

## PROCEDURES AND ADMINISTRATION

# 3 ARTICLE THREE – PROCEDURES AND ADMINISTRATION

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### 3-1 Purpose

The purpose of this Article is to establish procedures for subdivision applications and for review and action on applications by the Planning and Zoning Commission and the City Council. The procedures are designed to assure adequate review and consideration of subdivision applications, while providing for an orderly and expeditious approval process consistent with [Chapter 354 of the Iowa Code of Laws](#). The Article provides procedures for the approval of two types of subdivisions: Minor Subdivisions, and Major Subdivisions.

### 3-2 Subdivisions

The platting of land shall be required when a tract of land is proposed to be divided into three or more separate lots of record or when a tract of land is subdivided by repeated lot divisions. (This will be determined based on available land records on file with the county recorder's office and the City of Storm Lake.) For the purposes of this Article, a simple lot split is not a Subdivision.

#### a. Applicability

The Zoning Administrator shall determine whether a tract of land may be divided by a simple lot split, minor subdivision, or major subdivision. Simple lot splits include the division by metes and bounds description of one parcel into no more than two separate parcels and is not considered a subdivision. Minor subdivisions result in no more than 3 lots and require no new or extensions of existing streets or infrastructure except for sidewalk improvements.

Minor Subdivision applicants must provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance on an application as provided by the Zoning Administrator.

Application for a land division shall be made on a form as provided by the Zoning Administrator.

#### b. Stages in the Approval Process

The approval process for Subdivisions consists of three stages: the pre-application stage, the preliminary plat approval stage, and the final plat approval stage.

Minor Subdivisions allow for the simultaneous review of a preliminary and final plat and generally require less information than would otherwise be required of a preliminary plat in a major subdivision form.

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### c. Pre-application Procedures

1. Before filing an application for preliminary plat approval, the applicant shall meet with the Zoning Administrator or his/her designee, regarding general requirements and issues relating to the proposed subdivision. The purpose of the meeting shall be to:
  - (a) Review preliminary ideas and concepts that describe the project and its key goals and the project's consistency with City Plans and Policies.
  - (b) Ensure a mutual understanding of the subdivision process, application/information needs, fees, approval process, and key timelines/deadlines.
2. At the pre-application conference, the applicant shall submit a concept plan. The concept plan shall include:
  - (a) A location map showing the relationship of the proposed subdivision to existing and proposed streets and public facilities.
  - (b) Maps and diagrams illustrating existing conditions of the site: natural, historical, cultural features on the site, existing uses, general topography or any other unique aspect of the site
  - (c) A concept plan illustrating the proposed layout of streets, lots, and other features and their relationship to existing and proposed site topography.
3. The pre-application conference does not require a formal application or payment of a fee. Review and reactions at the pre-application do not in any way constitute any preliminary approval or acceptance of a preliminary plat application.

### d. Preliminary Plat Application

#### 1. Application Requirements

After the pre-application conference, the applicant shall prepare and submit an application for preliminary plat approval. The applicant shall prepare and file six copies of a preliminary plat for subdivisions within the corporate limits of Storm Lake and eight copies for subdivisions outside the corporate limits of Storm Lake. The application for preliminary plat approval shall be submitted to the City Clerk at least 30-calendar days before the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form established by the Zoning Administrator; supporting documents required for Minor or Major Subdivisions to be provided in checklist form by the Zoning Administrator; and payment of a fee, the amount of which shall be determined based on a fee schedule established by city ordinance.

#### 2. Draft Subdivision Development Agreement

The preliminary plat application shall include a draft of a subdivision development agreement, following a format established by the City Attorney. The subdivision

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agreement establishes the mutual responsibilities of city and subdivider, including financing of public improvements; the nature of performance bonds and guarantees that the developer will offer; and the financing arrangements proposed for the subdivision.

3. Preliminary Plat Approval Procedure
  - (a) After submission of a complete application for a preliminary plat, the Zoning Administrator and his/her staff shall review the application and issue an official determination as to the completeness of the application. If the application is not complete, the Zoning Administrator will request incomplete information to be submitted to the City no longer than 30 calendar days from being notified of the application being incomplete. If missing information is not provided within the allotted time frame, a new application will be required. When the application is determined to be complete, the Zoning Administrator will notify the applicant in writing and commence the review process. The application will not be placed on the Planning and Zoning Commission's agenda until it is deemed complete. As part of the review, the Zoning Administrator will circulate the application to the City Staff, local utilities, the school district in which the subdivision is located, public safety agencies, and any other applicable provider of public services deemed necessary. Each reviewing agency shall submit written comments to the Zoning Administrator within fifteen business days from receipt of the application materials.
  - (b) Following the comment period, the Zoning Administrator shall submit a written recommendation for action to the Planning and Zoning Commission.
  - (c) The Planning and Zoning Commission, following 10 calendar days notice, shall hold a public hearing on each Subdivision and, following such public hearing, shall take action on the application. The Planning and Zoning Commission may recommend approval, conditional approval, or denial of the preliminary plat to the City Council. In addition, the Commission may delay action on the application in order to resolve outstanding issues. If a delay is needed, the applicant may request in writing the 60 day review deadline be extended up to an additional 60 days.
  - (d) Following action by the Planning and Zoning Commission, a written recommendation summarizing the Commission's action to the City Council shall be prepared and circulated to the applicant and the Council.
  - (e) The City Council, at its next regularly scheduled meeting, shall consider each Subdivision and shall take action to approve, deny, or table for further evaluation the application.
  - (f) Approval of a preliminary plat by the City Council shall not constitute approval of a final plat. The approval shall be considered an expression of conditional approval to guide the preparation of a final plat, to be considered subsequently by approving authorities. The preliminary approval shall confer upon the applicant the following rights:

