department of public safety perform a criminal
21 history check and the department of human services perform
22 child and dependent adult abuse record checks of the person
23 in this state. An ambulatory surgical center shall inform
24 all persons prior to employment regarding the performance of
25 the record checks and shall obtain from the persons a signed
26 acknowledgment of the receipt of the information.

27 *b.* An ambulatory surgical center shall include the following
28 inquiry in an application for employment:

29 Do you have a record of founded child or dependent adult abuse
30 or have you ever been convicted of a crime, in this state or any
31 other state?

32 2. *a.* If it is determined that a person being considered
33 for employment in an ambulatory surgical center has been
34 convicted of a crime, the department of public safety shall
35 notify the ambulatory surgical center that upon the request

1 of the ambulatory surgical center the department of human
2 services will perform an evaluation to determine whether the
3 crime warrants prohibition of the person's employment in the
4 ambulatory surgical center.

5 *b.* If a department of human services child or dependent
6 adult abuse record check shows that the person has a record of
7 founded child or dependent adult abuse, the department of human
8 services shall notify the ambulatory surgical center that upon
9 the request of the ambulatory surgical center the department of
10 human services will perform an evaluation to determine whether
11 the founded child or dependent adult abuse warrants prohibition
12 of the person's employment in the ambulatory surgical center.

13 *c.* An evaluation performed under this subsection shall
14 be performed in accordance with procedures adopted for this
15 purpose by the department of human services.

16 *d.* (1) If a person owns or operates more than one
17 ambulatory surgical center, and an employee of one of such
18 ambulatory surgical centers is transferred to another such
19 ambulatory surgical center without a lapse in employment,
20 the ambulatory surgical center is not required to request
21 additional criminal and child and dependent adult abuse record
22 checks of that employee.

23 (2) If the ownership of an ambulatory surgical center is
24 transferred, at the time of transfer the record checks required
25 by this section shall be performed for each employee for whom
26 there is no documentation that such record checks have been
27 performed. The ambulatory surgical center may continue to
28 employ such employee pending the performance of the record
29 checks and any related evaluation.

30 3. In an evaluation, the department of human services
31 shall consider the nature and seriousness of the crime
32 or founded child or dependent adult abuse in relation to
33 the position sought or held, the time elapsed since the
34 commission of the crime or founded child or dependent adult
35 abuse, the circumstances under which the crime or founded

1 child or dependent adult abuse was committed, the degree of
2 rehabilitation, the likelihood that the person will commit
3 the crime or founded child or dependent adult abuse again,
4 and the number of crimes or founded child or dependent adult
5 abuses committed by the person involved. If the department of
6 human services performs an evaluation for the purposes of this
7 section, the department of human services has final authority
8 in determining whether prohibition of the person's employment
9 is warranted.

10 4. a. Except as provided in paragraph "b" and subsection 2,
11 a person who has been convicted of a crime or has a record of
12 founded child or dependent adult abuse shall not be employed
13 in an ambulatory surgical center licensed under this chapter
14 unless an evaluation has been performed by the department of
15 human services.

16 b. A person with a criminal or abuse record who is or was
17 employed by an ambulatory surgical center licensed under this
18 chapter and is hired by an employer who is another licensee
19 without a lapse in employment shall be subject to the criminal
20 history and abuse record checks required pursuant to subsection
21 1. However, if an evaluation was previously performed by the
22 department of human services concerning the person's criminal
23 or abuse record and it was determined that the record did not
24 warrant prohibition of the person's employment and the latest
25 record checks do not indicate a crime was committed or founded
26 abuse record was entered subsequent to that evaluation, the
27 person may commence employment with the other licensee in
28 accordance with the department of human services' evaluation
29 and an exemption from the requirements in paragraph "a" for
30 reevaluation of the latest record checks is authorized.
31 Otherwise, the requirements of paragraph "a" remain applicable
32 to the person's employment. Authorization of an exemption
33 under this lettered paragraph "b" from requirements for
34 reevaluation of the latest record checks by the department of
35 human services is subject to all of the following provisions:

1 (1) The position with the subsequent employer is
2 substantially the same or has the same job responsibilities as
3 the position for which the previous evaluation was performed.

4 (2) Any restrictions placed on the person's employment in
5 the previous evaluation by the department of human services
6 shall remain applicable in the person's subsequent employment.

7 (3) The person subject to the record checks has maintained a
8 copy of the previous evaluation and provides the evaluation to
9 the subsequent employer or the previous licensee provides the
10 previous evaluation from the person's personnel file pursuant
11 to the person's authorization. If a physical copy of the
12 previous evaluation is not provided to the subsequent employer
13 the record checks shall be reevaluated.

14 (4) Although an exemption under this lettered paragraph "b"
15 may be authorized, the subsequent employer may instead request
16 a reevaluation of the record checks and may employ the person
17 while the reevaluation is being performed.

18 5. a. If a person employed by an ambulatory surgical center
19 licensed under this chapter is convicted of a crime or has a
20 record of founded child or dependent adult abuse entered in the
21 abuse registry after the person's employment application date,
22 the person shall inform the ambulatory surgical center of such
23 information within forty-eight hours of the criminal conviction
24 or entry of the record of founded child or dependent adult
25 abuse. The ambulatory surgical center shall act to verify
26 the information within forty-eight hours of notification. If
27 the information is verified, the requirements of subsections
28 2, 3, and 4 regarding employability and evaluations shall
29 be applied by the ambulatory surgical center to determine
30 whether or not the person's employment is continued. The
31 ambulatory surgical center may continue to employ the person
32 pending the performance of an evaluation by the department
33 of human services to determine whether prohibition of the
34 person's employment is warranted. A person who is required by
35 this subsection to inform the ambulatory surgical center of

1 a conviction or entry of an abuse record and fails to do so
2 within the required period commits a serious misdemeanor.

3 *b.* If an ambulatory surgical center receives credible
4 information, as determined by the ambulatory surgical center,
5 that a person employed by the ambulatory surgical center has
6 been convicted of a crime or a record of founded child or
7 dependent adult abuse has been entered in the abuse registry
8 after employment from a person other than the employee and the
9 employee has not informed the ambulatory surgical center of
10 such information within the period required under paragraph
11 "a", the ambulatory surgical center shall act to verify the
12 credible information within forty-eight hours of receipt of
13 the credible information. If the information is verified, the
14 requirements of subsections 2, 3, and 4 regarding employability
15 and evaluations shall be applied by the ambulatory surgical
16 center to determine whether or not the person's employment is
17 continued.

18 *c.* The ambulatory surgical center may notify the county
19 attorney for the county where the ambulatory surgical center is
20 located of any violation or failure by an employee to notify
21 the ambulatory surgical center of a criminal conviction or
22 entry of an abuse record within the period required under
23 paragraph "a".

24 6. An ambulatory surgical center licensed under this
25 chapter may access the single contact repository established by
26 the department pursuant to section 135C.33 as necessary for the
27 ambulatory surgical center to perform record checks of persons
28 employed or being considered for employment by the ambulatory
29 surgical center.

30 Sec. 10. NEW SECTION. 135Q.10 Confidentiality.

31 The department's final findings with respect to compliance
32 by an ambulatory surgical center with requirements for
33 licensing shall be made available to the public in a readily
34 available form and place. Other information relating to
35 an ambulatory surgical center obtained by the department

1 which does not constitute the department's findings from an
 2 inspection of the ambulatory surgical center shall not be made
 3 available to the public, except in proceedings involving the
 4 denial, suspension, or revocation of a license under this
 5 chapter. The name of a person who files a complaint with the
 6 department shall remain confidential and shall not be subject
 7 to discovery, subpoena, or other means of legal compulsion for
 8 its release to a person other than department employees or
 9 agents involved in the investigation of the complaint.

10 Sec. 11. NEW SECTION. 135Q.11 Injunction.

11 Notwithstanding the existence or pursuit of any other
 12 remedy, the department may, in the manner provided by law,
 13 maintain an action in the name of the state for injunction
 14 or other process against any person to restrain or prevent
 15 the establishment, operation, or maintenance of an ambulatory
 16 surgical center without a license.

17 Sec. 12. NEW SECTION. 135Q.12 Judicial review.

18 Judicial review of an action of the department may be sought
 19 in accordance with chapter 17A. Notwithstanding the provisions
 20 of chapter 17A, petitions for judicial review may be filed
 21 in the district court of the county in which the ambulatory
 22 surgical center is located or is to be located and the status
 23 quo of the petitioner or licensee shall be preserved pending
 24 final disposition of the judicial review matter.

25 Sec. 13. NEW SECTION. 135Q.13 Penalties.

26 Any person establishing, operating, or maintaining any
 27 ambulatory surgical center without a license commits a serious
 28 misdemeanor, and each day of continuing violation after
 29 conviction shall be considered a separate offense.

30 Sec. 14. Section 135.11, Code 2022, is amended by adding the
 31 following new subsection:

32 NEW SUBSECTION. 29. Adopt rules requiring ambulatory
 33 surgical centers to report quality data to the department of
 34 public health that is consistent with the data required to be
 35 reported to the centers for Medicare and Medicaid services

1 of the United States department of health and human services
 2 as authorized by the Medicare Improvements and Extension Act
 3 of 2006 under Title I of the Tax Relief and Health Care Act
 4 of 2006, Pub. L. No. 109-432, and the regulations adopted
 5 under such Acts. Notwithstanding any provision of law to
 6 the contrary, nothing in this subsection shall require an
 7 ambulatory surgical center to provide health data to the
 8 department of public health or any other public or private
 9 entity that is in addition to, different than, or exceeds
 10 the quality data required to be reported to the centers for
 11 Medicare and Medicaid services of the United States department
 12 of health and human services.

13 Sec. 15. Section 135.61, Code 2022, is amended by adding the
 14 following new subsection:

15 NEW SUBSECTION. 1A. "*Ambulatory surgical center*" means
 16 ambulatory surgical center as defined in section 135Q.1.

17 Sec. 16. Section 135.61, subsection 14, paragraph d, Code
 18 2022, is amended to read as follows:

19 *d.* An ~~outpatient~~ ambulatory surgical facility center.

20 Sec. 17. Section 135.61, subsection 21, Code 2022, is
 21 amended by striking the subsection.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
 24 the explanation's substance by the members of the general assembly.

25 This bill creates a new Code chapter to provide for the
 26 licensing and regulation of ambulatory surgical centers. The
 27 department of inspections and appeals (DIA) is designated to
 28 enforce the regulations.

29 The bill provides that the purpose of the new Code chapter is
 30 to protect the public health, safety, and welfare by providing
 31 for the licensing and regulation of ambulatory surgical
 32 centers. The bill prohibits the establishment, operation,
 33 or maintenance of an ambulatory surgical center in the state
 34 without obtaining a license.

