

**(FORMAL ORDINANCE TO ADOPT
AFTER PH TO ENACT CHANGES)**

CITY OF ELKHART

ORDINANCE NO. 2025-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ELKHART, IOWA
BY AMENDING PROVISIONS PERTAINING TO SUBDIVISION REGULATIONS

BE IT ENACTED by the City Council of the City of Elkhart, Polk County, Iowa:

Section 1. NEW SUBSECTION. The Code of Ordinances of the City of Elkhart, Iowa, is amended by adding a new subsection 18 to Section 166.06 entitled Traffic Impact Study, which is hereby adopted to read as follows:

SECTION 166.06 (18) TRAFFIC IMPACT STUDY

18. Traffic Impact Study. A Traffic Impact Study shall be required when a proposed subdivision will generate 100 or more added (new) trips during the adjacent roadway's peak hour or at the development's peak hour. The developer will be responsible for completing an application for traffic analysis including the preliminary plat or detailed concept plan; building locations, types, quantity, and land use; and all proposed access locations; and peak hour trips in accordance with Institute of Transportation Engineers (ITE) standards. The Traffic Impact Study, when required, will be completed by the City Engineer or another engineer with final approval completed by the City Engineer. The developer will be responsible for the entire cost of said Traffic Impact Study, with these costs paid in full prior to any work being commenced on the study in accordance with Section 166.15. The City Engineer has the authority to waive the requirement for a Traffic Impact Study if deemed appropriate. Developers shall be fully responsible for the cost of providing and installing turn lanes, street widening, medians, traffic signals, and similar traffic and transportation improvements based on a Traffic Impact Study if required for the subdivision in accordance with Section 166.15, and other issues as may be determined by the City Engineer.

Section 2. SECTION MODIFIED. Section 166.15 of the Code of Ordinances of the City of Elkhart, Iowa, is repealed and the following adopted in lieu thereof:

Section 166.15 REVIEW AND INSPECTION FEES.

Before a preliminary plat may be considered by the Commission, the subdivider or his or her agent shall pay \$50.00 to the Clerk to cover the cost of the Commission's initial review of the preliminary plat. All costs incurred by the City in the review of the preliminary and final plats and in any inspections required by this chapter shall be paid and reimbursed by the subdivider to the City before final approval is given to the plat. **When a Traffic Impact Study is required, the developer shall be responsible for reimbursing the City for the cost of reasonable professional fees for services provided by a consulting engineer designated by the City, based on a scope of services approved by the City Engineer. A check, payable to the City, shall be submitted to the City Clerk prior to any work being commenced on said study.**

SECTION 3. SECTION MODIFIED. Section 166.20 of the Code of Ordinances of the City of Elkhart, Iowa, is repealed and the following is adopted in lieu thereof:

166.20 CHANGES AND AMENDMENTS.

Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation ~~at least seven days prior to the hearing~~ **not less than four or more than 20 days prior to the hearing.**

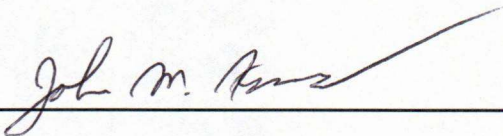
Section 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. SEVERABILITY CLAUSE. If any section, provisions, sentence, clause, phrase or part of this ordinance shall be adjudicated, invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any provision, section, subsection, sentence clause, phrase or part thereof not adjudged invalid or unconstitutional.

Section 6. EFFECTIVE DATE. This ordinance shall be in effect following its passage, adoption, and publication as provided by law.

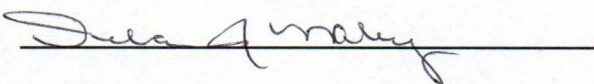
Passed by the Elkhart City Council on the Xth day of December 2025.

CITY OF ELKHART, IOWA, POLK COUNTY, IOWA



Mayor John M. Kaczmarczyk

Attest:



Debra J. Nabity, City Clerk

(SEAL)

First Consideration:

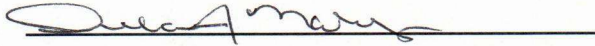
Second Consideration:

Third Consideration:

CLERK'S CERTIFICATE

I, Debra J. Nabity, hereby certify that the foregoing Ordinance No. 2025-14 was published as required by law on the XX day of XX 2025.

25th 03-2026

A handwritten signature in cursive script, appearing to read "Debra Nabity", is written over a solid horizontal line.

Debra J. Nabity, City Clerk