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- (1) The general terms and conditions under which the plat was approved will not change.
- (2) The applicant may submit for approval of a final plat for the whole or a part of the preliminary plat on or before the expiration date of the preliminary approval.
- (3) The preliminary plat approval shall stay in force for a period of one year from the date of approval by the City Council. The City Council may, at its discretion, establish a longer effective date for the preliminary plat approval. The City Council also may grant extensions to the effective period of a preliminary plat upon receiving a written request from the applicant/developer.
- (4) Phased Subdivisions: The final plat may be submitted in phases, provided that no phase represents the lesser of 20 lots or 10% of the total number of lots in the entire approved preliminary plat. The initial phase of the final plat must be submitted according to the effective dates established in Section (3) above. In the event of a phased subdivision, the initial preliminary plat approval remains effective for a period not to exceed five years, unless otherwise extended by the City Council.

### 4. Deadline for Action:

Consistent with [Iowa Code 354.8](#) the City Council shall take action on the application within sixty (60) days from the date in which the application was deemed complete by the City. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

### e. Final Plat Application Process

#### 1. Application Requirements

The applicant shall prepare and submit an application for final plat approval within one year of the preliminary plat approval, unless an extension has been requested by the applicant and granted by the City Council. The application for final plat approval shall be submitted to the City Clerk at least 30 calendar days before the Planning and Zoning Commission meeting at which the application will be considered. The application shall consist of a form and checklist established by the Zoning Administrator; supporting documents that provide the necessary information required to review the application and its consistency with the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance ; and payment of a fee, the amount of which shall be based on a fee schedule established by city ordinance.

#### 2. Final Subdivision Agreement

The final plat application shall include the final subdivision agreement to be executed between the City and the applicant. The terms of this agreement shall be acted upon along with action on the Final Plat.

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### 3. Performance Bond

The subdivision agreement shall specify the amount of the performance bond for public improvements to be filed prior to receiving final plat approval or, alternately, shall contain a statement that required improvements have been satisfactorily completed. The performance bond, if required, must be presented in a form satisfactory to the City Attorney prior to final approval of the subdivision.

### 4. Final Plat Approval

The Zoning Administrator and Planning and Zoning Commission shall review the final plat for consistency with the approved preliminary plat and for compliance with the Subdivision Ordinance and other applicable local, state, or federal statutes and regulations. If the final plat meets all conditions of the ordinance and is substantially consistent with the terms of the preliminary plat approval, the Commission shall have no recourse but to approve the final plat.

If the Planning and Zoning Commission finds in its review that the submitted final plat is inconsistent with the preliminary plat, does not comply with the conditions of relevant ordinances and statutes, or requires a waiver of any section of the Subdivision Chapter, it shall hold a public hearing on the final plat. Following such public hearing, the Commission shall transmit its recommendation on the final plat to the City Council.

The City Council shall have final approval authority over all final plat applications. The City Council shall take action on all final plats within 60 calendar days from the day at which the final plat application was deemed complete. In the event that issues arise during the application process, and more time is needed to complete the review, the applicant may request in writing to extend the 60 day deadline for no more than an additional 60 days.

### f. Filing the Final Plat

1. Following City Council approval of a final plat, the Mayor of the City of Storm Lake shall sign a certificate of approval, which shall be a part of the reproducible documents of the subdivision plat required with submission of the final plat.
2. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat. The applicant shall record the plat in the office of the County Recorder of Buena Vista County and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in force.
3. The subdivider must file the plat along with all applicable covenants and other documentation within 180 days of the execution of the plat by the Chairman of the Planning and Zoning Commission and the Mayor.

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### g. Plats Outside of Corporate Limits

#### 1. Authority within Two Miles of City Limits

Pursuant to the authority contained in Section 354.9 Code of Iowa, the Subdivision Ordinance, and the provisions of the Municipal Code of the City shall govern all territory outside the corporate limits of the City but within two miles of such corporate limits, except to the extent that ordinances or resolutions of the City Council shall limit their application to an area less than two miles of such corporate limits.

#### 2. Procedures

Procedures for the approval of plats outside the corporate limits of Storm Lake shall be the same as set forth in this section, except for the following provisions:

- (a) Eight copies of the plat shall be filed with the City Clerk.
- (b) The City Clerk shall refer one copy each to the County Engineer and the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission.
- (c) The County Planning and Zoning Commission shall submit a recommendation to the City within thirty days after referral of the plat to the County Engineer and the County Planning and Zoning Commission.