35 The bill provides the process for application for licensure.

1 An application for an initial license is required to be
2 accompanied by a fee of \$50. The fees collected are repayment
3 receipts and are to be used by DIA to administer the new Code
4 chapter.

5 The bill provides for the issuance and renewal of licenses.
6 A license is to be issued only for the premises and persons
7 named in the application; is not transferable or assignable
8 except with the written approval of DIA; and is required to
9 be posted in a conspicuous place on the licensed premises as
10 prescribed by rule of DIA. The bill provides that separate
11 licenses are not required for ambulatory surgical center
12 facilities that are maintained on the same physical site and
13 that have the same ownership or control. Multiple buildings
14 located on the same physical site under the same ownership or
15 control are considered one ambulatory surgical center facility
16 for purposes of the new Code chapter and Code chapter 135,
17 division VI, relating to the health facilities council and
18 certificate of need provisions, and are to be permitted to
19 operate under one license. Licenses expire on June 30 of each
20 year and are required to be renewed annually. The bill directs
21 DIA to renew a license upon payment of a \$500 annual license
22 renewal fee and the filing of an application for renewal at
23 least 30 days prior to the expiration of the existing license.
24 The annual licensure fee is considered a repayment receipt and
25 is to be dedicated to support the staffing necessary to conduct
26 the inspections and investigations under the new Code chapter.

27 The bill provides for denial, suspension, or revocation of
28 licenses. A license may be denied, suspended, or revoked if
29 DIA finds there has been a substantial failure to comply with
30 the new Code chapter or the rules and standards adopted under
31 the new Code chapter. The denial, suspension, or revocation
32 of a license by DIA and appeal from that action are governed by
33 the procedures for a contested case hearing under Code chapter
34 17A. The bill authorizes DIA, after providing notice of
35 noncompliance and a reasonable time for corrective action, and

1 if the noncompliance does not endanger public health or safety,
2 to issue a conditional license to the ambulatory surgical
3 center as an alternative to suspending or revoking its license.

4 The bill also authorizes DIA to issue an emergency order
5 to suspend a license if DIA has reasonable cause to believe
6 that the conduct of the ambulatory surgical center creates an
7 immediate danger to the public health or safety. On written
8 request of the licensee, DIA is required to conduct a hearing
9 to determine if the emergency suspension is to be continued,
10 modified, or rescinded. The hearing and any appeal are
11 governed by DIA's rules for a contested case hearing and Code
12 chapter 17A.

13 The bill directs DIA to adopt rules with the advice and
14 approval of the state board of health to specify the standards
15 for ambulatory surgical centers. The rules are required to be
16 consistent with and not exceed the requirements of the new Code
17 chapter and the conditions for coverage in the federal Medicare
18 program for ambulatory surgical centers. DIA is also directed
19 to adopt rules relating to provisions of the new Code chapter
20 relating to the issuance, renewal, denial, suspension, and
21 revocation of a license to establish, operate, and maintain an
22 ambulatory surgical center. If an ambulatory surgical center
23 is in operation at the time of adoption of any applicable rules
24 or standards, the center is to be given a reasonable time, not
25 to exceed one year from the date of adoption, within which to
26 comply with such rules and standards.

27 The bill provides for inspections or investigations of
28 ambulatory surgical centers, and directs that DIA shall
29 perform inspections on a schedule that is of the same frequency
30 required for inspections of Medicare-certified ambulatory
31 surgical centers. The bill also requires DIA to recognize, in
32 lieu of its own licensure inspection, the comparable inspection
33 and inspection findings of a Medicare conditions for coverage
34 survey.

35 The bill prohibits a DIA inspector from participating in an

1 inspection or investigation of an ambulatory surgical center in
2 which the inspector or a member of the inspector's immediate
3 family works or has worked within the last two years or in
4 which the inspector or the inspector's immediate family has a
5 financial ownership interest.

6 The bill requires an ambulatory surgical center to comply
7 with child and dependent adult abuse information and criminal
8 record checks and evaluations.

9 The bill provides confidentiality provisions relating to
10 ambulatory surgical center information. The final findings
11 with respect to compliance by an ambulatory surgical center
12 are to be made available to the public in a readily available
13 form and place. Other information relating to an ambulatory
14 surgical center shall not be made available to the public,
15 except in proceedings involving the denial, suspension, or
16 revocation of a license. The name of a person who files a
17 complaint with DIA is required to remain confidential and not
18 be subject to discovery, subpoena, or other means of legal
19 compulsion.

20 The bill provides for injunctive relief and judicial review.

21 The bill provides that any person establishing, operating,
22 or maintaining an ambulatory surgical center without a license
23 commits a serious misdemeanor, and each day of continuing
24 violation after conviction shall be considered a separate
25 offense. A serious misdemeanor is punishable by confinement
26 for no more than one year and a fine of at least \$430 but not
27 more than \$2,560.

28 The bill also directs the department of public health (DPH)
29 to adopt rules requiring ambulatory surgical centers to report
30 quality data to DPH that is consistent with the data required
31 to be reported to the centers for Medicare and Medicaid
32 services of the United States department of health and human
33 services. However, the rules shall not require an ambulatory
34 surgical center to provide health data to DPH or any other
35 public or private entity that is in addition to, different

1 than, or exceeds the quality data required to be reported to
2 the centers for Medicare and Medicaid services of the United
3 States department of health and human services.

4 The bill makes conforming changes in the Code to reflect the
5 terminology of "ambulatory surgical center".



MEMORANDUM

To: Planning and Zoning Commission

From: Charlie Dissell, Deputy City Manager Development and Operations

Date: May 28, 2024

Subject: Consider Recommendation on Amendment to the Subdivision Regulations of Chapter 170 of the Code of Ordinances of Indianola, Iowa.

Recommendation: Attached are proposed changes to Chapter 170, which are the City's Subdivision Regulations. These proposed changes are part 3 of a multi-year process to update the City's development codes. A more detailed presentation of changes will be given at your meeting on Tuesday, May 28. Staff recommends approval of the amendment.

Attachments: 1. Indianola Subdivision Regulations - Chapter 170 (Draft 05-16-2024)

CITY OF INDIANOLA, IOWA**CHAPTER 170
SUBDIVISION REGULATIONS**

170.01 Title	170.15 Preconstruction Meeting
170.02 Jurisdiction	170.16 Quality assurance and control verification
170.03 Purpose	170.17 Acceptance of Improvements
170.04 Definitions	170.18 Electric Service
170.05 Procedures	170.19 Charge for Installation of Electrical Service
170.06 Plats Outside Corporate Limits	170.20 Improvements Within the Two-Mile Control Area
170.07 Professional Assistance	170.21 Fees
170.08 Preliminary Plat Requirements	170.22 Waivers by Council
170.09 Final Plat Requirements	170.23 Enforcement
170.10 Design Standards	170.24 Amendments
170.11 Markers	
170.12 Erosion Control	
170.13 Specifications	
170.14 Approval of Plans and Specifications	

170.01 TITLE.

This chapter shall be known and cited as the “Subdivision Ordinance of the City of Indianola, Iowa.”

170.02 JURISDICTION.

This title is adopted by the City of Indianola, Iowa, governing the subdivision of all lands within the corporate limits of the city, and within an area extending two miles beyond the corporate limits, in accordance with Section 354.9 of the Code of Iowa.

170.03 PURPOSE.

The purpose of this chapter is to provide for the harmonious development of the City and adjacent areas through design, improvement, and form. In order to accomplish this purpose, regulations within this chapter are determined to be necessary to preserve the public health, safety, and general welfare; to promote orderly growth and development; to promote open space, conservation and protection, and the proper use of land; and to ensure adequate traffic circulation, utilities, and other services.

170.04 DEFINITIONS.

For the purpose of this chapter, the following terms and words are hereby defined. The word “building” as used herein includes the word “structure.” The definitions for any terms and words not defined herein shall be as defined in Chapter 165.03 of the Zoning Ordinance of the City of Indianola, Iowa.

1. "Aliquot" means a fractional part of a section within the United States public land survey system. Only the fractional parts one-half, one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
2. "Alley" means a permanent public service way or right-of-way, designed to provide a secondary means of access to abutting property.
3. "Boundary Line Adjustment" means an adjustment in boundary lines between contiguous legal lots that do not result in any additional lots. Also referred to as a '*Lot Line Adjustment*'.
4. "Building line" means a line established on a plat as a restrictive covenant beyond which no building may be placed. The building lines need not correspond to the front, side, or rear yard requirement established in the Zoning Ordinance, and where they do not, the most restrictive requirement will control.
5. "Commission" means the Planning and Zoning Commission of the City.
6. "Cul-de-sac" means a short minor street having one end open to motor traffic, the other end being permanently terminated by a circular vehicular turnaround.
7. "Easement" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of such owner's property.
8. "Final plat" means the map or drawing on which the subdivision plan is presented in the form which, if approved by the Council and the Commission, will be filed, and recorded with the County Recorder.
9. "Lot" means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open space as are herein required. Such lot shall have a frontage on a public street unless it is part of a townhouse complex, and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portion of lots of record; or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of the Zoning Regulations.
10. "Lot line" means a line dividing one lot from another lot or from a street or alley.
 - A. "Common lot line" means a side lot line that is shared between attached structures.
 - B. "Front lot line" means the line which adjoins a public street or private street.
 - C. "Rear lot line" means the boundary which is opposite and most distant from the front lot line. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension. In case of an interior triangular or gore-shaped lot, it means a straight line ten-feet in length which (in paragraph form) is parallel to the front lot line or its cord and intersects the two other lot lines at points most distant from the front lot line.

