

**CITY OF ELY  
LINN COUNTY, IOWA**

**ORDINANCE NO. 280**

**AMENDING CHAPTER 170 SUBDIVISION CONTROL OF THE ELY CITY CODE,  
ELY, IOWA**

**SECTION 1. SECTION 170.06 DURATION OF APPROVAL OF PRELIMINARY PLAT REPEALED.** Section 170.06 of the Ely Municipal Code of Ordinances 2018 is hereby repealed in its entirety.

**SECTION 2. SECTION 170.06 DURATION OF APPROVAL OF PRELIMINARY PLAT ENACTED.** The following is hereby enacted as Section 170.06 of the Ely Municipal Code of Ordinances:

The approval of the preliminary application by the City Council does not create legally buildable lots or entitle the owner to building permits, but it is an authorization to proceed with preparation of construction plans, a developer's agreement, permit applications leading to construction of improvements, and ultimately the preparation of a final plat. Approval of the preliminary application shall be effective for a period of 24 months, after which time approval of the plat is null and void unless extensions or reinstatements are approved by the Council or final plats are recorded as follows:

A. Upon written request of the subdivider, the City Council by resolution may grant up to an 18 months extension of time. Consideration of granting an extension or reinstatement may include but is not limited to the following criteria: considerations related to changes in surrounding properties; changes in infrastructure needs; changes in code requirements; or other factors related to whether the subdivision as approved remains appropriate and in the best interests of the City; or

B. Final plats of all or parts of the preliminary plat are recorded prior to the expiration of the preliminary plat. Any time a final plat is recorded, the preliminary plat approval shall be automatically extended for a new period of 18 months from the date Council approved the recorded final plat.

**SECTION 3. REPEALER CLAUSE.** Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

**SECTION 4. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval, posting and publication as required by law.

Introduced the 10 day of June, 2019, and adopted by the City Council of the City of

Ely, Iowa this 10 day of June, 2019.

  
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Eldy Miller, Mayor

Attest:

  
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Denise Hoy, Clerk/Administrator

**ORDINANCE NO. 280**

**AMENDING CHAPTER 170 SUBDIVISION CONTROL OF THE ELY CITY CODE,  
ELY, IOWA**

First Reading: 6/10/2019


Second Reading: Waive 6/10/2019

Third Reading: Waive 6/10/2019

Adopted: 6/10/2019

Posted: 6/12/2019

I certify the foregoing was posted as Ordinance #280 on the 12 day of June 2019, as required by law.

  
Denise Hoy, Clerk/Administrator

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