- D. "Side lot line" means any lot line not a front lot line or a rear lot line.
 - E. "Street side lot line of a corner lot" means, for a corner lot, the street frontage that is the longest is typically the street side lot line and is perpendicular to the rear lot line.
 - F. "Depth" means the mean horizontal distance between the front and rear lot lines as measured perpendicular to the midpoint of the mean front lot line. In the case of an interior triangular or gore-shaped lot, the depth is the horizontal distance between the midpoints at the front lot line and rear lot lines.
 - G. "Width" means the horizontal distance between the side lot lines as measured perpendicular to the line comprising the lot depth at its point of intersection with the required minimum front yard setback.
11. "Lot of record" means a lot which is part of a subdivision recorded in the Office of the County Recorder or a lot or parcel described by metes and bounds, the description of which has been so recorded. For purposes of the Zoning Regulations, an existing contract of purchase at the time of the effective date of the Zoning Regulations also constitutes a lot of record.
12. "Lot types" are defined as follows:
- A. "Corner lot" means a lot located at the intersection of two or more streets and having the street right-of-way about the front lot lines of the lot.
 - B. "Double frontage or through lot" means a lot, other than a corner lot, with frontage on more than one street or public thoroughfare which do not intersect one another.
 - C. "Flag lot" means a lot that is mostly separated from the street, located behind another lot, and connected to the street by an extension of land that reaches to the street.
 - D. "Interior lot" means a lot, other than a corner lot, having frontage on but one street or public thoroughfare.
 - E. "Outlot" means an unbuildable lot designated on a subdivision plat and intended for future replatting into a buildable lot or lots or intended to be held and owned by a home owner's association, property owner's association, or similar public or private consortium as common space, open space, area for stormwater facilities, shared parking, or similarly shared site improvements or elements.
13. "Lot tie agreement" means an agreement executed by the property owner whereby the property owner agrees that the described lots and/or parcels shall be held under the same ownership and not sold separately unless otherwise approved by the City. Said agreement shall be recorded with the County as a restriction on the subject property.
14. "Plat, Acquisition" means a plat that is prepared for or as the result of a conveyance or condemnation of a parcel of land or other corporal real property by the city; other governmental entity; or other persons having the power of eminent domain.

15. "Plat, Auditor's" means a plat that is prepared by order of a County Auditor or Assessor to clarify boundaries and descriptions of existing real property interests for the purposes of assessment and taxation, and that does not create any new parcels of land or other divisions of real property, except for conveyance to the city or other public jurisdiction.
16. "Plat-of-Survey" means a graphical representation of a survey of not more than two parcels of land, together with a complete and accurate description, that is prepared and sealed by an Iowa licensed professional land surveyor.
17. "Plat, Subdivision" means a division of a lot, tract, or parcel of land into two (2) or more lots, building plots or sites, or other subdivisions of land for the purpose, whether immediate or future, of sale, transfer for building development, right-of-way dedication, or other use, that is prepared and sealed by an Iowa licensed professional land surveyor, provided, however, this definition of a subdivision shall not include divisions of land into forty (40) acres or more in size parcels of land for agricultural purposes.
18. "Plat, Vacation" means a plat this is prepared for or as the result of a conveyance of public street right-of-way that has been vacated by the City or County.
19. "Postage-stamp lot" means a small lot typically contained within an owner's association held common lot or outlot and intended to define the immediate area surrounding the perimeter of an individual townhouse or rowhouse unit or commercial building for ownership purposes. Postage-stamp lots are generally designed to be established no closer than 5-feet from any foundation or building wall, excluding shared walls located along a common lot line. Postage-stamp lots may or may not have public street frontage but shall at a minimum have access to public streets and public utilities via the surrounding outlot.
20. "Preliminary plat" means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and the Commission for consideration.
21. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership.
22. "Soils report", also geotechnical soils report, means a report prepared by a licensed geotechnical engineer or a registered civil engineer experienced in soils engineering. A report that provides an understanding of soil conditions affecting the site. The report evaluates projects where foundations are supported by fill, locations with high groundwater tables, steep slopes, or areas within floodplains. When these conditions are present a geotechnical soils report shall be required by the city engineer.
23. "Street" means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, collector, parkway, avenue, road, lane, drive, place, or other appropriate designation.
24. "Arterial street" means a street intended to carry moderate to high-capacity traffic that primarily serves to provide for the movement of through traffic and limit access to adjacent land, as identified in the Comprehensive Plan.

25. "Collector street" means a street intended to carry moderate-capacity traffic that primarily serves to connect the local street network to arterials, as identified in the Comprehensive Plan.
26. "Local street" means a street used primarily for access to abutting property.
27. "Street pavement" means the wearing or exposed surface of the street right-of-way used by vehicular traffic. The pavement width is measured from the back of the curb on one side to the back of the curb on the other side.
28. "Right-of-way" means the area measured between property lines, dedicated to, and accepted for public use and providing access to abutting properties.
29. "Subdivider" means any person who shall lay out, for the purpose of sale or development, any subdivision or part thereof as defined herein, either for said person or others.
30. "Subdivision" means the division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development or, if a new road is involved, any division of a parcel of land.
31. "Comprehensive Plan" means the current version adopted by the City Council of the Comprehensive Plan and Master Street Plan.

170.05 PROCEDURES.

1. Preliminary Plat Application Required.

- A. Pre-Application Meeting. Prior to the submission of any preliminary plat application, the applicant shall request a pre-application meeting with the Zoning Administrator to review the plat proposal and confirm the appropriate process and application requirements. For preliminary plats within two miles of the corporate limits of the City, a plat application should first be submitted to the County and then to the City. The applicant may request a joint pre-application meeting be held with the City and Warren County to coordinate platting requirements, conditions, and timing of the review and approval process.
- B. Application and Review. Whenever the owner or their designee of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same into two (2) or more lots, said owner shall cause to be prepared a preliminary plat of said subdivision, and shall submit to the Zoning Administrator a completed preliminary plat application form, required number of copies of the preliminary plat, preliminary plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements. The preliminary plat shall contain such information and data as is outlined in herein this chapter.

The Zoning Administrator or their designee shall examine said preliminary plat application as to its completeness. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the application shall be distributed to applicable City departments and utility companies for review and comment to its completeness. The Zoning

Administrator or their designee shall compile all City and utility comments and complete a review of the plat as to its compliance with these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan and Future Transportation Network map, and other local, state, and federal requirements and shall provide the findings to the subdivider. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.

At the request of the owner or designee, the preliminary plat shall be forwarded to the Commission for its review, regardless of the Zoning Administrator's determination that the preliminary plat is complete.

- C. Review by Planning Commission. Once the preliminary plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the preliminary plat be forwarded to the Commission, the Zoning Administrator or their designee shall provide a written report to the Commission within thirty (30) days. After receiving the Zoning Administrator's report, the Commission shall review the preliminary plat and other material for conformity to regulations. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

Before reviewing a preliminary plat, notice of the Commission's meeting shall be given to property owners within 200 feet of the plat by sending notices to affected property owners by first class mail or by posting notices on the tract.

- D. Review by City Council. The Commission shall submit a report to the City Council with recommendations for approval, approval with conditions, or rejection of such preliminary plat within thirty (30) days after the date of review of said plat to the Commission. Upon receiving recommendations from the Commission, the Council shall consider the same and if the plat is found to conform to the provisions of this chapter, the Council may then approve or deny the preliminary plat.

If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Upon making such changes, the developer may resubmit the preliminary plat for approval by the Commission and the Council.

Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

- E. Preliminary Plat Expiration. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within two (2) years after the date of said preliminary plat approval by the Council, unless an extension is approved by resolution of the City Council. In the case of a subdivision that is proposed to be platted and developed in multiple phases, final plat applications for all phases must be presented to the Council within four (4) years of the date of approval of the final plat for the first phase. The preliminary plat for phases not submitted within this time frame shall become null and void, unless an extension is approved by resolution of the City Council.

The preliminary plat application, if not presented to the Commission and Council for review within one (1) year from the date of its initial submittal due to a lack of response by the applicant, shall be deemed withdrawn by the applicant and the application fees forfeited.

- F. Modifications to an Approved Preliminary Plat. Any significant modifications to an approved preliminary plat as determined by the Zoning Administrator, including an increase in number of lots, shall require the application and approval of a revised preliminary plat following the preliminary plat application process as detailed herein above. Minor changes to the preliminary plat may be administratively approved by the Zoning Administrator at their sole discretion.

2. **Final Plat Application Required.**

- A. Application and Review. Upon receipt of a final plat application form, required number of copies of the final plat, final plat application fee, and any other information and details as specified and required by the Zoning Administrator as necessary to determine compliance with all applicable codes and requirements. The Zoning Administrator or their designee shall examine said final plat application as to its completeness. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items. If determined complete by the Zoning Administrator or their designee, the application shall be distributed to applicable City departments and utility companies for review and comment to its completeness. The Zoning Administrator or their designee shall compile all City and utility comments and complete a review of the plat as to its compliance with these Subdivision Regulations, the Zoning Ordinance, the Comprehensive Plan and Future Transportation Network map, and other local, state, and federal requirements and shall provide the findings to the subdivider. If determined incomplete, the application shall be returned to the owner or their designee with a list of missing information and items.

At the request of the owner or designee, the final plat shall be forwarded to the Council for its review, regardless of the Zoning Administrator determination that the final plat is complete.

- B. Review by City Council. Once the final plat has been deemed complete by the Zoning Administrator or their designee, or if the owner or their designee has requested the final plat be forwarded to the Council, the Zoning Administrator or their designee shall provide a written report to the Council within thirty (30) days. Upon receiving a report and recommendations from the Zoning Administrator or their designee for approval or rejection of the final plat, the City Council shall review and consider the final plat. Approval of the final plat and final acceptance of improvements shall be given by resolution of the Council which shall be affixed to the plat. Procedure for approval of the final plat shall be as outlined herein this chapter.
- C. Recordation of Final Plat. Within ten (10) days of approval of the final plat by the Council, the Zoning Administrator shall schedule a time with the owner or designee to record the original copies of the final plat, attachments to subdivision plats required by Section 354.11 of the Code of Iowa, deeds, easements and covenants in the Office of the Recorder of Warren County, Iowa. An approved final plat shall be recorded with the County within 30-days of the date of its approval by the City Council or it shall become null and void.

- D. Plats Not Recognized. The City shall not recognize any plat recorded after the effective date of this chapter that is within the jurisdiction of City of Indianola but for which City approval as required herein this chapter has not been obtained. No permits shall be issued or approved for any property within said plat.

3. **Exceptions.**

The following exceptions to the Preliminary Plat and Final Plat procedures shall apply.

- A. Acquisition and vacation plats required by the City or County for the acquisition or disposal of land or right-of-way.
- B. Auditor's plats required by the County Auditor.
- C. Replats, the replatting of an existing subdivision plat, may be approved provided there are no new lots being created, no public improvements are required, and all other zoning and subdivision requirements are met. The review and approval process shall be the same as for a Final Plat.
- D. The division of a single lot, parcel, or tract into no more than two (2) lots or the minor adjustment of lot lines between adjoining parcels may be done by a plat-of-survey, and may be administratively approved by the Zoning Administrator, provided there are no public improvements required and all other zoning and subdivision requirements are met. The Zoning Administrator, at their discretion, may forward any plat-of-survey to the Planning Commission and/or City Council for review and approval.
- E. Merging or combining existing parcels or lots may be approved, subject to execution of a recorded lot tie agreement with the City. The Zoning Administrator shall forward any such request to the City Council for review and approval.
- F. A Preliminary Plat application can be waived by the Zoning Administrator for a subdivision plat containing five (5) or fewer lots provided there are no required public improvements and all other subdivision requirements are met.
- G. The subdivider may appeal the determination or decision of the Zoning Administrator related to any of the aforementioned exceptions and related administrative approvals to the City Council.

170.06 PLATS OUTSIDE CORPORATE LIMITS.

The procedure for approval of plats of survey, preliminary plats and final plats of land within two miles of the corporate limits shall be the same as set out in Section 170.05 above, except the Zoning Administrator may, after receipt of a request by the applicant, waive the City's review of any plat not located within a priority annexation area as identified within the adopted Comprehensive Plan.

170.07 PROFESSIONAL ASSISTANCE.

The City Council, the Planning and Zoning Commission, or Zoning Administrator may request professional assistance as deems necessary to properly evaluate any plat submitted. The owner or developer shall reimburse the City for the reasonable expenses incurred by the City for all contracted professional engineering and/or consulting services. The Council shall not give final approval of a plat until the City has been reimbursed for the expenses.

170.08 PRELIMINARY PLAT REQUIREMENTS.

A preliminary plat is not intended to serve as a record plat and shall be submitted for review separately and prior to the submission of the final plat. Its purpose is to show on a map all facts needed to enable the Planning Commission and City Council to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall comply with the following:

1. **Scale and Map Size.** The preliminary plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used, with match lines clearly shown, as necessary to maintain legibility.
2. **Contents of the Plat.**
 - A. Areas proposed for public use.
 - B. Boundaries of the proposed subdivision shall be labelled and indicated by a heavy line.
 - C. Both existing and proposed grades of streets shall be shown.
 - D. Cross-section of the proposed streets showing the roadway location, type and width of surfacing, the type of drainage and other improvements to be installed.
 - E. Construction Site Erosion and Sediment Control Permit as required.
 - F. Contours lines at vertical intervals of not more than two feet, based upon City datum, except that where the slope of the land exceeds 25 percent, 5-foot intervals shall be sufficient.
 - G. Districts in which the land to be subdivided is located, including, but not limited to, zoning districts, utility districts, and watershed districts.
 - H. Established boundaries of current floodway, floodway fringe, and floodplain overlay lines.
 - I. Include the following notation: "All new lots shall require an address for inhabited structures, including residences and businesses, telecommunication towers and facilities, and for any public assembly area including open-air, outdoor activities. Addresses shall be assigned by the Zoning Administrator."
 - J. Labeling of lot and outlot purposes.
 - K. Letter of consent from all persons having an interest in the land to be subdivided, that they consent to the subdivision of the land.

- L. Location of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, bridges, railroads, and buildings in the proposed subdivision.
- M. Location of areas containing heavy/dense woodlands, bodies of water and watercourses.
- N. Location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas.
- O. Location and widths of existing and proposed accessways and driveways.
- P. Location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
- Q. Location and dimension of sidewalks to be installed.
- R. Lot lines with approximate dimensions, lot numbers building setback lines for frontage and side streets, street lot letters, and outlot letters.
- S. Master Plan. At the full discretion of the Zoning Administrator, a master plan of the undeveloped areas surrounding a proposed plat may be required to plan future street, sewer, watermain, trail, stormwater drainage extensions and corridors.
- T. Name of subdivision, legal description, date, compass point, scale, and acreage of the property being platted.
- U. Name and address of recorded owner and/or developer. Name and address of engineer and surveyor.
- V. Names of adjacent subdivisions and tract lines of acreage parcels together with the names of record owners of parcels of land immediately adjoining the proposed subdivision.
- W. NPDES Permit and those issued by the Army Corps of Engineers (USACE), if required.
- X. Plans for Wastewater. All sewers shall be designed by a registered professional engineer and sized with capacity to permit ultimate development of the sewer service area. All areas being platted shall connect to public sanitary sewer service, as required by Chapter 95 of City Code. However, should the City Council at their full discretion, decide to approve a plat that cannot reasonably be served by public sanitary sewer, the subdivider shall adhere to Chapter 98 of City Code and show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the Warren County Board of Health. Where applicable, provisions for a Homeowners Association within the subdivision which, pursuant to covenant satisfactory to the City, will be bound to provide for the maintenance of the proposed common structures and uses. Any plat so desired to be approved by the City Council that can reasonably be served by public sanitary sewer at some point in the future, may be required by the City to either construct dry-sewers for future connection or provide a plan and agreements for future sanitary sewer service. The subdivider shall provide easements and agreements for future sewer design, installation, and connection and an agreement to annex, as required by the City.

- Y. Spot elevations and drainage slope percentages where stormwater drainageways and swales cross lot lines.
- Z. Statement concerning the location and approximate size, or capacity of utilities proposed to be installed.
- AA. Statement that the subdivision will comply and conform to all requirements and regulations of the city and to platting procedures and conditions.
- BB. Stormwater management plan and calculations, including proposed storm sewers, ditches, culverts, bridges, and other structures.
- CC. Stormwater pollution prevention plan.
- DD. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or benchmarks.
- EE. Vicinity sketch and an outline of the area to be subdivided.
- FF. Zoning classification and corresponding bulk zoning regulations. Buffer easement and method where required.
- GG. A certified geotechnical soils report, by a city approved geotechnical engineering firm, may be submitted during the preliminary plat process but it must be completed prior to submitting the construction drawings.
- HH. Any other pertinent information, including, but not limited to, traffic reports, or more detailed soils reports, as specified by the city engineer.

170.9 FINAL PLAT REQUIREMENTS.

Following approval of a preliminary plat, and prior to its expiration, a final plat shall be submitted that includes all or a portion of the preliminary plat area. The final plat shall comply with the following:

1. **Scale and Map Size.** The final plat of the subdivision shall be drawn to the scale of 50-feet to 1-inch for small subdivisions and 100-feet to 1-inch for large subdivisions. The page sizes shall be 11-inch by 17-inch, if legible, or 24-inches by 36-inches. Multiple pages shall be used as necessary to maintain legibility.
2. **Contents of the Plat.**
 - A. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 3,000 feet.
 - B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

- D. Accurate metes and bounds description of the boundary.
 - E. Accurate locations and descriptions of easements for utilities and any limitations on such easements.
 - F. Addresses as provided by the Zoning Administrator.
 - G. Areas dedicated for public use, such as schools, parks, playgrounds, pedestrian, and bicycle trails.
 - H. Building setback lines and dimensions.
 - I. Certification by a registered land surveyor of the State of Iowa.
 - J. Complete curve notes for all curves included in the plat.
 - K. Established boundaries of current floodway, floodway fringe, and floodplain overlay lines.
 - L. Lot numbers and dimensions.
 - M. Location and accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use, and sidewalks and trails to be installed prior to occupancy of a developed lot.
 - N. Location of areas containing heavy/dense woodlands, bodies of water and watercourses.
 - O. Location, type, material and size of all monuments and markers.
 - P. Name of the subdivision.
 - Q. Name and address of recorded owner and/or developer.
 - R. Name and address of engineer and surveyor.
 - S. North point, scale, and date.
 - T. Street names.
 - U. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
3. The final plat shall be accompanied by the following:
- A. Record Drawings. Upon the completion of all public improvements constructed and installed, and prior to requesting the City for a final inspection of any completed site that is required for final plat approval, the City shall be provided, at no charge, with PDF and CAD file record drawings. These record drawings should show detailed as-built locations and elevations of all public infrastructure improvements and must be certified by a licensed professional engineer and/or licensed surveyor registered in the State of Iowa, who shall stamp and sign the

information. All surveys, plats, construction drawings, GIS, and CAD files shall use survey feet based on the State Plane Iowa South Coordinate System. All survey elevations and construction drawings shall be based on benchmarks established on the North American Vertical Datum of 1988 (NAVD 1988). All CAD files shall be submitted to the City in .dwg or .dxf format on standard storage media approved by the City and shall only include utilities, roadway, and property lines. The record drawing files shall include the actual location for the following information, at minimum:

- (1) For Roads: Centerline elevations at all Point of Inflection (POI) and at all intersections.
 - (2) For sanitary and storm sewer utilities: pipe flowline and rim elevations, pipe slopes, materials, and sizes.
 - (3) For water utility: water main pipe and service pipe material and size at each surveyed location. Location, size, and degree of bend for each bend, valve location and size, corporation stop location and size, stop box location and size, and meter pit locations.
 - (4) For stormwater management system and improvements, which includes but is not limited to detention and retention ponds: As-built spot elevations and drainage slope percentages meeting or exceeding slope design requirements where stormwater drainageways and swales cross property lines and for all stormwater management facilities certifying design volume, overflow elevations and outlet structures.
- B. A letter from the owner's engineer designing the public improvement stating that all public improvements completed have been made or installed in accordance with City Specifications as shown on the as-built plans.
- C. All required bonds per Section 170.17 of this Chapter.
- D. Signed originals of the attachments to subdivision plats required by Section 354.11 of the Code of Iowa.
- E. A signed original of any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
- F. Deeds to the City. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.
- G. Easement(s), including, but not limited to, Overland Drainage and/or Public Storm Sewer, Public Sanitary Sewer, and Public Water is required by and shall be in a form approved by the City.
- H. Parkland Dedication. The subdivider shall provide the required deeds, easements, and agreements as necessary to comply with the requirements of the City's Parkland Dedication Ordinance including any required performance surety.
- I. Post-Construction Stormwater Management. The subdivider shall provide a post construction stormwater management and maintenance agreement, easement, and/or covenant as may

be required by the City Engineer.

- J. Stream Buffers. The subdivider shall provide the required deeds, easements, and agreements as necessary to comply with the requirements of the City's Stream Buffer Protection Ordinance.
- K. Payment of Connection Fees and Fee District Charges.
- L. Other submittal requirements as defined by the Community Development Department.

170.10 DESIGN STANDARDS

Design of the subdivision shall comply with the minimum standards outlined below, provide for the orderly growth and development of the city, demonstrate consistency with the Indianola comprehensive plan, zoning ordinance, and any specific adopted district plans, and take into consideration the natural features of the site and patterns of adjacent development.

1. Streets.

- A. SUDAS. Street design must comply with the Statewide Urban Design and Specifications Standards for Public Improvements ("SUDAS"), as adopted, and amended by the city and all other applicable city and state regulations, except as amended herein below.
- B. Consistency to Community Visioning Plans. All proposed plats and subdivisions shall conform to the City of Indianola Comprehensive Plan, the Future Transportation Network map, and other adopted Community Visioning Plans.
- C. Continuation of Existing or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are a part of an approved preliminary subdivision plat, in adjoining property, at equal or greater width, and in similar alignment, unless variations are recommended by the Commission and approved by the Council.
- D. Paved Access Required. All subdivisions shall be connected to a paved street. The City Council may require a subdivider pave or reconstruct all or part of any unimproved or gravel streets adjoining the proposed subdivision.
- E. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, railways, thoroughfares, or unsubdivided land as may be required by the Council.
- F. Temporary Dead-Ends. In a case where a street will eventually be extended beyond the plat but is temporarily dead-ended for no more than a 24-month time period, a temporary turnaround with a 45-ft radius and designed and constructed to support 75,000 lbs. gross vehicle weight may be permitted. If the length of the dead-end segment of street is less than 150-ft and contains no driveways, this temporary turnaround requirement may be waived by the City Council. Temporary dead-end lengths shall not exceed 500 feet.

- G. Street Intersections. Street intersections shall intersect at ninety degrees or as closely thereto as possible, and in no case shall streets intersect at less than seventy-five degrees.
- H. Street Access and Frontage Required. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
- I. Street jogs of less than 300 feet shall be avoided.
- J. Cul-de-sacs and other roadways with a single point of access should be avoided. Cul-de-sacs will be considered where it can be clearly demonstrated that environmental constraints, existing development, access limitations along arterial streets, or other unusual features prevent the extension of the street to the property line or to interconnect with other streets within or abutting the subdivision or to create lots in conformance this chapter and the Zoning Code regulations. In such situations cul-de-sacs should not exceed 700 feet in length and additional public sidewalks or trail connections may be required to ensure adequate pedestrian and bike circulation.
- K. Street knuckles and eyebrows (a widening of the street at a corner or bend that is not required by a design standard) shall be prohibited.
- L. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
- M. Arterial and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the Future Transportation Network map in the adopted Comprehensive Plan.
- N. Alleys shall be discouraged in residential areas but may be provided in commercial and industrial areas unless other suitable public or private access to loading and service areas is provided.
- O. Intersection of more than two streets at a point shall not be permitted.
- P. Where parkways or special types of streets are proposed, the City Council may apply special standards for the design of such parkways or streets.
- Q. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets, or public and semi-public buildings and areas.
- R. Streets, avenues, places, and courts shall be named in the following manner:

General Direction	Long Streets	Short Streets
north and south	streets	courts
east and west	avenues	places
diagonal	roads	ways
curving	drives	lanes

- S. Minimum Standards for Street Rights Of Way are summarized in the following table. The information in this table is intended to provide guidance for the design of the street network within a subdivision. When designing a subdivision, street types should be chosen based on the intended function of the street and anticipated level of traffic. The city will review the proposed streets and determine the appropriate street type based on the factors set forth in this section.

Functional Classification	Minimum Right-of-Way Width	Pavement Width	Sidewalk Width	Recreational Trail Width
Arterial	100'	31'	5'	10'
Collectors	80'	31'	5'	10'
Residential	66'	26'	5'	10'
Cul-de-sac	110'	96'	5'	10'
Alleys	20'	16'	N/A	N/A
Functional Classification	Number Travel Lanes	On Street Parking	Maximum Grade	
Arterial	2	No	6%	
Collectors	2	One Side	8%	
Residential	2	One Side	10%	
Cul-de-sac	2	One Side	10%	
Alleys	2	No	12%	

Note: Pavement widths are measured from back-to-back of curbs.

- T. **Paving.** All paving of roadways constructed for public use will be installed in accordance with the Statewide Urban Design and Specifications (SUDAS), as adopted and amended by the city and all other applicable city and state regulations, and all roadways shall be constructed with curb and gutter unless an alternative design is approved by the City Council.
- U. A certified geotechnical soils report, furnished by a city approved geotechnical engineering firm, may be submitted during the preliminary plat process but it must be completed prior to submitting the construction drawings. All costs for said soils report shall be paid by the developer, including, but not limited to, the cost of employee salaries and benefits, administrative costs and laboratory testing fees or charges.
2. **Private Streets.** Private streets may be permitted for single-family attached, multi-family residential, commercial and office developments subject to the following requirements:
- A. Minimum width of 26-feet from back of curb to back of curb must be used where access is provided.

- B. A private street which is closed at one end shall be no longer than 600-feet and shall be provided at the closed end with a cul-de-sac or hammerhead turnaround.
- C. When considering the permitting of private streets, the city will consider whether the development area can and should be connected to adjacent property. If such is the case, public streets should be required.
- D. Public infrastructure construction specifications for street pavement thickness, grades, alignment, geometry, maximum cross-slopes, sidewalks, and drainage shall be required for all private street improvements and such improvements shall be subject to the same inspection process as public streets.
- E. Private street signage including all street signs shall be different than that of public street signage so residents can identify that they have entered a private street. Signage design shall be approved by the Zoning Administrator or their designee.
- F. Ingress/Egress easements or outlots owned by the association will be required at a design size allowing for the installation of sidewalks, and utilities. All private infrastructure is the sole responsibility of the association.

3. Blocks.

- A. The length of blocks shall be not less than 300 feet and not more than 700 feet in length. Longer block lengths may be allowed in cases of large lot commercial, industrial, or rural residential development, or where topography, water features, or existing development prevents shorter block lengths, although midblock pedestrian connections may be required. Block lengths are measured from centerline to centerline.
- B. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth and in no case shall the width be less than 240 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall be not less than 50 feet.
- C. Midblock pedestrian paths shall be required in blocks over 700 feet long or in areas where curbed streets require excessive out of the way travel, to provide an interior pedestrian walkway for the purpose of access to schools, commercial areas, places of worship, parks, and other public or community facilities. If required, they shall be constructed by the developer. Right-of-way for midblock pedestrian paths shall not be less than 15 feet for sidewalks and 20 feet for recreational trails.

4. Lots.

- A. All lots shall abut on a public street or private street that is commonly held by easement or outlot by a homeowner's association as part of a planned development. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 25 feet at the intersection.

- B. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curbed street lines except where a variation will provide better lot layout.
- C. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use, in which case a ~~planting screen~~ landscape buffer in accordance with Section 165.08 of the City of Indianola Zoning Regulations, shall be provided along the rear of the lot.
- D. Flag lots shall be prohibited, unless approved by the Zoning Administrator under specific and extreme situations and conditions exist for the site.
- E. No lot shall have less area than required by the Zoning Ordinance for the district in which it is located.
- F. Street Access. Each lot, including postage stamp lots, shall have a minimum access of twenty (20) feet to an existing, paved public street, by means of frontage or easement.
- G. Lots shall be designed to lessen impact on critical natural resources, including heavy woodlands, streams, creeks, and wetlands.

5. Easements.

- A. Easements shall be provided as needed for all public sanitary sewers, water mains, storm sewers, and stormwater overland flowage in accordance with SUDAS.
- B. Public Utility Easements (PUE's) not less than 15 feet in width shall be provided along each side of the front yard lot lines of all lots, and in the case of corner lots, the side street yard, and along such other lot liens as may be required by public and private utility companies.
- C. The minimum width for storm and sanitary sewer easements shall not be less than 30 feet. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
- D. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

6. Improvements.

- A. General. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with Statewide Urban Design and Specifications (SUDAS) as adopted and amended by the city; and all other applicable city and state regulations. Inspection may be provided by the City, at the subdivider's expense, as deemed necessary to assure quality workmanship of all portions of

the construction to be dedicated to the City. Said inspection costs shall be paid by the subdivider before final approval will be given.

- B. Sidewalks. Sidewalks shall be constructed in accordance with Chapter 136 of the City Code with ADA standards on both sides of all streets publicly or privately owned and being dedicated for public use. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed of Portland cement concrete in accordance with SUDAS. Sidewalks on corner lots shall be built to the curb line on both frontages in accordance with ADA standards. Sidewalk location shall allow for a five feet (5') separation between the curb and the sidewalk.
- C. Trails and Parkland Dedication. The proposed development shall include pedestrian and bicycle trails for transportation and recreation according to the Comprehensive Park and Recreation Trails Plan and parkland as required by the Parkland Dedication ordinance. As part of the Parkland Dedication, new residential subdivisions may be required to construct and dedicate one or more trail connections to any existing or future regional trail system that adjoins the subdivision. The number and location of connections shall be determined by the Zoning Administrator.
- D. Construction Site Erosion and Sediment Control and Post-Construction Stormwater Management. The proposed development shall comply with all State and local requirements for erosion and sediment control.
- E. Stream Buffers. The proposed development shall include adequate stream buffers as required by the Stream Buffer Protection and Management ordinance.
- F. Natural Drainage Courses. Whenever a stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course.
- G. Water and Sewer Service Required. Water mains, sanitary sewer lines, storm sewers, and their appurtenances shall be constructed and installed in accordance with SUDAS, and the plans and specifications adopted by the Council. Water and sewer lines shall be made accessible to each lot. Utility tap locations shall be marked on the street curb in front of each platted lot.
- H. Sanitary Sewer Service. The subdivider shall at the subdivider's expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment and other appurtenances, which shall connect with a sanitary sewer outlet or treatment facility approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property.
- I. Water Service. The subdivider shall at the subdivider's expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the City water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the Fire Chief and Utilities Board of Trustees. Water mains shall extend to

the boundaries of the subdivision to provide for extension by adjoining properties.

- J. Stormwater. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system to adequately handle a five-year rainstorm. The system shall include basins, culverts, ditches, intakes, manholes, or any structure deemed necessary. All such structures shall meet the City of Indianola Standard Specifications. In addition, the subdivider shall, at the subdivider's expense, provide the subdivision with overland drainage courses and easements to adequately handle stormwater in excess of a five-year rainstorm and up to a 100-year rainstorm, in accordance with the provisions of Iowa Code Section 364.3(18). For any subdivision containing new streets, the system shall be designed by a licensed engineer registered to practice in the State of Iowa.
- (1) Each lot shall be provided with minimum six-inch diameter storm sewer service line that is a minimum of four feet below ground level, stubbed to the property line, unless the Zoning Administrator determines that sump lines can be taken to an existing overland drainage area. The sump pump line shall be a minimum of one and one-half inches in diameter.
 - (2) The storm sewer system line shall be made of reinforced concrete pipe or polyvinyl chloride (PVC) pipe. The sump pump lines shall be made of PVC, PVC Truss, or PVC corrugated pipe. All structures shall be built in accordance with City of Indianola Standard Construction Specifications for Subdivisions.
 - (3) The storm sewer system shall be large enough to provide for anticipated extension of use to serve additional areas, as set out in Indianola Comprehensive Plan.
 - (4) Storm sewer service lines shall be connected to the City storm sewer system at intakes, manholes, or directly into the City storm sewer pipe.
 - (5) Tapping storm sewer service lines into the City storm sewers shall be by using approved methods. Should it not be possible to install a storm sewer service, as described above, alternative plans may be submitted for review by the City. No stormwater, surface water, ground water, roof runoff, swimming pool, subsurface drainage, cooling water or unpolluted water shall be discharged into the City sanitary sewer system. Any such discharge into the City sanitary sewer system shall be deemed a public nuisance and a municipal infraction.
- K. Grades. All streets, alleys, and sidewalks within the platted area which are dedicated for public use shall be brought to the grade per SUDAS and approved by the Council after receiving the report and recommendations of the Zoning Administrator or their designee. The minimum percent slope of all stormwater drainageways and swales shall be two percent (2%).
- L. Public Streetlights. The proposed development shall provide a streetlight plan for review and approval by the electrical utility with jurisdiction. The subdivider shall coordinate with and pay said utility for the cost of the installation of public streetlights.
- M. Traffic Control Signs and Street Name Signs. The proposed development shall be responsible for the installation and cost of traffic control signs and street name signs as required by the

City.

- N. US Postal Service Cluster Mailboxes. The proposed development shall install cluster mailboxes as required by the US Postal Service.
 - O. Underground Utilities. Improvements such as cable TV, telephone and electric lines, streetlights, gas mains, and similar facilities in any subdivision shall be installed underground outside the street pavement limits. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in accordance with SUDAS and in such a manner so as not to interfere with other underground utilities and in no case shall be buried less than 18-inches below the surface. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley, or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall not be located within any street or driveway clear vision area as defined within Chapter 135 of the City Code.
 - P. Homeowners Association. A Homeowners Association shall be created for any development with privately owned streets, utilities, open space, buffers, stormwater facilities, storm sewer, drainage tile, or other private service which is utilized by more than one homeowner. The covenants of the Homeowners Association shall properly identify how maintenance of the private infrastructure is handled in the event the Homeowners Association dissolves. Any changes in the responsibilities of the Homeowners Association shall require approval of City Council.
 - Q. Timing of Installation. All underground utilities, water lines, sanitary sewers, and storm drains installed in streets, shall be constructed before the streets are surfaced. Connections to all underground utilities, water lines, and sanitary sewers from approved parcels shall be laid to sufficient lengths, as determined by the city engineer, to avoid the need for disturbing the street improvements when service connections are made.
7. **Planned Unit Developments**. As part of a Planned Unit Development (PUD) approval process, as outlined in Chapter 165.05, section 1, subsection K, the City Council may, after receiving a recommendation from the Planning and Zoning Commission, approve innovative concepts in the subdivision design, layout and development that allow for cluster development techniques, for the purpose of preservation of natural areas, provision of parks or open space, or urban agricultural neighborhoods. It is not the intent of this provision to lessen the number, size, extent, or type of infrastructure improvements required by this chapter, but to permit the reasonable and necessary modification of the design requirements in order to allow development of subdivisions which do not utilize a conventional layout for blocks, lots, streets and other features. It is the intent of this provision that any such modification or change in requirements be in harmony with the purpose and intent of this chapter and the adopted Comprehensive Plan.

170.11 MARKERS.

The subdivider shall at the subdivider's expense place an iron rod not less than one-half inch in diameter and 24 inches in length as follows:

1. Set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision, and at all street intersections.
2. At lot corners and changes in direction of block and lot boundaries.

170.12 EROSION CONTROL.

The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide erosion and runoff control measures as work progresses on site grading, the installation of sewers or other improvements or phases of work. Insofar as practical, erosion control measures shall be undertaken prior to any other development within the subdivision which will contribute to runoff or erosion.

170.13 SPECIFICATIONS.

The type of construction, the materials, the methods, the standards of subdivision improvements and the maintenance bonds shall be in accordance with the specifications found in a bound volume which is entitled Iowa Statewide Urban Design and Specification for Public Improvements which is on file in the Clerk's office. The Council may from time to time amend by resolution the standard construction specifications for subdivisions found in the volume. The Clerk shall keep a record of all amendments made to the specifications. Plans and specifications for subdivisions shall be submitted to the Community Development Department for approval prior to construction, accompanied by a fee as set by resolution of the City Council, and construction shall not be started until the plans and specifications have been approved. (Ord. 1646 - Sep. 20 Supp.)

170.14 APPROVAL OF PLANS AND SPECIFICATIONS.

The approval of plans and specifications relative to improvements required by this chapter shall be effective for a period of two years after the approval. This time period may be extended by the City Engineer, at their sole discretion. If the required improvements are not in place and accepted by the City within the times specified, the approval shall lapse, and construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The City shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the City for like work which are in effect at that time. The City may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, setbacks, lot boundaries, street location or other platting requirements which shall be final on Council approval unless changed by some other method permitted by law.

170.15 PRECONSTRUCTION MEETING.

Prior to the beginning of construction of any improvements, the applicant shall request a pre-construction meeting with the Zoning Administrator to review the approved plans, requirements, conditions, and timing for improvement construction. For developments within two miles of the

corporate limits of the City, a joint pre-application meeting shall be held with the City and Warren County to coordinate approved plans, requirements, conditions, and timing of the improvement construction.

170.16 QUALITY ASSURANCE AND CONTROL VERIFICATION.

All public improvements which at any time shall be deeded to the City, including all streets, alleys, sanitary or storm sewers or water works, shall be subject to quality assurance and control (QAQC) verification prior to acceptance. Such QAQC verification shall be performed by an engineering firm, furnished by the City, to ensure that such improvements are in compliance with the approved subdivision plans and specifications; Statewide Urban Design and Specifications (SUDAS) as adopted and amended by the city; and all other applicable city and state regulations. All costs for said QAQC verification shall be paid by the developer, prior to approval of the final plat, including, but not limited to, City contractors and subconsultants, the cost of employee salaries and benefits, administrative costs and laboratory testing fees or charges. The engineer, employed by the engineering firm and furnished by the City, shall certify to the City that the improvement was constructed in accordance with the plans as approved by the City. Said engineer shall furnish all inspection reports and record drawings for the improvements for use in locating sanitary or storm sewers and water lines in the future. Inspection reports and record drawings include, but are not limited to:

1. Laboratory and field tests taken in accordance with SUDAS as adopted and amended by the city, and in addition thereto whenever deemed necessary by the engineer to determine compliance with city specifications and with professional standards.
2. Record Drawings requirements per Section 170.09(3) of this Chapter. An improvement shall not be accepted or approved for public use if improvement has not been properly verified using QAQC processes; or is otherwise determined by the engineer to potentially not be fully compliant with the approved subdivisions improvement plans and specifications, SUDAS as amended and adopted by the city, this Code, or other required standards and specifications. It shall be the developer's duty to document and demonstrate, by whatever means may be necessary that the improvement in question does in fact fully comply with this Code and all other applicable codes and regulations.

Should improvements be found deficient or defective, Owner of development, prior to acceptance, will correct all said deficiencies or defects in order to be in compliance with approved subdivision plans and specifications; Statewide Urban Design and Specifications (SUDAS) as adopted and amended by the city; and all other applicable city and state regulations. The Owner of the Development will be notified in writing by City staff of the specific deficiencies or defects. Within 30 calendar days of the City's notice, the Owner of the Development must submit a written plan and schedule outlining steps to correct said deficiencies or defects.

170.17 ACCEPTANCE OF IMPROVEMENTS.

1. **Construction of Improvements or Posting of Bond.** Before the Council approves the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer or their designee shall report that said improvements meet all City specifications and ordinances or other requirements. The requirement for the construction of all improvements may be waived if the subdivider will

post a performance bond or certified check guaranteeing that said improvements will be constructed within a period of one (1) year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed all in accordance with the rules above outlined. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

Performance bond or certified check shall be for an amount equal to one and one-half times the cost estimated to complete the improvements as certified by the subdivider's engineer or as otherwise may be estimated by the City Engineer.

2. **Maintenance Bonds.** The developer shall warrant the design, material, workmanship, installation and construction of all of the public improvements for a minimum of four years from and after satisfactory completion and City Council acceptance of roadway payment, sanitary sewers, storm sewers and other improvements that are related to drainage, and park infrastructure, and shall cause the warranty to be ensured by independent bond or by other collateral that is found to be acceptable by City Legal Counsel (herein "bond"). The bond shall specifically ensure the expedient repair or replacement of any and all improvements that the City finds to be defective following completion and acceptance and shall indemnify and hold the city harmless from any and all costs or losses resulting from, attributed to, or otherwise arising from the defective improvements.

170.18 ELECTRIC SERVICE.

When inside Indianola Municipal Utilities Electrical territory, Indianola Municipal Utilities shall extend electric service to the subdivision and shall make electric service available to each lot in the subdivision that is within Indianola Municipal Utilities' assigned area of service pursuant to Code of Iowa Chapter 476. The City, by and through Indianola Municipal Utilities, shall install street lighting that is within Indianola Municipal Utilities' assigned area of service pursuant to Code of Iowa Chapter 476 to current Indianola Municipal Utilities' standards and specifications. In residential subdivisions, all electric lines, including individual house service lines installed by the owner or developer, shall be placed underground.

170.19 CHARGE FOR INSTALLATION OF ELECTRICAL SERVICE.

Indianola Municipal Utilities reserves the right to make a reasonable charge to be paid by the developer, builder or owner for any service extended as provided by Section 170.33 above. Said charges may be changed from time to time but shall be in accordance with a schedule of charges set by the Indianola Municipal Utilities Board of Trustees.

170.20 IMPROVEMENTS WITHIN THE TWO-MILE CONTROL AREA.

1. Improvements in the two-mile control area shall be the same as required above, provided they are not less than that required by the County subdivision policy, and provided further that all road and drainage construction plans shall be approved by the County Engineer, and completed roads shall be accepted by the Board of Supervisors for Public Maintenance. This subsection does not apply to plats of survey.

2. Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements, made a part of the deed restrictions acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities. This subsection does not apply to plats of survey.
3. In situations where the County does not agree to accept the dedication of right-of-way by fee title for a proposed public street or future public street corridor, the City shall request a public street easement be executed for the benefit of both the County and the City. The City shall further request the executing of easements for future public utility corridors as may be necessary to ensure the provision of services in area likely to be annexed into the City at some point in the future.

170.21 FEES.

Each plat of survey, preliminary plat and final plat submitted for approval shall be accompanied by a fee as set by Resolution of the City Council.

170.22 WAIVERS BY COUNCIL.

Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such waivers from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

170.23 ENFORCEMENT.

In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall not be violated subject to the following:

1. No plat of survey, plat or subdivision in the City or within two miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Zoning Administrator or City Council as prescribed herein.
2. No more than two building permits for principal structures issued for each separate tract existing at the effective date of this chapter unless the tract shall have been platted in accordance with the provisions contained herein except planned multiple-family, commercial or industrial complexes under a common ownership and constructed in accordance with an overall site development plan.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the adoption of the regulations in this chapter unless

such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.

4. Any persons who shall dispose of or offer for sale or lease any lots in the City, addition thereto, or within one mile thereof until the plat shall have been approved, acknowledged and recorded as provided by this chapter and Chapter 354, Code of Iowa, shall forfeit and pay \$50.00 for each lot or part thereof sold, disposed of, leased, or offered for sale.
5. No occupancy compliance certificate required by the Zoning Ordinance shall be issued until and unless all improvements required by this chapter have been made in accordance with the City's plans and specifications and accepted by the Council or as may otherwise be provided for elsewhere in this chapter.

170.24 AMENDMENTS.

Proposed amendments to this chapter shall first be submitted to the Commission for study and recommendation. The Commission shall report within 30 days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.



MEMORANDUM

To: Planning and Zoning Commission

From: Charlie Dissell, Deputy City Manager Development and Operations

Date: May 28, 2024

Subject: Consider Recommendation on Additions of Chapter 171, Parkland Dedication, to the Code of Ordinances of Indianola, Iowa.

Recommendation: Attached are proposed additions to the Code of Ordinances, creating Chapter 171, Parkland Dedication. These proposed additions are part of a multi-year process to update the City's development codes. A more detailed presentation of changes will be given at your meeting on Tuesday, May 28. Staff recommends approval of the amendment.

Attachments: 1. Parkland Dedication - Chapter 171 (Draft 04-11-2024)

CITY OF INDIANOLA, IOWA**CHAPTER 171
PARKLAND DEDICATION**

171.01 Title	171.06 Alternatives to Dedication of
171.02 Purpose	Parkland
171.03 Application	171.07 Parkland Dedication Credit
171.04 Standards for Public Parkland Per	171.08 Parkland Dedication
Resident	Agreement and Surety
171.05 Parkland Dedication Minimum	171.09 Exemptions
Design Standards	

171.01 TITLE.

This chapter shall be known and cited as the “Parkland Dedication Ordinance of the City of Indianola, Iowa.”

171.02 PURPOSE.

The purpose of this Parkland Dedication ordinance is to ensure that new developments support the health, safety, and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.

171.03 APPLICATION.

When a preliminary plat for new single-family development (detached or semi-detached), two-family, and/or townhouse development is proposed or a site plan or building permit is submitted for a new multi-family residential development, including manufacture housing community, parkland dedication in a manner consistent with this ordinance shall be required.

Any developer who, after the effective date of the ordinance seeks to develop land for residential purposes within the City shall be required to dedicate public parkland as prescribed herein. No new plats or site plans for residential development shall be approved unless and until the provisions of this chapter are complied with.

171.04 STANDARD FOR PUBLIC PARKLAND PER RESIDENT.

The standard for the amount of neighborhood parkland required is 16-acres per 1,000 residents or 0.016 acres per resident. Based on the estimated persons per household number, as determined by the last decennial census, the following calculations shall be applied for new residential developments.

Number of lots or dwelling units) x (Census estimated persons per household) x (0.016 acres/resident) = required parkland dedication (Decimals rounded up the nearest hundredth)

Examples (assuming 2.4 estimated persons per household):

- a) *A 100-lot single family subdivision would be required to dedicate 3.84 acres of parkland.*
 $(100 \text{ lots}) \times (2.4 \text{ residents}) \times (0.016 \text{ acres/resident}) = 3.84 \text{ acres}$
- b) *A 120-unit apartment complex would be required to dedicate 4.61 acres of parkland.*
 $(120\text{-units}) \times (2.4 \text{ residents}) \times (0.016 \text{ acres/resident}) = 4.61 \text{ acres}$

171.05 PARKLAND DEDICATION MINIMUM DESIGN STANDARDS.

1. Land dedicated for parkland shall be located within $\frac{1}{2}$ mile of the proposed development. The specific location of the land to be dedicated shall be acceptable to the City and shall be located and planned with future parkland dedications to create a neighborhood park site that will be no less than 1 acre in size.
 - a. Public Recreational Trail corridors deeded to the City or dedicated by easements may be included in this calculation of land dedication.
2. All land to be dedicated to meet this with the parkland dedication requirement shall be useable park space and shall not be located within any floodway, delineated wetlands, shall not contain any areas for storm water detention, and shall have cross slopes no greater than 5%. An exception may be granted by the City Council to accept parkland that includes wetlands, ponds, and/or storm water retention areas that provide a recreational benefit.
3. The dedicator of parkland shall be responsible for rough grading, stabilization, and seeding of the parkland and providing paved public street access, sanitary sewer services, and water service to the property.
4. The developer shall designate on the plat map or site plan the proposed number of dwelling units by type. Designation shall be for park dedication calculation purposes only.
5. The developer shall be required to prepare the parkland prior to dedication in a manner acceptable to the City. This includes:
 - a. The site shall be located adjacent to an improved street with sidewalks and utilities, as required by the City. The site shall have access to such a fully improved street across at least ten (10) percent of the distance of its perimeter. Any access route shall be at least thirty (30) feet wide for trails and fifty (50) feet for roadway access.
 - b. On-site drainage patterns shall be designed and constructed by the developer with the approval of the City.
 - c. Grading shall comply with approved plans.
 - d. Top-soil shall be spread evenly and lightly compacted to an adequate depth for turf growth.
 - e. Seeding shall occur during the fall or spring, in accordance with standard specifications of the City. A maintainable stand of grass shall be established prior to acceptancy by the city.

171.06 ALTERNATIVES TO DEDICATION OF PARKLAND.

1. When all or a portion of the required parkland cannot be dedicated, the developer shall construct or otherwise complete park improvements and/or trail improvements within ½ mile of the proposed development. The value of the improvements shall be equal to the value of the required parkland dedication. The value of these improvements shall be based on the fair market value of the land to be dedicated. Subject to approval by the City, park improvements may include construction and installation of trails, parking lots, playground equipment, park shelters, tennis courts, basketball courts, ball fields and appurtenances, and landscaping and the dedication of land or easements necessary for planned trails. The developer shall provide written proof of the land's value and written estimates of the costs of the park improvements.
2. The City may further allow a portion of the parkland dedication requirement be satisfied by the dedication of greenways and stream buffers as may be desired by the City. Because this land has a reduced value as neighborhood park space, the following dedication conversation rate should be applied: 1-acre of greenway or stream buffer dedicated to the City shall be equivalent and worth 0.10-acre of required parkland.
3. In lieu of dedicating parkland, the developer may request the ability to make a cash payment into a fund to be used for future park improvements or park land acquisition. The City Council shall evaluate this request giving due consideration to all the factors listed in Section 171.05. The donation shall be no less than the minimum number of acres required. A mutually appointed Appraiser will determine parkland Fair Market Value. The Developer shall pay any expenses accrued in the determination of the payment amount. Payment in lieu shall be completed prior to development recording or issuance of building permits.

171.07 PARKLAND DEDICATION CREDIT,

Should a new development desire to dedicate more parkland than is required, the dedicator may sell or transfer the parkland credit to another developer or apply as credit for a current or future parkland dedication requirement. Written notice and copies of a transfer agreement shall be provided to the City as record of all credits transferred or sold to another party.

171.08 PARKLAND DEDICATION AGREEMENT AND SURETY.

At the time of development, the developer shall enter into a written agreement with the City to detail the parkland dedication and/or park improvement. Depending on the timing of the dedication or park improvement, the developer may propose, and/or the City may require the developer to provide adequate surety to the City to ensure completion of the dedication or improvement. The form and amount of surety shall be determined by the City at its full discretion.

172.09 EXEMPTIONS.

The following shall be exempted from the requirements this chapter:

1. The construction of any non-residential building or structure.
2. Alterations or expansion of an existing building where no additional residential units are created.
3. The construction of an accessory dwelling unit.
4. The replacement of a destroyed or partially destroyed building or structure with a new building or structure where there are no additional residential units created.
5. The installation of a replacement mobile home.
6. The division of a parcel into no more than two (2) lots.
7. The replat of an existing subdivision where no additional residential lots are created.
8. Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed waived.



MEMORANDUM

To: Planning and Zoning Commission

From: Charlie Dissell, Deputy City Manager Development and Operations

Date: May 28, 2024

Subject: Consider Recommendation on Addition of Chapter 172, Stream Buffer Protection, to the Code of Ordinances of Indianola, Iowa.

Recommendation: Attached are proposed additions to the Code of Ordinances, creating Chapter 172, Stream Buffer Protection. These proposed additions are part of a multi-year process to update the City's development codes. A more detailed presentation of changes will be given at your meeting on Tuesday, May 28. Staff recommends approval of the amendment.

- Attachments:**
- 1. Stream Buffer Regulations - Chapter 172 (Draft 10-09-2023)
 - 2. Stream Buffer Map (Draft 10-06-2023)

CITY OF INDIANOLA, IOWA
CHAPTER 172
STREAM BUFFER PROTECTION

172.01 Title	172.06 General Provisions
172.02 Purpose	172.07 Buffer Management and Maintenance
172.03 Definitions	172.08 Enforcement
172.04 Application	172.09 Exemptions
172.05 Buffer Standards and Design	

172.01 TITLE.

This chapter shall be known and cited as the "Stream Buffer Protection Ordinance of the City of Indianola, Iowa."

172.02 PURPOSE.

In order to help reduce the impact from flooding and erosion, the City has adopted these regulations to ensure new homes and structures are not built near streams and waterways. In addition to periodic flooding, streams and waterways can experience streambank erosion and stream channels can move impacting structures and site improvements. Providing a minimum setback or buffer from streams and waterways can lessen these risks while also preserving open space and natural greenways. Stream buffers may be privately owned or dedicated to the City as a public greenway.

172.03 DEFINITIONS.

1. **Best Management Practices (BMP's)** means a schedule of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPs are described in the Iowa Stormwater Management Manual and SUDAS. The BMPs covered are not meant to be a comprehensive list of acceptable BMPs.
2. **Buffer** is a vegetative area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir area. Alteration of this natural area is strictly limited.
3. **Floodways** are mapped streams within the boundaries of the City of Indianola that are identified as 'floodway' on the City's Flood Insurance Rate Map.
4. **Streams** are perennial and intermittent watercourses identified through site inspection and United States Geological Survey (USGS) maps and further defined and categorized as follows:
5. **Type I Streams** are defined as perennial streams shown as solid blue lines on the United States Geological Survey seven and one-half minutes series topological map and have a drainage area of greater than 50 acres.

6. **Type II Streams** are defined as intermittent streams shown as dashed blue lines on the United States Geological Survey seven and one-half minutes series topological map and have a drainage area of greater than 50 acres.
7. **Stream Bank** is the area between the stream channel and the break in the stream bank slope or the highest point of the stream channel.
8. **Stream Channel** is part of the watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:
 - A. Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.
 - B. Flowing water not directly related to a storm event.
 - C. Historical records of a local high groundwater table, such as well and stream gauge records.
9. **SUDAS** means the current Standard Urban Design and Specifications Manual, as locally amended, that specifies the stormwater guidelines and stormwater controls deemed by SUDAS to meet the goals of the U.S. Environmental Protection Agencies NPDES permit program administered by the Iowa Department of Natural Resources.
10. **Wetland** is defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

172.04 APPLICATION.

This chapter shall apply to proposed improvements associated with all land development activity requiring a site plan, construction drawings, or subdivision on property containing a stream, near a stream, or drainage swale draining greater than 50 acres. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by other regulatory avenues.

172.05 BUFFER STANDARDS AND DESIGN.

1. A stream buffer for a stream system shall consist of a native vegetative strip of land extending along both sides of a stream and its adjacent wetlands, floodplain, or slopes. The stream buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.
2. The required base width for all buffers shall be determined based on the type of stream being protected, as specified herein below:

- A. Streams with floodways as identified by FEMA Flood Insurance Rate Maps (FIRM) should have a buffer that is 50-ft wide on each side of the floodway boundary.
 - B. USGS identified Type I Streams with no identified floodway should have a buffer that is 50-ft wide on each side of the stream's total width.
 - C. USGS identified Type II Streams with no identified floodway should have a buffer that is 30-ft wide on each side of the centerline of the stream's channel.
3. A comprehensive map of all existing stream buffer areas within the jurisdiction of the City of Indianola has been established and is on file with the City Clerk.
 4. The Zoning Administrator or their designee may consider buffer design modifications in unique cases of topography or other hardship provided that the project can meet the goals outline in the purpose and intent of this chapter.
 5. A stream buffer shall not be required for the portions of a stream that are enclosed within a pipe or box structure.
 6. Impervious surfaces, septic systems and all associated equipment are prohibited within the buffer.
 7. Dominant vegetation shall consist of existing or seeded/planted native trees, shrubs, perennial grasses, and forbs suited to the soil and hydrology of the site and the intended purpose. No single species shall make up more than 50% of the total number of species planted. Turf grass (lawn) is not permitted.
 8. Overland flow through the stream buffer area will be maintained as sheet flow.

172.06 GENERAL PROVISIONS.

1. Buffer Dedication. At the full discretion of the City, any stream buffer may be required to be deeded to the City as part of the final plat or site plan approval process, and/or park land dedication requirement. In special circumstances, the City may accept a permanent easement for the purpose of protecting the land in and around the established stream buffer and impose any and all restrictions as determined in this chapter.
2. Limitations of Public Access, Responsibility, and Maintenance. The dedication of a stream buffer area in any form to the City of Indianola shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area. Furthermore, the City of Indianola shall only be responsible for the management and maintenance of City-owned stream buffers.
3. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review of the City:

- A. Roads, bridges, paths, and utilities:
 - (1) The right-of-way should be the minimum width needed to allow for maintenance access and installation.
 - (2) The angle of the crossing shall be as close to perpendicular as feasible to the stream or buffer in order to minimize clearing requirements.
 - B. Stream restoration projects, facilities and activities approved by the City are permitted within the buffer.
 - C. Water quality monitoring and stream gauging are permitted within the stream buffer, as approved by the City.
4. The following practices and activities are prohibited within the buffer, except with approval by the City:
- A. Clearing of existing vegetation.
 - B. Grading, stripping, or other soil disturbing practices.
 - C. Filling or dumping.
 - D. Draining the buffer area by ditching, underdrains, or other systems.
 - E. Use, storage, or application of pesticides, except for the spot spraying of noxious weeds or nonnative species consistent with recommendations of the Warren County Soil and Water Conservation District.

172.07 BUFFER MANAGEMENT AND MAINTENANCE

1. Management Plan Required. As part of establishing any stream buffer, a basic management plan shall be developed along with details on ownership (private individual, homeowner's association, or City) and easements or agreements to ensure that it is properly managed and maintained. This may include a plan to armor eroding banks, construction of let-down structures to maintain a stable stream slope and bank, restoring or preserving natural vegetation, and constructing or planning the construction of trails.
2. A buffer management plan shall be submitted in conjunction with the required grading plan for any development, and the buffer should be clearly delineated on the final grading plan.
3. Boundary markers will be installed by the applicant prior to commencing clearing and grading operations. Markers will be placed at the outside edge of the buffer prior to the start of any activity adjacent to the buffer. Markers shall be clearly visible and shall be spaced at a maximum of 100 feet. The markers may be joined by marking tape or fencing.

4. The plan shall contain an informative, conceptual, and schematic representation of the proposed development activity by means of maps, graphs, charts, or other written or drawn documents so as to enable an informed decision regarding the proposed development activity.
5. The plan shall be developed by an Iowa licensed Professional Engineer or Iowa licensed Landscape Architect.
6. The plan shall outline the maintenance procedures established by the owner, to ensure the proper management of the stream buffer.
7. If a maintenance procedure consists of a controlled burn, an approved burn plan for the native areas shall also be included in the management plan.
8. The plan shall contain the following specific information:
 - A. A location or vicinity map to include maximum two feet contour intervals and scale of no greater than one-inch equals 100 feet.
 - B. Field delineated streams, springs, seeps, bodies of water, wetlands, and waterway buffer.
 - C. Stream buffer ownership information and information on the entity responsible for buffer maintenance.
 - D. The location and general measurements of established stream buffer and maintenance easements.
 - E. A list of prohibited activities, uses, or items within the buffer.
 - F. Language addressing the existing and planned vegetation maintenance within the buffer.
 - G. A general maintenance timeline of the stream buffer.
 - H. Information explaining the location and right of access for stream buffer maintenance including maintenance access points and routes.
 - I. Information on easement or access rights in and around stream buffer.
9. All plans prepared for recording and all right-of-way plans shall clearly:
 - A. Show the extent of any stream buffer on the subject property.
 - B. Label the stream buffer.

- C. Provide a note to reference any stream buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Indianola."

172.08 ENFORCEMENT.

1. The Zoning Administrator or their designee is authorized and empowered to enforce the requirements of this chapter in accordance with the procedures of this section.
2. If, upon inspection or investigation, the Zoning Administrator or their designee is of the opinion that any person has violated any provision of this chapter, they shall with reasonable promptness issue a notice of the violations identified while conducting an inspection or investigation. Each notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this chapter that has been violated. In addition, the notice shall set a reasonable time for the abatement and correction of the violation.
3. If the property owner fails to take corrective action, following notice prescribed for the service of civil process by the Iowa Rules of Civil Procedure, the City may do so by its own crews or by persons under its hire and assess against the property owner the City's cost therefore. The cost shall include the salaries and benefits earned by the City employees during such corrective action, a charge for City machinery used and such other costs and expenses as the City actually incurred. To the extent allowed by Iowa law, such costs and expenses may be assessed against the property owner and collected in the same manner as a property tax.
4. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

172.09 EXCEPTIONS.

1. Any existing use that does not change use, zoning district or size is exempt from requirements but shall meet the requirements for compliance for any new development requiring a site plan or subdivision.
2. A perpendicular stream crossing by a driveway, street, or utility lines.
3. A street or driveway where buffer intrusion is the only option to provide access to a property.
4. Paved and unpaved trails and paths for public use.
5. Public water supply intake or public wastewater outfall structures.
6. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks.

7. Utility lines and easements running parallel with the stream, except that all easements (permanent and construction) and clearing and grading shall recognize the sensitivity of the streams and use Best Management Practices to limit and repair the disturbance within the buffer area. This includes such impervious cover necessary for the operation and maintenance of the utility, including but not limited to manholes, vents, and valve structures.
8. Land development activities within a dedicated street right-of-way existing as of the effective date of this chapter.
9. Minor land disturbing for the intent of emergency erosion control and bank stabilization activities (i.e. for the purposes of corrective maintenance; measures for health, safety and welfare; post storm; or other disaster relief) if the City is notified about the activity and the disturbance area is less than 5,000 square feet.
10. The requirements herein this title may be reduced or waived by action of the City Council.

Stream Buffer Map - Indianola, Iowa

MAP LEGEND

- Indianola City Limits
- Planning Boundary
- Type 1 - Perennial Stream
- Type 2 - Intermittent Stream
- 100-Year Floodplain
- 500-Year Floodplain



Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

April 2024

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u># of Units</u>	<u>Amount</u>	<u>Average</u>
101	Single Family Home	9	9	\$2,510,124.00	\$278,902.67
102	Single Family Attach	0		\$0.00	
103	Two Family	0		\$0.00	
104	Three or More Families	0		\$0.00	
	Mobile Homes	0		\$0.00	
322	Service Stations	0		\$0.00	
324	Office	0		\$0.00	
328	Non-resident buildings	0		\$0.00	
329	Pool	1		\$8,418.00	
434	Residential Add/Alt	8		\$76,337.00	
437	Non-residential add/alt	1		\$157,000.00	\$157,000.00
438	Res garage/carports	2		\$58,100.00	
645	Demo - residential	0		\$0.00	
649	Demo - commercial	0		\$0.00	
April Total		21		\$2,809,979.00	
<u>Residential Value</u>		<u>Commercial Value</u>			
94.1%		5.6%			

YEAR TO DATE TOTAL

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u># of Units</u>	<u>Amount</u>	<u>Average</u>
101	Single Family Home	15	15	\$4,336,576.00	\$289,105.07
102	Single Family Attach	0	0	\$0.00	
103	Two Family	0	0	\$0.00	
104	Three or More Families	0	0	\$0.00	
	Mobile Homes	0	0	\$0.00	
322	Service Stations	0		\$0.00	
324	Office	0		\$0.00	
328	Non-resident buildings	2		\$3,878,875.00	
329	Pool	1		\$8,418.00	
434	Residential add/alt	22		\$325,644.00	
437	Non-residential add/alt	4		\$145,550.00	
438	Res garage/carports	2		\$58,100.00	
645	Demo - sfd	0		\$0.00	
649	Demo - commercial	0		\$0.00	
YTD TOTAL		46	15	\$8,753,163.00	
<u>Residential Value</u>		<u>Commercial Value</u>			
50.3%		46.0%			5.6%